

**RE: Immediate Clarification Requested – Mechanics Lien Recording Standards Under A.R.S. § 11-480**

**NLS** < amy.houk@nationallienservices.com >

Mon, 06 Oct 2025 11:43:04 AM -0700

To "Justin Heap"<Justin.Heap@maricopa.gov>

Cc "Digital Recording"  
<DigitalRecording@maricopa.gov>,"mackenzie@nationallienservices.com"  
<mackenzie@nationallienservices.com>,"escalations@nationallienservices.com"  
<escalations@nationallienservices.com>,"Michael York"  
<Michael.York@maricopa.gov>,"Cosmin Tomuta (REC)"  
<Cosmin.Tomuta@maricopa.gov>

Dear Recorder Heap,

I'm writing to formally express concern regarding the inconsistent application of recording standards for lien-related documents by staff within the Maricopa County Recorder's Office.

While I appreciate that a recent document under Recording No. [REDACTED] was eventually recorded, it was only accepted after multiple rejections that appear to be based on internal office preferences rather than statutory authority. Specifically, the document was first rejected for containing scanned visual materials (provided by the property owner as part of an executed contract) and then again for including a standard "intentionally omitted" placeholder page—an industry-recognized practice recommended by legal counsel when formatting or legibility of attachments may jeopardize statutory compliance.

The response I received from Cosmin referenced A.R.S. § 11-480, yet no part of this statute prohibits the use of clearly marked omission pages that state their intent and reference location. In fact, the statute provides only

five specific grounds under which a document may be rejected for recording. Anything outside of those grounds constitutes an expansion of authority not granted to the Recorder's Office.

Additionally, the assertion that omission pages are now only accepted from government agencies is an internal policy with no published notice, statutory reference, or procedural guidance for private parties. Our firm has followed legal guidance to use omission pages precisely because including poor-quality images would otherwise risk violating the Recorder's own legibility rules. We are now placed in an impossible position: comply with formatting, and be rejected for omission pages—or include images, and be rejected for illegibility. This catch-22 creates legal exposure not only for my company but also for the hundreds of Arizona contractors we represent.

To illustrate the inconsistency, we reviewed Recording No. [REDACTED], which was accepted and includes images that are completely illegible by any standard. That document was accepted without objection, while others—including one where the only flaw was an omission placeholder—have repeatedly been rejected.

Finally, it is deeply concerning that individual clerks appear to be allowed to unilaterally interpret or expand statute beyond the clearly defined authority granted by A.R.S. § 11-480. If a licensed legal document preparer is prohibited from interpreting law beyond our statutory scope, then it follows that an elected official or clerk without legislative or judicial mandate should not be permitted to do so either. The correct channel for evolving recording guidelines is through formal legislative amendment or an Attorney General's opinion—not arbitrary office preference. Anything less undermines public trust, disrupts lawful processes, and jeopardizes the very protections the recording system is meant to uphold.

We respectfully request immediate written clarification on the following:

1. Whether any version of omission-page notation is permitted for private parties under current policy & statute;
2. Whether your office has published or plans to publish internal policy or

guidance that outlines new restrictions not reflected in A.R.S. § 11-480;

3. What formal legal authority governs these new limitations, if not statute;
4. What alternative solution do you recommend for preserving statutory lien rights when documents must be redacted or attachments are not fully legible.

We are prepared to escalate this issue publicly and through legal avenues if clarity is not provided, as our clients' rights to payment and legal protection are directly and adversely impacted by your office's inconsistency. I appreciate your prompt attention and a written response that can be shared with our legal team and client base.

Sincerely,

**AMY HOUK** || PRESIDENT

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---- On Mon, 06 Oct 2025 11:08:57 -0700 **Cosmin Tomuta (REC)**  
<[Cosmin.Tomuta@maricopa.gov](mailto:Cosmin.Tomuta@maricopa.gov)> wrote ---

Good morning Mrs. Houk

The requirements for documents to be recorded are in ARS 11-480. All documents presented for recordation must meet these requirements.

*11-480. Requirements for form of instruments*

*A. Only an instrument that, on presentation to a county recorder for recordation, fails to meet any of the following conditions may be rejected for recordation at the time of presentation for recordation:*

- 1. Each instrument shall have a caption briefly stating the nature of the instrument, such as warranty deed, release of mortgage and like captions. The county recorder shall have no obligation to index any instrument under any subject index category maintained by the county recorder unless that category is included in the caption to the instrument.*
- 2. Each instrument shall be an original and shall be sufficiently legible for the recorder to make certified copies from the photographic or micrographic record.*
- 3. Each instrument shall have original signatures except when otherwise provided by law.*
- 4. Each instrument dated and executed on or after January 1, 1991, shall be not larger than eight and one-half inches in width and not longer than fourteen inches and shall have a print size not smaller than ten-point type.*

