

REFERENCE TITLE: state trust lands; rescinding sales

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HB 2071

Introduced by
Representative Weiers JP

AN ACT

AMENDING SECTION 37-249, ARIZONA REVISED STATUTES; RELATING TO STATE TRUST LAND.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 37-249, Arizona Revised Statutes, is amended to
3 read:

4 37-249. Actions to rescind sales

5 A. The commissioner or any other person may rescind a sale based on
6 fraud only by filing an action in the superior court. An action based on
7 fraud shall be filed within three years after the date of the auction of that
8 property. If the court voids the sale pursuant to this subsection because
9 the buyer has committed fraud, the buyer at that sale shall not receive a
10 refund of the monies paid for the fraudulent sale.

11 B. ~~A-~~ THE COMMISSIONER OR ANY OTHER person may rescind a sale based on
12 failure to comply with the enabling act, the Constitution of Arizona or the
13 statutes only by filing an action in the superior court. An action based on
14 the failure to comply with the enabling act, the Constitution of Arizona or
15 the statutes shall be filed within two years after the date ~~of the auction of~~
16 ~~that property~~ ON WHICH THE SUCCESSFUL BIDDER IS DECLARED OR, IF THERE IS NO
17 AUCTION, THE DATE OF A CERTIFICATE OF PURCHASE OR CONVEYANCE OF TITLE, unless
18 a shorter period of limitations applies. If the court voids the sale
19 pursuant to this subsection, the buyer at that sale shall reconvey the
20 property to the state land department. The department shall refund the money
21 paid ~~thereon to the buyer~~ at that sale, and make compensation to the buyer
22 for the actual value of the improvements placed on the land by the purchaser.
23 The value shall be determined by the department and paid from the STATE
24 general fund.

25 C. A person who files suit pursuant to this section shall record a
26 notice of lis pendens in the county or counties in which the property is
27 located. Suit shall not proceed to trial unless the court receives a copy of
28 the recorded lis pendens.

29 D. This section does not apply to actions to protest auctions pursuant
30 to section 37-301.