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GENERAL PROVISIONS

NRS 111.010 Definitions. As used in this chapter:

1. “Conveyance” shall be construed to embrace every instrument in writing, except a last will and testament, whatever may be its form, and by whatever name it may be known in law, by which any estate or interest in lands is created, aliened, assigned or surrendered.
2. “Estate and interest in lands” shall be construed and embrace every estate and interest, present and future, vested and contingent, in lands as defined in subsection 3.
3. “Lands” shall be construed as coextensive in meaning with lands, tenements and hereditaments, and shall include in its meaning all possessory right to the soil for mining and other purposes.
[74:9:1861; B § 302; BH § 2643; C § 2713; RL § 1088; NCL § 1545] + [75:9:1861; B § 303; BH § 2644; C § 2714; RL § 1089; NCL § 1546]

NRS 111.015 Power of court to compel specific performance not abridged. Nothing contained in this chapter shall be construed to abridge the powers of courts to compel the specific performance of agreements in cases of part performance of such agreements.

[59:9:1861; B § 287; BH § 2628; C § 2698; RL § 1073; NCL § 1531]

NRS 111.020 Instruments may be subscribed by lawful agents. Every instrument required by any of the provisions of this chapter to be subscribed by any party, may be subscribed by the lawful agent of such party.
[68:9:1861; B § 296; BH § 2637; C § 2707; RL § 1082; NCL § 1539]

NRS 111.025 Conveyances void against purchasers are void against their heirs or assigns. Every conveyance, charge, instrument or proceeding declared to be void by the provisions of this chapter, as against purchasers, shall be equally void as against the heirs, successors, personal representatives or assigns of such purchasers.
[71:9:1861; B § 299; BH § 2640; C § 2710; RL § 1085; NCL § 1542]—(NRS A 1959, 418)

NRS 111.040 Validity of conveyances made before December 2, 1861. All conveyances of real property made, acknowledged or proved prior to December 2, 1861, according to the laws in force at the time of the making, acknowledgment or proof, shall have the same force as evidence, and be recorded in the same manner and with like effect as conveyances executed and acknowledged in pursuance of this chapter.
[39:9:1861; B § 267; BH § 2608; C § 2678; RL § 1053; NCL § 1511]

NRS 111.045 Legality of conveyances executed before December 2, 1861, depends on laws and customs of mining and agricultural districts. The legality of the execution, acknowledgment, proof, form or record of any conveyance, or other instrument made, executed, acknowledged, proved or recorded prior to December 2, 1861, shall not be affected by anything contained in this chapter, but shall depend for its validity or legality upon the laws and customs then in existence and in force in the mining and agricultural districts.
[40:9:1861; B § 268; BH § 2609; C § 2679; RL § 1054; NCL § 1512]

NRS 111.050 Chapter not to be construed to conflict with lawful mining rules, regulations and customs. This chapter shall not be so construed as to interfere or conflict with the lawful mining rules, regulations or customs in regard to the locating, holding or forfeiture of claims, but, in all cases of mortgages of mining interests under this chapter, the mortgagee shall have the right to perform the same acts that the mortgagor might have performed for the purpose of preventing a forfeiture of the same under the rules, regulations or customs of mines, and shall be allowed such compensation therefor as shall be deemed just and equitable by the court ordering the sale upon a foreclosure. Compensation shall, in no case, exceed the amount realized from the claim by a foreclosure and sale.
[77:9:1861; B § 305; BH § 2646; C § 2716; RL § 1091; NCL § 1548]

ESTATES IN PROPERTY

NRS 111.055 Nonresident aliens, persons and corporations may hold real property.

1. Any nonresident alien, person or corporation may take, hold and enjoy any real property or any interest in lands, tenements or hereditaments within the State of Nevada as fully, freely, and upon the same terms and conditions as any resident citizen, person or domestic corporation.

2. Nothing contained in this section shall be so construed as to confer any other or further rights under the statutes of limitation than those at present existing.

[1:43:1879; A 1947, 270; 1943 NCL § 6365] + [3:43:1879; BH § 2657; C § 2727; RL § 3603; NCL § 6366]

NRS 111.060 Tenancy in common: Definition. Every interest in real property granted or devised to two or more persons, other than executors and trustees, as such, shall be a tenancy in common, unless expressly declared in the grant or devise to be a joint tenancy.

[41:9:1861; B § 269; BH § 2610; C § 2680; RL § 1055; NCL § 1513]

NRS 111.063 Tenancy in common: Creation. Tenancy in common in real or personal property may be created by a single conveyance from a husband and wife holding title as joint tenants to themselves, or to themselves and others, or to one of them and others, when such conveyance expressly declares that the grantees thereunder are tenants in common.

(Added to NRS by 1965, 619)

NRS 111.064 Tenancy in common or estate in community property: Creation; right of survivorship.

1. Estates as tenants in common or estates in community property may be created by conveyance from husband and wife to themselves or to themselves and others or from a sole owner to himself or herself and others in the same manner as a joint tenancy may be created.

2. A right of survivorship does not arise when an estate in community property is created in a husband and wife, as such, unless the instrument creating the estate expressly declares that the husband and wife take the property as community property with a right of survivorship. This right of survivorship is extinguished whenever either spouse, during the marriage, transfers the spouse's interest in the community property.

(Added to NRS by 1965, 618; A 1981, 1377)

NRS 111.065 Joint tenancy in real and personal property: Creation.

1. Joint tenancy in real property may be created by a single will or transfer when expressly declared in the will or transfer to be a joint tenancy, or by transfer from a sole owner to himself or herself and others, or from tenants in common

to themselves, or to themselves and others, or to one of them and others, or from a husband and wife when holding title as community property or otherwise to themselves, or to themselves and others, or to one of them and others, when expressly declared in the transfer to be a joint tenancy, or when granted or devised to executors or trustees as joint tenants.

2. A joint tenancy in personal property may be created by a written transfer, agreement or instrument.
[1:21:1939; 1931 NCL § 3710]—(NRS A 1965, 619)

NRS 111.070 Fee simple: Words of inheritance not necessary.

