

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 653

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;  
ESTABLISHING A CAUSE OF ACTION FOR THE FILING AND RECORDING OF  
FALSE DOCUMENTS OF TITLE AFFECTING REAL PROPERTY; PROVIDING FOR  
REMEDIES; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. LIABILITY FOR FILING AND RECORDING FALSE  
DOCUMENTS OF TITLE.--

A. A person shall not prepare for recording or  
present for recording a title document with knowledge that it  
contains a false claim of title against real property or an  
interest in real property.

B. The state, a county or municipality or a party  
adversely affected by the filing of a title document containing  
a false claim of title may bring an action seeking to have the

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1 title document declared void ab initio and may seek damages.

2 C. A person likely to be damaged by the recording  
3 of a title document containing a false claim of title may be  
4 granted an injunction against the person presenting the title  
5 document on terms that the court considers reasonable.

6 D. As used in this section, "title document" means  
7 any instrument, deed, contract for the sale of real property or  
8 other document purporting to adjudicate, convey or create an  
9 interest in real property or a lis pendens.

10 SECTION 2. EMERGENCY.--It is necessary for the public  
11 peace, health and safety that this act take effect immediately.

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