

Kinnison

#3

95LSO-4559

SENATE FILE

0142

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SF0142FT02

AN ACT to amend W.S. 18-3-402(a)(xi)(intro), 34-1-121(a)(ii), 34-2-116(a)(iii), 34-11-101(a) and 39-3-108(d)(ii) relating to filing and recording of real property deeds; providing procedures for the filing, recording and acknowledgement of deeds as specified; deleting provisions with respect to corporate seals; providing for defects in recording as specified; and providing for an effective date.

SENATE FILE 0142

Introduced by:

SENATE ACTION ON SENATE FILE

1/24 ☒ Introduced
Aye ___ No ___ Ex ___ Ab ___
☒ Read First Time and Ref. to
Committee No. 3
☐ Failed Introduction
Aye ___ No ___ Ex ___ Ab ___
1/25 Returned from Committee No. 3
with Recommendation:
☒ Do Pass; ☐ Amend & Do
Pass; ☐ Do Not Pass;
☐ W/O Recomm; ☐ Re-Refer to
Committee No. ___
1 Re-referred to Committee No. ___
1 Returned from Committee No. ___
with Recommendation:
☐ Do Pass; ☐ Amend & Do
Pass; ☐ Do Not Pass;
☐ W/O Recomm; ☐ Re-Refer to
Committee No. ___
2/1 Considered in Comm. of Whole
☒ Amended
☒ Recommended Do Pass
☐ Failed Comm. of Whole
☐ Indefinitely Postponed
☐ Other: ___
2/2 Read Second Time
☐ Amended
☒ Do Pass
☐ Do Not Pass
☐ Accelerated to 3rd Rdg.
2/3 Read Third Time *Said brief 2-6-76*
2/6 ☐ Amended
☒ Passed ☐ Failed
Aye 29 No 0 Ex 1 Ab 0
☐ Held for Reconsideration
☐ Motion to Reconsider
☐ Passed ☐ Failed
Aye ___ No ___ Ex ___ Ab ___
☐ Third Reading Vote
(On Reconsideration)
☐ Passed ☐ Failed
Aye ___ No ___ Ex ___ Ab ___
1 Sent to House (No Amendments)
2/6 Sent to LSO for Engrossing
2/6 ENGROSSED
2/6 Sent to House

HOUSE ACTION ON SENATE FILE

2/7 Received. Read First Time.
Referred to Committee No. 3
2/16 Returned from Committee No. 3
with Recommendation:
☒ Do Pass; ☐ Amend & Do
Pass; ☐ Do Not Pass;
☐ W/O Recomm; ☐ Re-Refer to
Committee No. ___
1 Re-referred to Committee No. ___
1 Returned from Committee No. ___
with Recommendation:
☐ Do Pass; ☐ Amend & Do
Pass; ☐ Do Not Pass;
☐ W/O Recomm; ☐ Re-Refer to
Committee No. ___
2/20 Considered in Comm. of Whole
☐ Amended
☒ Recommended Do Pass
☐ Failed Comm. of Whole
☐ Indefinitely Postponed
☐ Other: ___
2/21 Read Second Time
☐ Amended
☒ Do Pass
☐ Do Not Pass
☐ Accelerated to 3rd Rdg.
2/22 Read Third Time
☐ Amended
☒ Passed ☐ Failed
Aye 57 No 1 Ex 2 Ab 0
☐ Held for Reconsideration
☐ Motion to Reconsider
☐ Passed ☐ Failed
Aye ___ No ___ Ex ___ Ab ___
1 Third Reading Vote
(On Reconsideration)
☐ Passed ☐ Failed
Aye ___ No ___ Ex ___ Ab ___
1 Sent to Senate
2/22 Sent for Enrolling
SEA No. 64
2/22 Signed by President
2/23 Signed by Speaker
2/24 Approved by Governor
Chapter No. 158

AMENDMENT LIST

DATE 2-1-95

BILL NO. SF 142

Circle One:

COW

2nd

3rd

SF 0142 SW 01/A Kinnison

AMENDMENT LIST

DATE 2-6-95 BILL NO. SF 142 Circle One: COW 2nd 3rd

SF 0142 5301 / AC full

THE LEGISLATURE OF THE STATE OF WYOMING

Senate

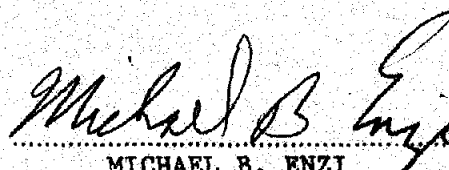
Cheyenne, January 25, 1995.