1. The term “heirs,” or other words of inheritance, shall not be necessary to create or convey an estate in fee simple.
2. Every conveyance of any real property hereafter executed shall pass all the estate of the grantor, unless the intent to pass a less estate shall appear by express terms, or be necessarily implied in the terms of the grant.
[42:9:1861; B § 270; BH § 2611; C § 2681; RL § 1056; NCL § 1514]

NRS 111.075 “Heir” or “issue” in remainders. Where a remainder in lands or tenements, goods or chattels shall be limited by deed or otherwise, to take effect on the death of any person without heirs, or heirs of his or her body, or without issue, the word “heir,” or “issue,” shall be construed to mean heirs or issue living at the death of the person named as ancestor.

[43:9:1861; B § 271; BH § 2612; C § 2682; RL § 1057; NCL § 1515]

NRS 111.080 Contingent future interest: Defeat on birth of posthumous child. A future estate, depending on the contingency of the death of any person without heirs or issue, or children, shall be defeated by the birth of a posthumous child of such person capable of taking by descent.

[44:9:1861; B § 272; BH § 2613; C § 2683; RL § 1058; NCL § 1516]

NRS 111.085 Estates tail: Enjoyment by posthumous child. Where an estate shall be any conveyance limited, in remainder, to the son or daughter or issue, or to use of the son or daughter or issue of any person to be begotten, such son or daughter or issue, born after the decease of his or her parent, shall take the estate in the same proportion, and in the same manner, as if he or she had been born in the lifetime of the parent, although no estate shall have been created or conveyed to support the contingent remainder after his or her death.

[45:9:1861; B § 273; BH § 2614; C § 2684; RL § 1059; NCL § 1517]

NRS 111.090 Grants of rents, reversions and remainders effective without attornments of tenants. Grants of rents, or of reversions, or remainders, shall be good and effectual without attornments of the tenants; but no tenant who, before notice of the grant, shall have paid rent to the grantor shall suffer any damage thereby.

[46:9:1861; B § 274; BH § 2615; C § 2685; RL § 1060; NCL § 1518]

NRS 111.095 When attornment of tenant void. The attornment of a tenant to a stranger shall be void unless it be with the consent of the landlord of such tenant, or in pursuance to, or in consequence of, a judgment or decree of some court of competent jurisdiction.

[47:9:1861; B § 275; BH § 2616; C § 2686; RL § 1061; NCL § 1519]

NRS 111.100 Lineal and collateral warranties abolished. Lineal and collateral warranties, with all their incidents, are abolished; but the heirs and devisees of every person who shall have made any covenant or agreement in reference to the title of, in or to any real property, shall be answerable upon such covenant or agreement to the extent of the land descended or devised to them, in the cases and in the manner prescribed by law.

[48:9:1861; B § 276; BH § 2617; C § 2687; RL § 1062; NCL § 1520]—(NRS A 1959, 418)

NRS 111.101 Abolishment of Rule in Shelley’s Case. If land is granted or devised to a person and after the person’s death to his or her heirs or the heirs of his or her body, regardless of how the grant or devise is expressed, an estate for life vests in that person and his or her heirs take the remainder pursuant to the grant or devise and not through that person. The purpose of this section is to abolish the Rule in Shelley’s Case.

(Added to NRS by 1983, 927)

NRS 111.102 Abolishment of doctrine of destructibility of contingent remainders. A contingent remainder is not destroyed by the termination of the preceding estate before the satisfaction of the condition upon which the remainder is contingent. If the condition is subsequently satisfied, the remainder takes effect in the same manner as a springing or shifting executory interest. The purpose of this section is to abolish the doctrine of the destructibility of contingent remainders.

(Added to NRS by 1983, 928)

RULE AGAINST PERPETUITIES (UNIFORM ACT)

NRS 111.103 Short title; uniformity of application and construction. [NRS 111.103](#) to [111.1039](#), inclusive:

1. May be cited as the Uniform Statutory Rule Against Perpetuities; and
2. Must be applied and construed to effectuate their general purpose to make uniform the law with respect to their subject among states enacting the Uniform Statutory Rule Against Perpetuities.

(Added to NRS by 1983, 928; A 1987, 64)

NRS 111.1031 Statutory rule against perpetuities.

1. A nonvested property interest is invalid unless:
 - (a) When the interest is created, it is certain to vest or terminate no later than 21 years after the death of a natural person then alive; or
 - (b) The interest either vests or terminates within 365 years after its creation.
2. A general power of appointment not presently exercisable because of a condition precedent is invalid unless:
 - (a) When the power is created, the condition precedent is certain to be satisfied or become impossible to satisfy no later than 21 years after the death of a natural person then alive; or
 - (b) The condition precedent either is satisfied or becomes impossible to satisfy within 365 years after its creation.
3. A nongeneral power of appointment or a general testamentary power of appointment is invalid unless:
 - (a) When the power is created, it is certain to be irrevocably exercised or otherwise to terminate no later than 21 years after the death of a natural person then alive; or
 - (b) The power is irrevocably exercised or otherwise terminates within 365 years after its creation.
4. In determining whether a nonvested property interest or a power of appointment is valid under paragraph (a) of subsection 1, paragraph (a) of subsection 2 or paragraph (a) of subsection 3, the possibility that a child will be born to a person after his or her death is disregarded.
5. If, in measuring a period from the creation of a trust or other property arrangement, language in a governing instrument seeks to disallow the vesting or termination of any interest or trust beyond, seeks to postpone the vesting or termination of any interest or trust until, or seeks to operate in effect in any similar fashion upon, the later of:
 - (a) The expiration of a period of time not exceeding 21 years after the death of the survivor of specified lives in being at the creation of the trust or other property arrangement; or
 - (b) The expiration of a period of time that exceeds or might exceed 21 years after the death of the survivor of lives in being at the creation of the trust or other property arrangement,
 È that language is inoperative to the extent it produces a period of time that exceeds 21 years after the death of the survivor of the specified lives.

(Added to NRS by 1987, 62; A 1991, 116; [2005, 537, 959](#))

NRS 111.1033 When nonvested property interest or power of appointment created.