*B. Each instrument dated and executed on or after January 1, 1991, shall have at least a one-half inch margin across the top, bottom and the left and right sides from the top to the bottom. Any markings, entries or text that are within the one-half inch margin shall be deemed not to impart the notice otherwise imparted by recordation unless such markings, entries or text appear in the reproduction produced under the direction and control of the county recorder. Failure to meet the one-half inch margin requirement of this subsection may affect notice imparted by the document but shall not constitute grounds for rejection for recordation pursuant to subsection A of this section.*

*C. The first page shall have a top margin of at least two inches, which shall be reserved for recording information. The left three and one-half inches of the top margin of the first page or sheet may be used by the public to show the name of the person requesting recording and the name and address to which the document is to be returned following recording. If the first page of the instrument does not comply with the top margin requirements, a*

*separate sheet that meets the requirements and that reflects the title of the document as required by subsection A, paragraph 1 of this section shall be attached to the front of the document by the party requesting recording.*

*D. Any instrument presented to a county recorder for recordation that modifies in any way the provisions of a previously recorded document must state the date of recordation and the docket and page of the document being modified.*

*E. Any instrument accepted for recordation is not subject to a later claim of invalidity for failure to comply with the requirements of this section.*

The allowance for “intentionally omitted” pages is an exception we only make for government agencies. The pages must indicate that it is intentionally omitted and list the office and the address of where those attachments can be reviewed. However, we have multiple employees that review and record documents, and there have been cases where documents get recorded that do not meet these requirements.

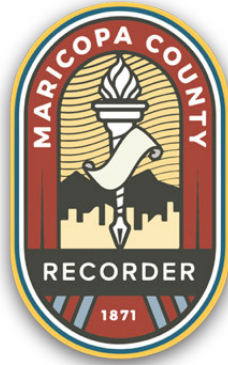
We understand that mechanic’s liens are not always 100% legible and cannot always meet the requirements of ARS 11-480, therefore we make exceptions and take pages that are less than 10-pint type and not as legible as law states. This does not mean we can record pages that are completely illegible (pictures, aerial photos/maps, very small text, ...). We do understand the important nature of these documents and for this reason we make these exceptions occasionally, however the exceptions we make do not need to become the new rule.

Now to answer your direct questions :

1. Whether any version of omission-page notation is still permitted for private parties on lien-related documents. – **No “Intentionally omitted” pages are not to be present in documents presented by private parties.**
2. How to proceed with future documents that include visual or scanned materials that fall below the legibility standard. – **Try to make sure all documents or exhibits that may need to be recorded in the future are meeting the requirements of ARS 11-480.**
3. Whether there is a designated appeal or exception process for statutory documents that do not otherwise meet modern formatting criteria. – **No, there is no appeal process for some statutory requirements that contradict other statutory requirements, however exceptions can be made on a case-by-case bases. When you have documents that require special attention you can email them to us before you upload them to the system so we can review them and possibly make an exception. If you do this a supervisor will be aware of your document and will take it out of the queue for processing so it will not get rejected by the regular document reviewers.**

I hope this email answers your questions but if you have any additional one, we will be happy to address either by email, by phone or we can set up a TEAMS meeting to discuss further.

Thank you and have a great day.



**Cosmin Tomuta**

Recording Services Manager

**Recorder's Office**

301 W Jefferson St

2nd Floor, Suite 200

Phoenix, Arizona 85003

O: 602-506-1665

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**From:** NLS <[amy.houk@nationallienservices.com](mailto:amy.houk@nationallienservices.com)>

**Sent:** Monday, October 6, 2025 10:19 AM

**To:** Cosmin Tomuta (REC) <[Cosmin.Tomuta@maricopa.gov](mailto:Cosmin.Tomuta@maricopa.gov)>

**Cc:** Digital Recording (REC) <[DigitalRecording@maricopa.gov](mailto:DigitalRecording@maricopa.gov)>; Justin Heap (REC) <[Justin.Heap@maricopa.gov](mailto:Justin.Heap@maricopa.gov)>; [mackenzie@nationallienservices.com](mailto:mackenzie@nationallienservices.com); [escalations@nationallienservices.com](mailto:escalations@nationallienservices.com); Michael York (REC) <[Michael.York@maricopa.gov](mailto:Michael.York@maricopa.gov)>

**Subject:** Immediate Clarification Requested – Mechanics Lien Recording Standards Under A.R.S. § 11-480

**Importance:** High

Good day,

I'm following up again regarding the rejection of a mechanics lien under Maricopa County Recording No. [REDACTED]. This matter requires immediate clarification, as it directly affects our ability to comply with Arizona lien laws and serve our clients' legal rights.