Mr. President:

Your Committee No. 3 on REVENUE
to whom was referred SE No. 0142
respectfully reports same back to the Senate with the recommendation that

it DO PASS.

AYES: Senators Enzi, Applegate, Harris, Larson, Peck



MICHAEL B. ENZI

Chairman

SENATE ROLL CALL - FIFTY-THIRD WYOMING LEGISLATURE

Date 2-6-95 Bill # SF 142 Intro 3rd Rdg X Concur Rules/Susp

Other Action: JCC#

Moved by: Seconded by:

	Ayes	Noes	Excused	Absent	Conflict
APPLEGATE	✓				
BARTON	✓				
CAMERON	✓				
CATHCART	✓				
COE X			✓		
EDDINS					
ENZI	✓				
GEIS	✓				
GILBERTZ	✓				
GOODENOUGH	✓				
GRIEVE	✓				
HARRIS	✓				
HAWKS	✓				
KINNISON	✓				
KUNZ	✓				
LARSON	✓				
LAWLER	✓				
MAXFIELD	✓				
MEIER	✓				
MILLER	✓				
PECK	✓				
PHILLIPS	✓				
PICARD	✓				
PREVEDEL	✓				
SARCLETTI	✓				
SCHIFFER	✓				
SCOTT	✓				
TWIFORD	✓				
VINICH	✓				
ZIMMERMAN	✓				
MR. PRESIDENT	✓				

PRESENT AYES 29
 NOES 1
 EXCUSED 1
 ABSENT
 CONFLICT
 TOTAL 30

Passed X
 Failed

THE LEGISLATURE OF THE STATE OF WYOMING

House of Representatives

Cheyenne, February 16, 1995.

Mr. Speaker:

Your Committee No. 3 on REVENUE

to whom was referred Senate File No. 0142ENG

respectfully reports same back to the House with the recommendation that

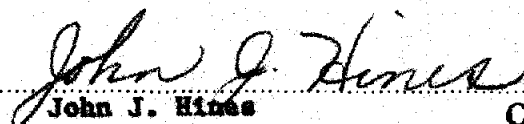
it DO PASS.

AYESNOESEXCUSED

Baty
 Boswell
 Park
 Paseneaux
 Reed
 Ryckman
 Shippy
 Stark
 Hines

0

0



John J. Hines

Chairman

HOUSE ROLL CALL - FIFTY-THIRD WYOMING LEGISLATURE

Date 2-22-95 Bill # SF142 Intro _____ 3rd Rdg ☒ Concur _____ Rules/Susp _____

Other Action: _____ JCC# _____

Moved by: _____ Seconded by: _____

Ayes	Noes	Excused	Absent	Conflict		Ayes	Noes	Excused	Absent	Conflict	
					ANDERSON						MORROW
					BADGETT						NAGEL
					BAKER						NELSON
					BARKER						PARADY
					BATY						PARK
					BEBOUT						PASENEAUX
					BENSEL						PERKINS
					BETTS						PHILP
					BOSWELL						REED
		✓			BOWRON						ROSE
					BURNS						RYCKMAN
					CASE						SELBY
					DEVIN						SESSIONS
					DEWITT						SHIPPY
					DIERCKS						SHREVE
					ERB						SIMONS
					EYRE			✓			STAFFORD
					GAMS						STARK
					HAGEMAN						TAYLOR-HORTON
					HANES						TEMPEST
					HARRISON						TIPTON
	✓				HINCHEY						TOMASSI
					HINES						WASSERBURGER
					HUCKFELDT						WILLFORD
					JOHNSON						WOOLDRIDGE
					LAW						ZANETTI
					LUTHI						MR. SPEAKER
					MACMILLAN						
					MARTON						
					MASSIE						
					MCCONIGLEY						
					MCMURTREY						
					MOCKLER						
					MOORE						

AYES 57

PRESENT _____

NOES 1EXCUSED 2

ABSENT _____

CONFLICT _____

TOTAL 60

LESS _____

Passed ☒

Failed _____

ENGROSSED

1995

STATE OF WYOMING

95LSO-0559.ENG

SENATE FILE NO. 0142

Deeds-filing and recording.

Sponsored by: Senator(s) KINNISON

A BILL

for

1 AN ACT to amend W.S. 18-3-402(a)(xi)(intro),
2 34-1-121(a)(ii), 34-2-116(a)(iii), 34-11-101(a) and
3 39-3-108(d)(ii) relating to filing and recording of real
4 property deeds; providing procedures for the filing,
5 recording and acknowledgement of deeds as specified;
6 deleting provisions with respect to corporate seals; pro-
7 viding for defects in recording as specified; and provid-
8 ing for an effective date.

