

REFERENCE TITLE: statute of frauds; technical correction

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HB 2212

Introduced by
Representative McComish

AN ACT

AMENDING SECTION 44-101, ARIZONA REVISED STATUTES; RELATING TO THE STATUTE OF FRAUDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 44-101, Arizona Revised Statutes, is amended to
3 read:

4 44-101. Statute of frauds

5 No action shall be brought in any court in the following cases unless
6 the promise or agreement upon which the action is brought, or some memorandum
7 thereof, is in writing and signed by the party to be charged, or by some
8 person by him thereunto lawfully authorized:

9 1. To charge an executor or administrator upon any promise to answer
10 for any debt or damages due from his testator or intestate out of his own
11 estate.

12 2. To charge a person upon a promise to answer for the debt, default
13 or miscarriage of another.

14 3. To charge a person upon any agreement made upon consideration of
15 marriage, except a mutual promise to marry.

16 4. Upon a contract to sell or a sale of goods or choses in action of
17 the value of five hundred dollars or more, unless the buyer accepts part of
18 the goods or choses in action, and actually receives them or gives something
19 in earnest to bind the contract, or in part payment, but when a sale is made
20 at auction, an entry by the auctioneer in his sale book, made at the time of
21 the sale, of the kind of property sold, the terms of the sale, the price, and
22 the name of the purchaser and person on whose account the sale is made is a
23 sufficient memorandum.

24 5. Upon an agreement which is not to be performed within one year from
25 the making thereof.

26 6. Upon an agreement for leasing for a longer period than one year, or
27 for the sale of real property or an interest therein. Such agreement, if
28 made by an agent of the party sought to be charged, is invalid unless the
29 authority of the agent is in writing, ~~AND~~ AND subscribed by the party sought to
30 be charged.

31 7. Upon an agreement authorizing or employing an agent or broker to
32 purchase or sell real property, or mines, for compensation or a commission.

33 8. Upon an agreement which by its terms is not to be performed during
34 the lifetime of the promisor, or an agreement to devise or bequeath any
35 property, or to make provision for any person by will.

36 9. Upon a contract, promise, undertaking or commitment to loan money
37 or to grant or extend credit, or a contract, promise, undertaking or
38 commitment to extend, renew or modify a loan or other extension of credit
39 involving both an amount greater than two hundred fifty thousand dollars and
40 not made or extended primarily for personal, family or household purposes.