

Maricopa County Assessor's Office Internal Policy and Procedures

Title: Property Transfers and Splits from Court Decrees

Number: GISM-02182010_1

Policy Category: Property deeds processing, and splits and mapping

Date: Feb. 18, 2010

Initiating Division: GIS Splits - Mapping

Revision: 0

Reviewed by:

Approved by:

Revision Date:

Purpose: To clarify and standardize the business practices associated with court decrees involving the transfer and or division of real property.

History: After careful deliberation between County Counsel and the Assessor regarding real property transfers and splits resulting from court decrees it has been determined that the policy and process below shall be applied to all cases in general. In highly unusual cases, further research and opinion from County Counsel shall be required. Primary references in determining this policy were ARS 25-318, 33-414, and 33-456

Policy and Process: During the normal course of processing recorded documents involving a court decree or judgment, staff shall gauge the authority to transfer or split property based on ASR 33-414 and 33-456 below:

33-414. [Recording of judgments affecting title to real property; inadmissibility of unrecorded judgment](#)

- A. Every judgment of a court by which title to real property is affected shall be recorded in the office of the county recorder of the county in which the property or part thereof is located, and until recorded, the judgment shall not be received in evidence in support of any right claimed by virtue thereof.
- B. It shall not be necessary to record the judgment in full, but an abstract thereof by the clerk of the court under his hand and seal, stating the title of the court and of the action, the date of judgment, a description of the property and the name of the party to whom it is decreed, shall be a sufficient record of the judgment;

33-456. [Passage of title to real or personal property by judgment](#)

When a judgment directs the conveyance of real property or the delivery of personal property, the judgment shall pass title to such property without any act by the party against whom the judgment is given.

and, in accordance with ASR 25-318, the decree or judgment shall specifically describe by legal description any real property affected and shall specifically describe any other property affected.