9 Be It Enacted by the Legislature of the State of Wyoming:

10 Section 1. W.S. 18-3-402(a)(xi)(intro),
11 34-1-121(a)(ii), 34-2-116(a)(iii), 34-11-101(a) and
12 39-3-108(d)(ii) are amended to read:

=====
LEGEND: Underlined = New text added to existing statutes
Stricken = Text deleted from existing statutes
=====

1 18-3-402. DUTIES GENERALLY.

2 (a) The county clerk shall:

3 (xi) Keep abstract books provided by the board
4 of county commissioners in which all transfers and mort-
5 gages of real property and all liens upon real estate are
6 briefly entered. All instruments affecting real estate and
7 left for record or filed in the office shall be abstracted
8 against all lands described in the instrument either
9 directly or by reference to another properly recorded
10 instrument as soon as practicable in the order in which
11 received:

12 34-1-121. RECORDED INSTRUMENT AS NOTICE TO SUBSEQUENT
13 PURCHASERS; RECORDATION OF INSTRUMENTS ISSUED BY UNITED
14 STATES OR STATE OF WYOMING.

15 (a) Each and every deed, mortgage, instrument or
16 conveyance touching any interest in lands, made and
17 recorded, according to the provisions of this chapter,
18 shall be notice to and take precedence of any subsequent
19 purchaser or purchasers from the time of the delivery of
20 any instrument at the office of the register of deeds
21 (county clerk), for record. Any and all instruments or
22 other documents, or copies of instruments or other docu-

1 ments duly certified by any agency, department or bureau
2 of the United States or the state of Wyoming having charge
3 of the records of the instruments or other documents, con-
4 veying, remising or demising, or otherwise affecting:

5 (ii) Real estate, or any interest therein, or
6 any assignment thereof, issued by the United States or the
7 state of Wyoming, or any agency, department or bureau of
8 either thereof, including mineral leases and assignments
9 thereof, certificates of purchase or payment for public
10 lands issued by the receiver of the land office, shall be
11 entitled to record under this chapter, and the record of
12 all instruments or other documents shall have the same
13 effect to all intents and purposes as though the same were
14 acknowledged and otherwise executed as required by the
15 provisions of this chapter relating to conveyances.

16 34-2-116. ACKNOWLEDGMENT ACT; REQUIREMENTS FOR
17 IMPLIED ACKNOWLEDGMENT.

18 (a) Every certificate of acknowledgment substantially
19 in the form provided for in W.S. 34-2-115 shall for all
20 purposes be deemed to be a certification by the officer
21 making the certificate that:

22 (iii) If the instrument to which the certificate

1 is affixed was executed by a corporation or a joint-stock
2 association: that the president or other official who
3 signed such the instrument on behalf of such the corpora-
4 tion or association appeared before and was personally
5 known to the officer making the certificate, and was by
6 him duly sworn and upon oath represented that he was the
7 president or other officer or agent of such the corpora-
8 tion or association, ~~that-the-seal-affixed-to-the--instru-~~
9 ~~ment-is-the-corporate-seal-of-such-corporation-or-asseeia-~~
10 ~~tion;~~ that the instrument was signed and sealed on behalf
11 of such the corporation or association by the authority of
12 the board of directors or trustees thereof, and that the
13 officer who executed such the instrument on behalf of the
14 corporation or association acknowledged said the instru-
15 ment to be the free act and deed of the corporation or
16 association; ~~--If-such-corporation-or-asseeiation--has--no~~
17 ~~corporate--seal-a-recital-to-that-effect-shall-be-inserted~~
18 ~~at-the-end-of-the-certificate-by-the--offieer--making--the~~
19 same;

20 34-11-101. RECORDED AFFIDAVIT AS EVIDENCE; SUBJECTS;
21 FACTS.

22 (a) An affidavit stating facts relating to matters
23 which may affect the title to real estate in this state,

1 the county seat of the county in which the property is
2 located. The notice shall be published once a week for
3 three (3) weeks, the first publication not more than five
4 (5) months and the last publication not more less than
5 three (3) months prior to the application; and

6 Section 2. Nothing in this act shall affect any
7 interest predating the effective date of this act.

8 Section 3. This act is effective July 1, 1995.

9 (END)

INTRODUCED

1995

STATE OF WYOMING

95LSO-0559.01

SENATE FILE NO. 0142

Deeds-filing and recording.