The lien was rejected twice—first, for including images within an executed contract, and second, for including an “intentionally omitted” placeholder page, a legally guided remedy used to meet document formatting and content obligations when legibility becomes an issue. While I appreciate that this specific lien was eventually recorded, the broader inconsistency in acceptance standards remains unaddressed.

To be clear, A.R.S. § 11-480(A) identifies the only statutory reasons a county recorder may reject a document for recording:

“Each instrument shall be an original and shall be sufficiently legible for the recorder to make certified copies from the photographic or micrographic record. *Unless otherwise required by law (i.e., death certificates & judgments).*”

There is no statutory basis for disallowing placeholder pages that clarify intentional omissions. We have been following procedures that were developed in coordination with legal counsel to meet both statutory and recording office requirements, including those outlined directly on your own Recorder's [website](#). If there is another place you have these rules and limitations publicly noted in statute, I would appreciate that reference for my own education and edification.

Additionally, it's worth noting that Recording No. [REDACTED] — accepted by your office — contains images that are completely illegible, which directly contradicts the reasoning given for our document's rejection. These kinds of inconsistencies are causing delays and placing us, and our clients, at unnecessary legal risk.

Please respond with clarity on whether the “intentionally omitted” page protocol is formally discontinued, under what authority that decision was made, copies of any communication that was sent to constituents / claimants, and what alternative process private parties are expected to follow. This is a time-sensitive matter and further delay is not acceptable. Please also note that without immediate resolution, we will have no choice but to inform every one of our over 400 Arizona contractors (predominantly in Maricopa County) to contact their legal counsel to address these arbitrary limitations and decisions and the potential legal impacts that may result as a result.

Thank you for your immediate attention to this issue.

**AMY HOUK** II PRESIDENT

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---- On Fri, 03 Oct 2025 10:43:11 -0700 NLS <[amy.houk@nationallienservices.com](mailto:amy.houk@nationallienservices.com)> wrote ---

Good morning,

Thank you for your reply and for ultimately allowing this lien to be recorded under Document No. [REDACTED]. We appreciate the urgency being recognized and the exception made in this case.

That said, I do need to respectfully express concern regarding the shift in policy related to the use of “intentionally omitted” placeholder pages. Our process for redacting illegible image-based contract pages—such as plans, photos, or scanned signatures—has been consistent for years and is based on direct legal guidance to ensure compliance with Arizona’s mechanics lien statutes. The placeholder notations serve a critical function: to confirm the document is otherwise complete and that any pages not recorded were omitted for clarity, not due to absence or error. This practice ensures that we are not unintentionally submitting an incomplete document, especially in lien-sensitive filings where statutory precision is non-negotiable.

With the policy now reportedly limited to government agencies, it leaves private lien preparers in a vulnerable position. We’re effectively being told to either (1) record illegible pages, risking rejection or confusion, or (2) redact them without notation, risking accusations of an incomplete or altered document. Neither is acceptable in a statutory context where lien validity can be challenged on these grounds.

We understand and support the County’s goal to maintain legible public records. However, any blanket removal of a long-standing workaround—particularly without clear public notice or an alternative pathway for compliance—creates legal and procedural risk for parties like us who prepare time-sensitive documents governed by statute.

We would greatly appreciate a written clarification of the County Recorder's current policy regarding:

1. Whether any version of omission-page notation is still permitted for private parties on lien-related documents.
2. How to proceed with future documents that include visual or scanned materials that fall below the legibility standard.
3. Whether there is a designated appeal or exception process for statutory documents that do not otherwise meet modern formatting criteria.

We look forward to a response so that our two companies can begin to set proper expectations with clients and so that we may review this with our legal counsel.

Thank you,

**AMY HOUK** II PRESIDENT

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---- On Fri, 03 Oct 2025 10:32:47 -0700 **Cosmin Tomuta (REC)**  
<[Cosmin.Tomuta@maricopa.gov](mailto:Cosmin.Tomuta@maricopa.gov)> wrote ---

Hello Mrs. Houk

I understand your frustration and I apologize for this. While we try to be all consistent sometimes different employees see different things and reject for different reasons.

The law requires all recorded documents to be 10 point in type and legible to reproduce. We want our records to be as clean as possible so anyone who visits our website can read the documents and obtain legible copies.

For Mechanic's liens we make several exceptions and accept pages if they are not 100% legible and they are less than 10 point type. However, all pages must still be legible to reproduce. If something is completely illegible what is the point of making it public record?

The "page intentionally omitted and saying where a legible copy can be found" is another exception we made at some point, but because it started being abused and because some business went out of business, we removed that option from private customers and are offering it to government offices only and very rarely.

I reviewed your initial document you sent and the pictures you included are not legible. However, since this lien is already prepared and since it is time sensitive, we will make an exception and take it this time only. In the future please do not include pictures or areal photos with any documents that need to be recorded.

Please send the document back and let us know when it is submitted so one of the supervisors can grab it, and we will record it this time. If you have any additional questions please let me know.

