



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

HB 2409: deeds; personal appearance requirement

Sponsor: Representative Gillette, LD 30

Committee on Commerce

Overview

Requires recorded deeds and conveyances to be acknowledged in person before a notary public.

History

Every deed or conveyance of real property is statutorily required to be signed by the grantor and be duly acknowledged before a notary public or another individual who is authorized to take acknowledgments (notarial officer) ([A.R.S. § 33-401](#)).

A notarial officer who takes an acknowledgment of a record must determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the officer and making the acknowledgment has the identity claimed and that the signature on the record is the signature of the individual. If a notarial act relates to a statement made in or a signature executed on a record, the individual making the statement or executing the signature shall appear personally before the notarial officer ([A.R.S. §§ 41-253, 41-254](#)).

Statute permits a remotely located individual to comply with the statutory requirements relating to personal appearance by using communication technology to appear before the notary public. *Communication technology* is an electronic device or process that:

- 1) allows a notary public and a remotely located individual to communicate with each other simultaneously by sight and sound; and
- 2) when necessary and consistent with other applicable law, facilitates communication with a remotely located individual who has a vision, hearing or speech impairment ([A.R.S. § 41-263](#)).

Provisions

1. Requires any deed or conveyance recorded prospectively to be acknowledged in person before a notary public. (Sec. 1)
2. Prohibits a grantor from using communication technology to appear before a notary public for a deed or conveyance. (Sec. 1)
3. Makes a conforming change. (Sec. 2)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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