1. Except as provided in subsections 2 and 3 and in subsection 1 of [NRS 111.1039](#), the time of creation of a nonvested property interest or a power of appointment is determined under general principles of property law.
2. For purposes of [NRS 111.103](#) to [111.1039](#), inclusive, if there is a person who alone can exercise a power created by a governing instrument to become the unqualified beneficial owner of:
 - (a) A nonvested property interest; or
 - (b) A property interest subject to a power of appointment described in subsection 2 or 3 of [NRS 111.1031](#),
 È the nonvested property interest or power of appointment is created when the power to become the unqualified beneficial owner terminates. For purposes of [NRS 111.103](#) to [111.1039](#), inclusive, a joint power with respect to community property held by persons married to each other is a power exercisable by one person alone.
 3. For purposes of [NRS 111.103](#) to [111.1039](#), inclusive, a nonvested property interest or a power of appointment arising from a transfer of property to a previously funded trust or other existing property arrangement is created when the nonvested property interest or power of appointment in the original contribution was created.

(Added to NRS by 1987, 63)

NRS 111.1035 Reformation. Upon the petition of an interested person, a court shall reform a disposition in the manner that most closely approximates the transferor's manifested plan of distribution and is within the 365 years allowed by paragraph (b) of subsection 1, paragraph (b) of subsection 2 or paragraph (b) of subsection 3 of [NRS 111.1031](#) if:

1. A nonvested property interest or a power of appointment becomes invalid under [NRS 111.1031](#);
2. A class gift is not but might become invalid under [NRS 111.1031](#) and the time has arrived when the share of any class member is to take effect in possession or enjoyment; or
3. A nonvested property interest that is not validated by paragraph (a) of subsection 1 of [NRS 111.1031](#) can vest but not within 365 years after its creation.

(Added to NRS by 1987, 63; A [2005, 538, 960](#))

NRS 111.1037 Exclusions from statutory rule against perpetuities. [NRS 111.1031](#) does not apply to:

1. A nonvested property interest or a power of appointment arising out of a nondonative transfer, except a nonvested property interest or a power of appointment arising out of:
 - (a) A premarital or postmarital agreement;
 - (b) A separation or divorce settlement;
 - (c) A spouse's election;
 - (d) A similar arrangement arising out of a prospective, existing or previous marital relationship between the parties;
 - (e) A contract to make or not to revoke a will or trust;
 - (f) A contract to exercise or not to exercise a power of appointment;
 - (g) A transfer in satisfaction of a duty of support; or
 - (h) A reciprocal transfer;
2. A fiduciary's power relating to the administration or management of assets, including the power of a fiduciary to sell, lease or mortgage property, and the power of a fiduciary to determine principal and income;
3. A power to appoint a fiduciary;

4. A discretionary power of a trustee to distribute principal before termination of a trust to a beneficiary having an indefeasibly vested interest in the income and principal;
 5. A nonvested property interest held by a charity, government, or governmental agency or subdivision, if the nonvested property interest is preceded by an interest held by another charity, government, or governmental agency or subdivision;
 6. A nonvested property interest in or a power of appointment with respect to a trust or other property arrangement forming part of a pension, profit-sharing, stock bonus, health, disability, death benefit, income deferral, or other current or deferred benefit plan for one or more employees, independent contractors, or their beneficiaries or spouses, to which contributions are made for the purpose of distributing to or for the benefit of the participants or their beneficiaries or spouses the property, income or principal in the trust or other property arrangement, except a nonvested property interest or a power of appointment that is created by an election of a participant or a beneficiary or spouse; or
 7. A property interest, power of appointment or arrangement that was not subject to the common-law rule against perpetuities or is expressly excluded by another statute of this state.
- (Added to NRS by 1987, 63)

NRS 111.1039 Prospective application.

1. Except as extended by subsection 2, [NRS 111.103](#) to [111.1037](#), inclusive, apply to a nonvested property interest or a power of appointment that is created on or after July 1, 1987. For purposes of this section only, a nonvested property interest or a power of appointment created by the exercise of a power of appointment is created when the power is irrevocably exercised or when a revocable exercise becomes irrevocable.
 2. With respect to a nonvested property interest or a power of appointment that was created before July 1, 1987, and that violates the rule against perpetuities as that rule existed before that date, a court, upon the petition of an interested person, may exercise its equitable power to reform the disposition in the manner that most closely approximates the transferor’s manifested plan of distribution and is within the limits of the rule against perpetuities applicable when the nonvested property interest or power of appointment was created.
- (Added to NRS by 1987, 64)

CONVEYANCING; STATUTE OF FRAUDS

NRS 111.105 Conveyances by deed. Conveyances of lands, or of any estate or interest therein, may be made by deed, signed by the person from whom the estate or interest is intended to pass, being of lawful age, or by the person’s lawful agent or attorney, and acknowledged or proved, and recorded, as directed in this chapter.
 [1:9:1861; B § 228; BH § 2569; C § 2639; RL § 1017; NCL § 1475]

NRS 111.109 Conveyance by deed which becomes effective upon death of grantor.

1. The owner of an interest in real property may create a deed that conveys his or her interest in real property to a grantee which becomes effective upon the death of the owner. Such a conveyance is subject to liens on the property in existence on the date of the death of the owner.
2. The owner of an interest in real property who creates a deed pursuant to subsection 1 may designate in the deed:
 - (a) Multiple grantees who will take title to the property upon the death of the owner as joint tenants with right of survivorship, tenants in common, husband and wife as community property, community property with right of survivorship or any other tenancy that is recognized in this State.
 - (b) A grantee or multiple grantees who will take title to the property upon the death of the owner as the sole and separate property of the grantee or grantees without the necessity of the filing of a quitclaim deed or disclaimer by the spouse of any grantee.
3. If the owner of the real property which is the subject of a deed created pursuant to subsection 1 holds the interest in the property as a joint tenant with right of survivorship or as community property with the right of survivorship and:
 - (a) The deed includes a conveyance of the interest from each of the other owners, the deed becomes effective on the date of the death of the last surviving owner; or
 - (b) The deed does not include a conveyance of the interest from each of the other owners, the deed becomes effective on the date of the death of the owner who created the deed only if the owner who conveyed his or her interest in real property to the grantee is the last surviving owner.
4. If an owner of an interest in real property who creates a deed pursuant to subsection 1 transfers his or her interest in the real property to another person during his or her lifetime, the deed created pursuant to subsection 1 is void.
5. If an owner of an interest in real property who creates a deed pursuant to subsection 1 executes and records more than one deed concerning the same real property, the deed that is last recorded before the death of the owner is the effective deed.
6. A deed created pursuant to subsection 1 is valid only if executed and recorded as provided by law in the office of the county recorder of the county in which the property is located before the death of the owner or the death of the last surviving owner. The deed must be in substantially the following form:

DEED

I (We) (owner) hereby convey to (grantee), effective on my (our) death, the following described real property:
 (Legal Description)

THIS DEED IS REVOCABLE. THIS DEED DOES NOT TRANSFER ANY OWNERSHIP UNTIL THE DEATH OF THE GRANTOR. THIS DEED REVOKES ALL PRIOR DEEDS BY THE GRANTOR WHICH CONVEY THE SAME REAL PROPERTY PURSUANT TO SUBSECTION 1 OF [NRS 111.109](#) REGARDLESS OF WHETHER THE PRIOR DEEDS FAILED TO CONVEY THE GRANTOR'S ENTIRE INTEREST IN THE SAME REAL PROPERTY.

..... (Signature of Grantor)

7. A deed created pursuant to subsection 1 may be revoked at any time by the owner or, if there is more than one owner, by any of the owners who created the deed. The revocation is valid only if executed and recorded as provided by law in the office of the county recorder of the county in which the property is located before the death of the owner who executes the revocation. If the property is held as joint tenants with right of survivorship or as community property with the right of survivorship and the revocation is not executed by all of the owners, the revocation does not become effective unless the revocation is executed and recorded by the last surviving owner. The revocation of deed must be in substantially the following form:

REVOCATION OF DEED

The undersigned hereby revokes the deed recorded on (date), in docket or book, at page, or instrument number, records of County, Nevada.

(Date)

(Signature)

8. Upon the death of the last grantor of a deed created pursuant to subsection 1, a declaration of value of real property pursuant to [NRS 375.060](#) and a copy of the death certificate of each grantor must be attached to a Death of Grantor Affidavit and recorded in the office of the county recorder where the deed was recorded. The Death of Grantor Affidavit must be in substantially the following form:

DEATH OF GRANTOR AFFIDAVIT

..... (affiant name), being duly sworn, deposes and says that (name of deceased), the decedent mentioned in the attached certified copy of the Certificate of Death, is the same person as (name of grantor), named as the grantor or as one of the grantors in the deed recorded on (date), in docket or book, at page, or instrument number, records of County, Nevada, covering the following described property: (Legal Description)

..... (affiant name) is the grantee or at least one of the grantees to whom the real property is conveyed upon the death of the grantor (name of deceased) or is the authorized representative of the grantee or at least one of the grantees.

(Date)

(Signature)

9. The provisions of this section must not be construed to limit the recovery of benefits paid for Medicaid. (Added to NRS by [2003, 2507](#); A [2005, 960](#))

NRS 111.115 Proof of execution of conveyance. The proof of the execution of any conveyance, whereby any real property is conveyed, or may be affected, shall be:

- 1. By the testimony of a subscribing witness; or
- 2. When all the subscribing witnesses are dead, or cannot be had, by evidence of the handwriting of the party, and of at least one subscribing witness, given by a credible witness to each signature. [10:9:1861; B § 238; BH § 2579; C § 2649; RL § 1027; NCL § 1485]

NRS 111.120 Conditions necessary before proof by subscribing witness can be taken. No proof by a subscribing witness shall be taken unless the witness shall be personally known to the person taking the proof to be the person whose name is subscribed to the conveyance as witness thereto, or shall be proved to be such by the oath or affirmation of a credible witness. [11:9:1861; B § 239; BH § 2580; C § 2650; RL § 1028; NCL § 1486]

NRS 111.125 Proof required from subscribing witnesses. No certificate of proof shall be granted unless subscribing witnesses shall prove:

- 1. That the person whose name is subscribed thereto as a party is the person described in, and who executed the same.
- 2. That such person executed the conveyance.
- 3. That such witness subscribed his or her name thereto as a witness thereof. [12:9:1861; B § 240; BH § 2581; C § 2651; RL § 1029; NCL § 1487]

NRS 111.130 Contents of certificate of proof. The certificate of proof shall set forth the following matters:

1. The fact that the subscribing witness was personally known to the person granting the certificate to be the person whose name is subscribed to such conveyance as a witness thereto, or was proved to be such by oath or affirmation of a witness, whose name shall be inserted in the certificate.

2. The proof given by such witness of the execution of such conveyance, and of the fact that the person whose name is subscribed to such conveyance as a party thereto is the person who executed the same, and that such witness subscribed his or her name to such conveyance as a witness thereof.

[13:9:1861; B § 241; BH § 2582; C § 2652; RL § 1030; NCL § 1488]

NRS 111.135 When proof by evidence of handwriting may be taken. No proof by evidence of the handwriting of the party, and of a subscribing witness, shall be taken, unless the person taking the same shall be satisfied that all the subscribing witnesses to the conveyance are dead, or cannot be had to prove the execution thereof.

[14:9:1861; B § 242; BH § 2583; C § 2653; RL § 1031; NCL § 1489]

NRS 111.140 Statements of witnesses under oath before certificate granted. No certificate of any such proof shall be granted unless:

1. A competent and credible witness shall state, on oath or affirmation, that the witness personally knew the person whose name is subscribed thereto as a party, well knew the person's signature (stating his or her means of knowledge), and believes the name of the person subscribed thereto as a party was subscribed by such person.

2. A competent and credible witness shall, in like manner, state that the witness personally knew the person whose name is subscribed to such conveyance as a witness, well knew the person's signature (stating his or her means of knowledge), and believes the name subscribed thereto as a witness was thereto subscribed by such person.

[15:9:1861; B § 243; BH § 2584; C § 2654; RL § 1032; NCL § 1490]

NRS 111.145 Witnesses to conveyance may be subpoenaed. Upon the application of any grantee in any conveyance required by this chapter to be recorded, or by any person claiming under such grantee, verified under the oath of the applicant, that any witness to such conveyance, residing in the county where such application is made, refuses to appear and testify touching the execution thereof, and that such conveyance cannot be proved without the evidence of the witness, any person authorized to take the acknowledgment or proof of such conveyance may issue a subpoena requiring such witness to appear before such person and testify touching the execution thereof.