Sponsored by: Senator(s) KINNISON

A BILL

for

1 AN ACT to amend W.S. 18-3-402(a)(xi)(intro),
2 34-1-121(a)(ii), 34-2-116(a)(iii), 34-11-101(a) and
3 39-3-108(d)(ii) relating to filing and recording of real
4 property deeds; providing procedures for the filing,
5 recording and acknowledgement of deeds as specified; pro-
6 viding for defects in recording as specified; and provid-
7 ing for an effective date.

8 Be It Enacted by the Legislature of the State of Wyoming:

9 Section 1. W.S. 18-3-402(a)(xi)(intro),
10 34-1-121(a)(ii), 34-2-116(a)(iii), 34-11-101(a) and
11 39-3-108(d)(ii) are amended to read:

12 18-3-402. DUTIES GENERALLY.

=====

LEGEND: Underlined = New text added to existing statutes
Stricken = Text deleted from existing statutes

=====

**NO SIGNIFICANT FISCAL OR
PERSONNEL IMPACT AT STATE LEVEL**

SF 142

1 (a) The county clerk shall:

2 (xi) Keep abstract books provided by the board
3 of county commissioners in which all transfers and mort-
4 gages of real property and all liens upon real estate are
5 briefly entered. All instruments affecting real estate and
6 left for record or filed in the office shall be abstracted
7 against all lands described in the instrument either
8 directly or by reference to another properly recorded
9 instrument as soon as practicable in the order in which
10 received:

11 34-1-121. RECORDED INSTRUMENT AS NOTICE TO SUBSEQUENT
12 PURCHASERS; RECORDATION OF INSTRUMENTS ISSUED BY UNITED
13 STATES OR STATE OF WYOMING.

14 (a) Each and every deed, mortgage, instrument or
15 conveyance touching any interest in lands, made and
16 recorded, according to the provisions of this chapter,
17 shall be notice to and take precedence of any subsequent
18 purchaser or purchasers from the time of the delivery of
19 any instrument at the office of the register of deeds
20 (county clerk), for record. Any and all instruments or
21 other documents, or copies of instruments or other docu-
22 ments duly certified by any agency, department or bureau

1 of the United States or the state of Wyoming having charge
2 of the records of the instruments or other documents, con-
3 veying, remising or demising, or otherwise affecting:

4 (ii) Real estate, or any interest therein, or
5 any assignment thereof, issued by the United States or the
6 state of Wyoming, or any agency, department or bureau of
7 either thereof, including mineral leases and assignments
8 thereof, certificates of purchase or payment for public
9 lands issued by the receiver of the land office, shall be
10 entitled to record under this chapter, and the record of
11 all instruments or other documents shall have the same
12 effect to all intents and purposes as though the same were
13 acknowledged and otherwise executed as required by the
14 provisions of this chapter relating to conveyances.

15 34-2-116. ACKNOWLEDGMENT ACT; REQUIREMENTS FOR
16 IMPLIED ACKNOWLEDGMENT.

17 (a) Every certificate of acknowledgment substantially
18 in the form provided for in W.S. 34-2-115 shall for all
19 purposes be deemed to be a certification by the officer
20 making the certificate that:

21 (iii) If the instrument to which the certificate
22 is affixed was executed by a corporation or a joint-stock

1 association: that the president or other official who
2 signed such instrument on behalf of such corporation or
3 association appeared before and was personally known to
4 the officer making the certificate, and was by him duly
5 sworn and upon oath represented that he was the president
6 or other officer or agent of such corporation or associa-
7 tion, that the seal affixed to the instrument is the cor-
8 porate seal of such corporation or association, that the
9 instrument was signed and sealed on behalf of such corpo-
10 ration or association by the authority of the board of
11 directors or trustees thereof, and that the officer who
12 executed such instrument on behalf of the corporation or
13 association acknowledged said instrument to be the free
14 act and deed of the corporation or association. If such
15 corporation or association has no corporate seal a recital
16 to that effect shall be inserted at the end of the certif-
17 icate by the officer making the same. This paragraph
18 shall not be construed to require a corporate seal on a
19 document for the document to be recorded by a county
20 clerk;

21 34-11-101. RECORDED AFFIDAVIT AS EVIDENCE; SUBJECTS;
22 FACTS.