Thank you and have a great day.



**Maximum Lifting Weight for Workers**

75 lbs. maximum lifting weight, not to be exceeded without Layton Construction Supervisor approving plan.

**Weekly Subcontractor Coordination Meeting**

Each trade contractor supervisor will be required to attend the weekly coordination meeting where safety concerns, suggestion and planning will take place.

**Disciplinary Action**

A major offense resulting in serious or costly consequences, or repeated minor offenses for which a group or individual shows a lack of responsible effort to correct, may result in suspension or removal. Discipline is intended to preserve good working conditions for all employees and encourage each employee to be responsible and conscientious.

**Accident Reporting**

All incidents on the project will be reported immediately to the Layton project team, regardless of severity. Post-accident drug testing may be required for everyone involved in the accident. This determination will be made by the Layton Construction project team on a case by case basis.

**Personal Protective Equipment**

As a minimum, clear eye protection meeting ANSI-Z 87, hard hats meeting ANSI-Z-89, and high visibility vests or shirts meeting class II reflective criteria, shall be worn at all times on the project outside of an office setting or an enclosed cab. Gloves shall be worn 100% of the time, a minimum gloves shall be a cut level 3, unless a task specifically requires a higher cut.

**Housekeeping**

All subcontractors will practice good housekeeping such that related hazards are eliminated. Trash and debris are to be removed to dumpsters each shift. Cords and hoses are to be elevated, bridged, buried or controlled to eliminate trip hazard and damage from equipment travel. Work areas will be kept organized and free of clutter. Walkways and stairs will be kept clean and free of construction materials.

**Fall Protection**

All subcontractors will follow safe working from heights procedures, and when working on a ladder following the Layton Ladder Tag process. When exposed to a fall of 6 feet or greater, fall protection must be used. When engineering controls do not fully mitigate the fall hazard, 100% tie-off is required using a full-body harness fully compliant with OSHA 1926 subpart M. Shock absorbing lanyards are prohibited, self-retracting deceleration devices (yo-yos) are required.

**Equipment Operation**

Equipment operators must be able to show proof of training All equipment is to be operated and maintained as per manufacturers recommendations.

\_\_\_\_\_  
8/19/2021

\_\_\_\_\_  
Signature

Canyon State Electric Co., Inc. VP of Operations

\_\_\_\_\_  
Company Name Title

We just noticed that your document has already been recorded under recording number



**Cosmin Tomuta**  
Recording Services Manager  
**Recorder's Office**  
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**From:** NLS <[amy.houk@nationallienservices.com](mailto:amy.houk@nationallienservices.com)>  
**Sent:** Friday, October 3, 2025 9:23 AM  
**To:** Michael York (REC) <[Michael.York@maricopa.gov](mailto:Michael.York@maricopa.gov)>; Digital Recording (REC) <[DigitalRecording@maricopa.gov](mailto:DigitalRecording@maricopa.gov)>; Susan Crocfer (REC) <[Susan.Crocfer@maricopa.gov](mailto:Susan.Crocfer@maricopa.gov)>;

Justin Heap (REC) <[Justin.Heap@maricopa.gov](mailto:Justin.Heap@maricopa.gov)>

**Cc:** Escalations NLS <[escalations@nationallienservices.com](mailto:escalations@nationallienservices.com)>;  
[mackenzie@nationallienservices.com](mailto:mackenzie@nationallienservices.com)

**Subject:** URGENT: Improper Rejection of Mechanics Lien – Immediate Action Required on  
Batch ID 8831628

**Importance:** High

Good morning,

It is both frustrating and unacceptable that I find myself once again needing to escalate a recording issue regarding a Mechanics Lien submitted through Maricopa County.

Batch ID [REDACTED] has now been rejected twice, each time under inconsistent and unsupported reasoning.

- The first rejection cited the inclusion of image-based pages from our client's executed contract. In response, we resubmitted the lien using our standard omission protocol, which is legally sound and has been vetted by counsel to ensure completeness for potential litigation.
- The second rejection stated that these omitted pages are “only for government agencies.” With respect, this assertion is inaccurate. We have recorded hundreds of liens using this exact format over the past 11+ years without issue. To suddenly treat these standard documents as noncompliant—despite no legal or procedural change—is unacceptable and places our clients at risk.

This lien must be recorded today. I have already called and left a message with your call center requesting an urgent call back, but I am formally requesting that someone on this team take immediate ownership of resolving this issue.

Please coordinate internally to clarify your standards and ensure consistency across reviewers. The mechanics lien process is governed by statutory deadlines and cannot accommodate delays based on evolving or misapplied internal interpretations.

I am happy to provide further documentation or get on a call today to resolve this—but this recording must proceed without further delay.

**AMY HOUK** II PRESIDENT

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