[16:9:1861; B § 244; BH § 2585; C § 2655; RL § 1033; NCL § 1491]

NRS 111.150 Penalty for failure of witness to appear when subpoenaed.

1. Every person who, being served with a subpoena, shall, without reasonable cause, refuse or neglect to appear, or appearing shall refuse to answer upon oath touching the matters stated in [NRS 111.145](#):

(a) Shall be liable to the party injured in the sum of \$100, and for such damages as may be sustained by the party injured on account of such neglect or refusal; and

(b) May be committed to jail by the judge of some court of record, there to remain, without bail, until the person shall submit to answer upon oath as stated aforesaid.

2. No person shall be required to attend who resides out of the county in which the proof is to be taken, nor unless the person's reasonable expenses shall have been first tendered to the person.

[17:9:1861; B § 245; BH § 2586; C § 2656; RL § 1034; NCL § 1492]

NRS 111.155 Conveyance acknowledged or proved may be read in evidence. Every conveyance, or other instrument, conveying or affecting real property, which shall be acknowledged, or proved and certified, as prescribed in this chapter, may, together with the certificate of acknowledgment, or proof, be read in evidence without further proof.

[29:9:1861; B § 257; BH § 2598; C § 2668; RL § 1043; NCL § 1501]

NRS 111.160 After-acquired title passes to grantee. If any person shall convey any real property, by conveyance purporting to convey the same in fee simple absolute, and shall not at the time of such conveyance have the legal estate in such real property but shall afterward acquire the same, the legal estate subsequently acquired shall immediately pass to the grantee, and such conveyance shall be valid as if such legal estate had been in the grantor at the time of the conveyance.

[33:9:1861; B § 261; BH § 2602; C § 2672; RL § 1047; NCL § 1505]

NRS 111.165 Adverse possession does not prevent sale and conveyance. Any person claiming title to any real property may, notwithstanding there may be an adverse possession thereof, sell and convey his or her interest therein in the same manner and with the same effect as if the person was in actual possession thereof.

[34:9:1861; B § 262; BH § 2603; C § 2673; RL § 1048; NCL § 1506]

NRS 111.167 Presumption of conveyance with land: Water rights, permits, certificates and applications appurtenant to land. Unless the deed conveying land specifically provides otherwise, all:

1. Applications and permits to appropriate any of the public waters;
2. Certificates of appropriation;
3. Adjudicated or unadjudicated water rights; and
4. Applications or permits to change the place of diversion, manner of use or place of use of water,

È which are appurtenant to the land are presumed to be conveyed with the land.
(Added to NRS by 1995, 438)

NRS 111.170 Construction of words “grant, bargain and sell” in conveyances; suit upon covenants.

1. The words “grant, bargain and sell” in all conveyances made after December 2, 1861, in and by which any estate of inheritance or fee simple is to be passed, shall, unless restrained by express terms contained in such conveyances, be construed to be the following express covenants, and none other, on the part of the grantor, for the grantor and the heirs of the grantor to the grantee, the heirs of the grantee, and assigns:

(a) That previous to the time of the execution of the conveyance the grantor has not conveyed the same real property, or any right, title, or interest therein, to any person other than the grantee.

(b) That the real property is, at the time of the execution of the conveyance, free from encumbrances, done, made or suffered by the grantor, or any person claiming under the grantor.

2. Such covenants may be sued upon in the same manner as if they had been expressly inserted in the conveyance.
[49:9:1861; B § 277; BH § 2618; C § 2688; RL § 1063; NCL § 1521]

NRS 111.175 Conveyances made to defraud prior or subsequent purchasers are void. Every conveyance of any estate, or interest in lands, or the rents and profits of lands, and every charge upon lands, or upon the rents and profits thereof, made and created with the intent to defraud prior or subsequent purchasers for a valuable consideration of the same lands, rents or profits, as against such purchasers, shall be void.

[50:9:1861; B § 278; BH § 2619; C § 2689; RL § 1064; NCL § 1522]—(NRS R 1959, 418; reenacted 1960, 324)

NRS 111.180 Conveyance not deemed fraudulent in favor of subsequent purchaser with notice unless grantee privy to fraud. No such conveyance, or charge, shall be deemed fraudulent in favor of a subsequent purchaser who shall have legal notice thereof at the time of the purchase by the subsequent purchaser, unless it shall appear that the grantee in such conveyance, or person to be benefited by such charge, was privy to the fraud intended.

[51:9:1861; B § 279; BH § 2620; C § 2690; RL § 1065; NCL § 1523]—(NRS R 1959, 418; reenacted 1960, 324)

NRS 111.185 Power of revocation at will. Every conveyance or charge of or upon any estate or interest in lands, containing any provision for the revocation, determination or alteration of such estate or interest, or any part thereof, at the will of the grantor, shall be void, as against subsequent purchasers from the grantor for a valuable consideration, of any estate or interest, so liable to be revoked or determined, although the same be not directly revoked, determined or altered by the grantor, by virtue of the power reserved, or expressed in such prior conveyance or charge.

[52:9:1861; B § 280; BH § 2621; C § 2691; RL § 1066; NCL § 1524]

NRS 111.190 Revocation and reconveyance. Where a power to revoke a conveyance of lands, or the rents and profits thereof, and to reconvey the same, shall be given to any person other than the grantor in such conveyance, and such person shall thereafter convey the same lands, rents or profits to a purchaser for a valuable consideration, such subsequent conveyance shall be valid in the same manner, and to the same extent, as if the power of revocation were recited therein, and the intent to revoke the former conveyance expressly declared.

[53:9:1861; B § 281; BH § 2622; C § 2692; RL § 1067; NCL § 1525]

NRS 111.195 Effect of conveyance made before power of revocation can be exercised. If a conveyance to a purchaser, under either [NRS 111.185](#) or [111.190](#), shall be made before the person making the same shall be entitled to execute his or her power of revocation, it shall, nevertheless, be valid from the time the power of revocation shall actually vest in such person, in the same manner, and to the same extent, as if then made.

[54:9:1861; B § 282; BH § 2623; C § 2693; RL § 1068; NCL § 1526]

NRS 111.200 Limitations on terms of leases.