23 (a) An affidavit stating facts relating to matters

1 which may affect the title to real estate in this state,
2 made by any person having knowledge of the facts and com-
3 petent to testify concerning them in open court, may be
4 recorded in the office of the county clerk and ex officio
5 register of deeds in the county in which the real estate
6 is situated. When--se--netarized--and A certificate of
7 acknowledgement shall not be required on an affidavit con-
8 taining a jurat in order to be recorded. A recorded;--the
9 affidavit or a certified copy thereof is prima facie evi-
10 dence of the facts therein stated insofar as the facts
11 affect title to real estate.

12 39-3-108. REDEMPTION; PARTIAL REDEMPTION; TAX DEEDS;
13 NOTICE REQUIREMENTS.

14 (d) Holders of certificates of purchase of real prop-
15 erty sold for delinquent taxes, including a holder's or
16 county's assigns, upon application for a treasurer's deed
17 therefor shall furnish proof to the county treasurer:

18 (ii) If no person is in actual possession or
19 occupancy of the property and if the person in whose name
20 the property was taxed or assessed cannot be found in the
21 county, that notice was published in a newspaper printed
22 in the county, or if no newspaper is printed in the

1 county, then in a newspaper printed in Wyoming nearest to
2 the county seat of the county in which the property is
3 located. The notice shall be published once a week for
4 three (3) weeks, the first publication not more than five
5 (5) months and the last publication not ~~more~~ less than
6 three (3) months prior to the application; and

7 Section 2. This act is effective July 1, 1995.

8 (END)

✓ Page 6-After line 6 insert and renumber as necessary:

"Section 2. Nothing in this act shall affect any
interest predating the effective date of this act."
MAXFIELD

MQ

- ✓ Page 1-line 5 After ";" insert "deleting provisions with respect to corporate seals;".
- ✓ Page 4-line 2 Strike "~~such~~" insert "the"; strike second "~~such~~" insert "the".
- ✓ Page 4-line 6 Strike "~~such~~" insert "the".
- ✓ Page 4-line 7 After ",," strike balance of line.
- ✓ Page 4-line 8 Strike line through "7".
- ✓ Page 4-line 9 Strike "~~such~~" insert "the".
- ✓ Page 4-line 12 Strike "~~such~~" insert "the".
- ✓ Page 4-line 13 Strike "~~said~~" insert "the".
- ✓ Page 4-line 14 Strike "7" insert ";" and strike balance of line.
- ✓ Page 4-lines 15 through 20 Strike and delete. KINNISON

Dave

- ✓ Page 1-line 5 After ";" insert "deleting provisions with respect to corporate seals;".
- ✓ Page 4-line 2 Strike "~~such~~" insert "the"; strike second "~~such~~" insert "the".
- ✓ Page 4-line 6 Strike "~~such~~" insert "the".
- ✓ Page 4-line 7 After "," strike balance of line.
- ✓ Page 4-line 8 Strike line through "~~r~~".
- ✓ Page 4-line 9 Strike "~~such~~" insert "the".
- ✓ Page 4-line 12 Strike "~~such~~" insert "the".
- ✓ Page 4-line 13 Strike "~~said~~" insert "the".
- ✓ Page 4-line 14 Strike "~~r~~" insert "i" and strike balance of line.
- ✓ Page 4-lines 15 through 20 Strike and delete. KINNISON

Dave

CONSENT LIST/ SF 46, 126, 142.

HOUSE ROLL CALL - FIFTY-THIRD WYOMING LEGISLATURE

Date 2-22-95 Bill # _____ Intro _____ 3rd Rdg ☒ Concur _____ Rules/Susp _____

Other Action: _____ JCC# _____

Moved by: _____ Seconded by: _____

Ayes	Noes	Excused	Absent	Conflict
✓				ANDERSON
✓				BADGETT
✓				BAKER
✓				BARKER
✓				BATY
✓				BEBOUT
✓				BENSEL
✓				BETTS
✓				BOSWELL
		✓		BOWRON
✓				BURNS
✓				CASE
✓				DEVIN
✓				DEWITT
✓				DIERCKS
✓				ERB
✓				EYRE
✓				GAMS
✓				HAGEMAN
✓				HANES
✓				HARRISON
✓				HINCHEY
✓				HINES
✓				HUCKFELDT
✓				JOHNSON
✓				LAW
✓				LUTHI
✓				MCMILLAN
✓				MASSIE
✓				MCCONIGLEY
✓				MCMURTREY
✓				MOCKLER
✓				MOORE

AYES 58 PRESENT _____
 NOES _____
 EXCUSED 2
 ABSENT _____
 CONFLICT _____
 TOTAL 60
 LESS _____

Passed _____

 Failed _____