

SENATE FILE NO. SF0039

Statements of consideration.

Sponsored by: Joint Revenue Interim Committee

A BILL

for

1 AN ACT relating to property; amending requirements related
2 to filing instruments related to the transfer of property;
3 specifying exceptions to the filing requirements; making
4 conforming changes; and providing for an effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 34-1-119(a), 34-1-142(a), (b),
9 (c)(intro), (e) and (g)(intro) and 39-13-109(a) are amended
10 to read:

11

12 **34-1-119. Duties of county clerk generally.**

13

14 (a) The county clerk of each county within this state
15 shall receive and record at length all deeds, mortgages,
16 conveyances, patents, certificates and instruments left

1 with him for that purpose, and he shall endorse on every
2 such instrument the day and hour on which it was filed for
3 record. The county clerk shall not record any document
4 until the address of the grantee, mortgagee or assignee of
5 the mortgagee is furnished to the county clerk, but this
6 requirement shall not affect the validity of the recording
7 of any instrument except to the extent provided in W.S.
8 34-1-142(b). Only instruments which are the originally
9 signed documents, including electronic documents recorded
10 pursuant to the Uniform Real Property Electronic Recording
11 Act, W.S. 34-1-401 through 34-1-407, or properly certified
12 or authenticated copies thereof may be properly recorded. A
13 document is properly certified if in compliance with Rule
14 902 of the Wyoming Rules of Evidence or other applicable
15 rule or statute.

16

17 **34-1-142. Instrument transferring title to real**
18 **property; procedure; exceptions; confidentiality.**

19

20 (a) When a deed, contract or other document
21 transferring legal or equitable title to real property,
22 including instruments conveying ownership of structures on
23 lands not owned by the transferring party, is presented to

1 a county clerk for recording, the instrument shall be
2 accompanied by a statement under oath by the grantee or his
3 agent disclosing the name of the grantor and grantee, the
4 addresses and contact information of the grantor and
5 grantee, the date of transfer, date of sale, a legal
6 description of the property transferred, the actual full
7 amount paid or to be paid for the property, terms of sale
8 and an estimate of the value of any nonreal property
9 included in the sale.

10

11 (b) No instrument evidencing a transfer of real
12 property may be accepted for recording until the completed
13 sworn statement is received by the county clerk. The
14 validity or effectiveness of an instrument as between the
15 parties is not affected by the failure to comply with
16 subsection (a) of this section.

17

18 (c) ~~This section does not apply to~~ For instruments
19 transferring title as described in this subsection, the
20 presenting party may omit from the statement the amount
21 paid or other consideration exchanged for the property, the
22 terms of the sale and an estimate of the value of any
23 nonreal property included in the sale that would otherwise

1 be required to be included in the statement under
2 subsection (a) of this section:

3
4 (e) The statement is not a public record and shall be
5 held confidential by the county clerk, county assessor,
6 county board of equalization, the state board of
7 equalization and the department of revenue. and when A
8 statement may be disclosed under subsection (g) of this
9 section, pursuant to W.S. 39-13-109(a)(i) to any person
10 wishing to review or contest his property tax assessment or
11 valuation. and the county board of equalization. These
12 statements The statement shall not be subject to discovery
13 in any other county or state proceeding.

14
15 (g) ~~Any person or his agent who wishes to review his~~
16 ~~property tax assessment or who contests his property tax~~
17 ~~assessment or valuation in a timely manner pursuant to W.S.~~
18 ~~39-13-109(b)(i) is entitled to review statements of~~
19 ~~consideration for properties of like use and geographic~~
20 ~~area available to the county assessor in determining the~~
21 ~~value of the property at issue as provided under W.S.~~
22 ~~39-13-109(b)(i). During a review, the county assessor~~
23 ~~shall disclose information sufficient to permit~~

1 ~~identification of the real estate parcels used by the~~
2 ~~county assessor in determining the value of the property at~~
3 ~~issue and provide the person or his agent papers of all~~
4 ~~information, including statements of consideration, the~~
5 ~~assessor relied upon in determining the property value and~~
6 ~~including statements of consideration for properties of~~
7 ~~like use and geographic area which were available to the~~
8 ~~assessor and are requested by the person or his agent. The~~
9 ~~county assessor shall, upon request, provide the person or~~
10 ~~his agent a statement indicating why a certain property was~~
11 ~~not used in determining the value of the property at issue.~~
12 ~~The county assessor and the contestant shall disclose those~~
13 ~~statements of consideration to the county board of~~
14 ~~equalization in conjunction with any hearing before the~~
15 ~~board with respect to the value or assessment of that~~
16 ~~property.~~ As used in W.S. 34-1-142 through 34-1-144:

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18 **39-13-109. Taxpayer remedies.**

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20 (a) Interpretation requests. ~~There are no specific~~
21 ~~applicable provisions for interpretation requests for this~~
22 ~~chapter. The following shall apply:~~

23

1 (i) Any person or his agent who wishes to review
2 his property tax assessment or who contests his property
3 tax assessment or valuation in a timely manner pursuant to
4 paragraph (b)(i) of this section is entitled to review
5 statements of consideration for properties of like use and
6 geographic area available to the county assessor in
7 determining the value of the property at issue as provided
8 under paragraph (b)(i) of this section. During a review,
9 the county assessor shall disclose information sufficient
10 to permit identification of the real estate parcels used by
11 the county assessor in determining the value of the
12 property at issue and provide the person or his agent
13 papers of all information, including statements of
14 consideration, the assessor relied upon in determining the
15 property value and including statements of consideration
16 for properties of like use and geographic area which were
17 available to the assessor and are requested by the person
18 or his agent. The county assessor shall, upon request,
19 provide the person or his agent a statement indicating why
20 a certain property was not used in determining the value of
21 the property at issue. The county assessor and the
22 contestant shall disclose those statements of consideration
23 to the county board of equalization in conjunction with any

1 hearing before the board with respect to the value or
2 assessment of that property. As used in this paragraph:

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4 (A) A "review" is considered the initial
5 meetings between the taxpayer and the county assessor's
6 office pursuant to paragraph (b)(i) of this section;

7

8 (B) "Contest" means the filing of a formal
9 appeal pursuant to paragraph (b)(i) of this section;

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11 (C) "Geographic area" may include any area
12 requested by the property owner or his agent within the
13 boundaries of the county in which the subject property is
14 located.

15

16 **Section 2.** This act is effective July 1, 2020.

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(END)