1. No agricultural or grazing lands within the state shall hereafter be conveyed for agricultural or grazing purposes by lease or otherwise, except in fee and perpetual succession, for a longer period than 25 years.

2. No other lands or real property shall be so conveyed for a longer period than 99 years.

3. All leases hereafter made contrary to the provisions of this chapter shall be void as to any periods of time in excess of those enumerated in subsections 1 and 2.

[78:9:1861; A 1923, 314; 1929, 364; 1951, 237]—(NRS A 1959, 96; 1963, 60)

NRS 111.205 No estate created in land unless by operation of law or written conveyance; leases for terms not exceeding 1 year.

1. No estate or interest in lands, other than for leases for a term not exceeding 1 year, nor any trust or power over or concerning lands, or in any manner relating thereto, shall be created, granted, assigned, surrendered or declared after December 2, 1861, unless by act or operation of law, or by deed or conveyance, in writing, subscribed by the party creating, granting, assigning, surrendering or declaring the same, or by the party’s lawful agent thereunto authorized in writing.

2. Subsection 1 shall not be construed to affect in any manner the power of a testator in the disposition of the testator’s real property by a last will and testament, nor to prevent any trust from arising or being extinguished by implication or operation of law.

[55:9:1861; B § 283; BH § 2624; C § 2694; RL § 1069; NCL § 1527] + [56:9:1861; B § 284; BH § 2625; C § 2695;

RL § 1070; NCL § 1528]

NRS 111.210 Contracts for sale or lease of land for periods in excess of 1 year void unless in writing.

1. Every contract for the leasing for a longer period than 1 year, or for the sale of any lands, or any interest in lands, shall be void unless the contract, or some note or memorandum thereof, expressing the consideration, be in writing, and be subscribed by the party by whom the lease or sale is to be made.

2. Every instrument required to be subscribed by any person under subsection 1 may be subscribed by the agent of the party lawfully authorized.

[57:9:1861; B § 285; BH § 2626; C § 2696; RL § 1071; NCL § 1529] + [58:9:1861; B § 286; BH § 2627; C § 2697; RL § 1072; NCL § 1530]

NRS 111.220 Agreements not in writing: When void. In the following cases every agreement is void, unless the agreement, or some note or memorandum thereof expressing the consideration, is in writing, and subscribed by the person charged therewith:

1. Every agreement that, by the terms, is not to be performed within 1 year from the making thereof.

2. Every special promise to answer for the debt, default or miscarriage of another.

3. Every promise or undertaking made upon consideration of marriage, except mutual promises to marry.

4. Every promise or commitment to loan money or to grant or extend credit in an original principal amount of at least \$100,000 made by a person engaged in the business of lending money or extending credit.

5. Every promise or commitment to pay a fee for obtaining a loan of money or an extension of credit for another person if the fee is \$1,000 or more.

[61:9:1861; B § 289; BH § 2630; C § 2700; RL § 1075; NCL § 1533]—(NRS A 1989, 285)

NRS 111.235 Grants and assignments of existing trusts to be in writing or are void. Every grant or assignment of any existing trust in lands, goods or things in action, unless the same shall be in writing, subscribed by the person making the same, or by his or her agent lawfully authorized, shall be void.

[70:9:1861; B § 298; BH § 2639; C § 2709; RL § 1084; NCL § 1541]

VOIDABLE RESTRICTIONS AND PROHIBITIONS

NRS 111.237 Prohibition or restriction based on race, color, religion, ancestry or national origin.

1. Every provision in a written instrument relating to real property which purports to forbid or restrict the conveyance, encumbrance, leasing or mortgaging of such real property to any person of a specified race, color, religion, ancestry or national origin is voidable by the grantee, the grantee's successors and assigns in the manner prescribed in subsection 3 and every restriction or prohibition as to the use or occupation of real property because of the user's or occupier's race, color, religion, ancestry or national origin is voidable by the grantee, the grantee's successors and assigns in the manner prescribed in subsection 3.

2. Every restriction or prohibition, whether by way of covenant, condition upon use or occupation, or upon transfer of title to real property, which restriction or prohibition directly or indirectly limits the acquisition, use or occupation of such property because of the acquirer's, user's or occupier's race, color, religion, ancestry or national origin is voidable by the grantee, the grantee's successors and assigns in the manner prescribed in subsection 3.

3. The owner or owners of any real property subject to any restriction or prohibition specified in subsections 1 and 2 may record an affidavit declaring such restrictions or prohibitions to be void in the office of the county recorder in which such real property is located, and such recording shall operate to remove such restrictions or prohibitions.

(Added to NRS by 1965, 763)

NRS 111.238 Prohibition on display of flag of the United States on property.

1. Except as otherwise provided in subsection 2, any covenant, condition or restriction contained in a deed, contract or other legal instrument which affects the transfer, sale or any other interest in real property that prohibits the owner of the property from engaging in the display of the flag of the United States on his or her property is void and unenforceable.

2. The provisions of this section do not apply to the display of the flag of the United States for commercial advertising purposes.

3. In any action commenced to enforce the provisions of this section, the prevailing party is entitled to recover reasonable attorney's fees and costs.

4. As used in this section, "display of the flag of the United States" means a flag of the United States that is:

(a) Made of cloth, fabric or paper;

(b) Displayed from a pole or staff or in a window; and

(c) Displayed in a manner that is consistent with 4 U.S.C. chapter 1.

Ê The term does not include a depiction or emblem of the flag of the United States that is made of balloons, flora, lights, paint, paving materials, roofing, siding or any other similar building, decorative or landscaping component.

(Added to NRS by [2003, 2966](#))

NRS 111.239 Prohibition or restriction on use of system for obtaining solar energy on property.

1. Any covenant, restriction or condition contained in a deed, contract or other legal instrument which affects the transfer or sale of, or any other interest in, real property and which prohibits or unreasonably restricts or has the effect of prohibiting or unreasonably restricting the owner of the property from using a system for obtaining solar energy on his or

her property is void and unenforceable.

2. For the purposes of this section, the following shall be deemed to be unreasonable restrictions:

(a) The placing of a restriction or requirement on the use of a system for obtaining solar energy which decreases the efficiency or performance of the system by more than 10 percent of the amount that was originally specified for the system, as determined by the Director of the Office of Energy, and which does not allow for the use of an alternative system at a substantially comparable cost and with substantially comparable efficiency and performance.

(b) The prohibition of a system for obtaining solar energy that uses components painted with black solar glazing.

(Added to NRS by 1995, 1105; A [2005, 1819](#); [2009, 1598](#))

NRS 111.2395 Prohibition or restriction on use of system for obtaining wind energy on property; exceptions.

1. Except as otherwise provided in subsection 2, any covenant, restriction or condition contained in a deed, contract or other legal instrument which affects the transfer or sale of, or any other interest in, real property and which prohibits or unreasonably restricts the owner of the property from using a system for obtaining wind energy on his or her property is void and unenforceable.

2. The provisions of subsection 1 do not prohibit a reasonable restriction or requirement:

(a) Imposed pursuant to a determination by the Federal Aviation Administration that the installation of the system for obtaining wind energy would create a hazard to air navigation; or

(b) Relating to the height, noise or safety of a system for obtaining wind energy.

3. For the purposes of this section, “unreasonably restricts the owner of the property from using a system for obtaining wind energy” includes the placing of a restriction or requirement on the use of a system for obtaining wind energy which significantly decreases the efficiency or performance of the system and which does not allow for the use of an alternative system at a substantially comparable cost and with substantially comparable efficiency and performance.

(Added to NRS by [2009, 1597](#))

ACKNOWLEDGMENT OF INSTRUMENTS

NRS 111.240 Acknowledgment of conveyances. Every conveyance in writing whereby any real property is conveyed or may be affected must be acknowledged or proved and certified in the manner provided in this chapter and in [NRS 240.161](#) to [240.169](#), inclusive.

[3:9:1861; B § 230; BH § 2571; C § 2641; RL § 1019; NCL § 1477]—(NRS A 1993, 204)

NRS 111.265 Persons authorized to take acknowledgment or proof within State. The proof or acknowledgment of every conveyance affecting any real property, if acknowledged or proved within this State, must be taken by one of the following persons:

1. A judge or a clerk of a court having a seal.

2. A notary public.

3. A justice of the peace.

[Part 4:9:1861; A 1867, 103; B § 231; BH § 2572; C § 2642; RL § 1020; NCL § 1478]—(NRS A 1985, 1209; 1987, 123)

RECORDING

NRS 111.310 Instruments entitled to recordation; patents need not be acknowledged.

1. Except as otherwise provided in [NRS 111.312](#), a certificate of the acknowledgment of any conveyance or other instrument in any way affecting the title to real or personal property, or the proof of the execution thereof, as provided in this chapter, signed by the person taking the same, and under the seal or stamp of that person, if the person is required by law to have a seal or stamp, entitles the conveyance or instrument, with the certificate or certificates, to be recorded in the office of the recorder of any county in this state.

2. Any state or United States contract or patent for land may be recorded without any acknowledgment or proof.

[18:9:1861; A 1909, 270; RL § 1035; NCL § 1493]—(NRS A 1969, 491; 1989, 1645)

NRS 111.312 Requirements for recording certain documents relating to real property.

1. The county recorder shall not record with respect to real property, a notice of completion, a declaration of homestead, a lien or notice of lien, an affidavit of death, a mortgage or deed of trust, or any conveyance of real property or instrument in writing setting forth an agreement to convey real property unless the document being recorded contains:

(a) The mailing address of the grantee or, if there is no grantee, the mailing address of the person who is requesting the recording of the document; and

(b) Except as otherwise provided in subsection 2, the assessor’s parcel number of the property at the top left corner of the first page of the document, if the county assessor has assigned a parcel number to the property. The parcel number must comply with the current system for numbering parcels used by the county assessor’s office. The county recorder is not required to verify that the assessor’s parcel number is correct.

2. Any document relating exclusively to the transfer of water rights may be recorded without containing the assessor’s parcel number of the property.

3. The county recorder shall not record with respect to real property any deed, including, without limitation:

(a) A grant, bargain or deed of sale;

(b) Quitclaim deed;

- (c) Warranty deed; or
- (d) Trustee's deed upon sale,

È unless the document being recorded contains the name and address of the person to whom a statement of the taxes assessed on the real property is to be mailed.

4. The assessor's parcel number shall not be deemed to be a complete legal description of the real property conveyed.

5. Except as otherwise provided in subsection 6, if a document that is being recorded includes a legal description of real property that is provided in metes and bounds, the document must include the name and mailing address of the person who prepared the legal description. The county recorder is not required to verify the accuracy of the name and mailing address of such a person.

6. If a document including the same legal description described in subsection 5 previously has been recorded, the document must include all information necessary to identify and locate the previous recording, but the name and mailing address of the person who prepared the legal description is not required for the document to be recorded. The county recorder is not required to verify the accuracy of the information concerning the previous recording.

(Added to NRS by 1989, 1645; A [1999, 885](#); [2001, 478](#), [1558](#), [1754](#); [2003, 53](#), [55](#), [2781](#), [3190](#))

NRS 111.315 Recording of conveyances and instruments: Notice to third persons. Every conveyance of real property, and every instrument of writing setting forth an agreement to convey any real property, or whereby any real property may be affected, proved, acknowledged and certified in the manner prescribed in this chapter, to operate as notice to third persons, shall be recorded in the office of the recorder of the county in which the real property is situated or to the extent permitted by [NRS 105.010](#) to [105.080](#), inclusive, in the Office of the Secretary of State, but shall be valid and binding between the parties thereto without such record.

[24:9:1861; B § 252; BH § 2593; C § 2663; RL § 1038; NCL § 1496]—(NRS A 1995, 891)

NRS 111.320 Filing of conveyances or other instruments is notice to all persons: Effect on subsequent purchasers and mortgagees. Every such conveyance or instrument of writing, acknowledged or proved and certified, and recorded in the manner prescribed in this chapter or in [NRS 105.010](#) to [105.080](#), inclusive, must from the time of filing the same with the Secretary of State or recorder for record, impart notice to all persons of the contents thereof; and subsequent purchasers and mortgagees shall be deemed to purchase and take with notice.

[25:9:1861; B § 253; BH § 2594; C § 2664; RL § 1039; NCL § 1497]—(NRS A 1995, 891)

NRS 111.325 Unrecorded conveyances void as against subsequent bona fide purchaser for value when conveyance recorded. Every conveyance of real property within this State hereafter made, which shall not be recorded as provided in this chapter, shall be void as against any subsequent purchaser, in good faith and for a valuable consideration, of the same real property, or any portion thereof, where his or her own conveyance shall be first duly recorded.

[26:9:1861; A 1935, 34; 1931 NCL § 1498]

NRS 111.340 Certificate of acknowledgment and record may be rebutted. Neither the certificate of the acknowledgment nor of the proof of any conveyance or instrument, nor the record, nor the transcript of the record, of such conveyance or instrument, shall be conclusive, but the same may be rebutted.

[31:9:1861; B § 259; BH § 2600; C § 2670; RL § 1045; NCL § 1503]

NRS 111.345 Proof taken upon oath of incompetent witness: Instrument not admissible until established by competent proof. If the party contesting the proof of any conveyance or instrument shall make it appear that any such proof was taken upon the oath of an incompetent witness, neither such conveyance or instrument, nor the record thereof, shall be received in evidence, until established by other competent proof.

[32:9:1861; B § 260; BH § 2601; C § 2671; RL § 1046; NCL § 1504]

NRS 111.347 Recording defective instrument: Notice to subsequent purchasers; admissibility in evidence. Any instrument affecting the title to real property, 3 years after the instrument has been copied into the proper book of record kept in the office of any county recorder, imparts notice of its contents to subsequent purchasers and encumbrancers, notwithstanding any defect, omission or informality in the execution of the instrument, or in the certificate of acknowledgment thereof, or the absence of any such certificate; but nothing herein affects the rights of purchasers or encumbrancers previous to March 27, 1935. When such copying in the proper book of record occurred within 5 years prior to the trial of an action, the instrument is not admissible in evidence unless it is first shown that the original instrument was genuine.

(Added to NRS by 1971, 803)

NRS 111.350 Conveyances or other instruments recorded before December 17, 1862: Notice to subsequent purchasers; certified copies as evidence.

1. All instruments of writing copied into the proper books of record of the offices of the county recorders of the several counties of the Territory of Nevada prior to December 17, 1862, shall, after December 17, 1862, be deemed to impart to subsequent purchasers and encumbrancers, and all other persons whomsoever, notice of all deeds, mortgages, powers of attorney, contracts, conveyances or other instruments, notwithstanding any defect, omission or informality existing in the execution, acknowledgment or certificate of recording the same.

2. Nothing contained in this section shall be construed to affect any rights acquired prior to December 17, 1862, in the hands of subsequent grantees or assignees.

3. Certified copies of such instruments as are embraced in subsection 1 may be read in evidence under the same circumstances and rules as are now or may hereafter be provided by law for using copies of instruments duly executed and recorded. Proof shall be first made that the instruments, copies of which it is proposed to use, were genuine instruments and were in truth executed by the grantor or grantors therein named.

[1:32:1862; B § 311; BH § 2648; C § 2718; RL § 1093; NCL § 1551] + [2:32:1862; B § 312; BH § 2649; C § 2719; RL § 1094; NCL § 1552]

NRS 111.353 Recording of master form mortgages and deeds of trust; incorporation of provisions by reference in subsequently recorded instruments. A mortgage or deed of trust of real property may be recorded and be constructive notice of such mortgage or deed of trust and the contents thereof in the following manner:

1. Any person may record in the office of the county recorder of any county master form mortgages and deeds of trust of real property, which:

(a) Need not be acknowledged or proved or certified to be recorded or entitled to record.

(b) Shall have noted upon the face thereof that they are master forms.

(c) Shall be indexed and recorded by the county recorder in the same manner as other mortgages and deeds of trust are recorded, and the county recorder shall note on all indexes and records of such documents that they are master forms.

2. Thereafter, any of the provisions of any such recorded master form mortgage or deed of trust may be included for any and all purposes in any mortgage or deed of trust by reference therein to any such provisions, without setting them forth in full, if such master form mortgage or deed of trust is of record in the county in which the mortgage or deed of trust adopting or including by reference any of the provisions of such master form mortgage or deed of trust is recorded.

3. Such reference shall contain a statement as to the following:

(a) Each county in which the mortgage or deed of trust containing such a reference is recorded;

(b) The date such master form mortgage or deed of trust was recorded;

(c) The county recorder's office where the master form mortgage or deed of trust is recorded, and the book or volume and the first page of the records in the recorder's office wherein and at which any such master form mortgage or deed of trust was recorded; and

(d) By paragraph numbers or any other method that will definitely identify such provisions, the specific provisions of any such master form mortgage or deed of trust that are being so adopted and included therein.

4. The recording of any such mortgage or deed of trust which has included therein any such provisions by reference as provided in this section shall operate as constructive notice of the whole of such mortgage or deed of trust, including the terms, as a part of the written contents of any such mortgage or deed of trust, of any such provisions so included by reference as though such provisions were written in full therein.

5. The parties bound or to be bound by provisions so adopted and included by reference shall be bound thereby in the same manner and with like effect for all purposes as though such provisions had been and were set forth in full in any such mortgage or deed of trust.

(Added to NRS by 1967, 766)

NRS 111.355 Recordation of only part of instrument under certain conditions. A document or paper may be presented for the recordation of only a part of its contents if:

1. The part to be recorded is a mortgage or deed of trust, entitled to recordation, which refers to and incorporates:

(a) Provisions of a master form mortgage or deed of trust as authorized by [NRS 111.353](#); or

(b) Provisions of some other instrument previously recorded in the office of any county recorder; and

2. The part not to be recorded is separated from the part to be recorded and clearly marked "do not record" or "not to be recorded" or the like.

È The county recorder shall record only the mortgage or deed of trust set forth on such document or paper.

(Added to NRS by 1967, 767)

NRS 111.365 Recording affidavit of death of joint tenant or spouse holding community property with right of survivorship creates disputable presumption title vested in survivor; county recorder to send information contained in affidavits monthly to Department of Health and Human Services.

1. In the case of real property owned by two or more persons as joint tenants or as community property with right of survivorship, it is presumed that all title or interest in and to that real property of each of one or more deceased joint tenants or the deceased spouse has terminated, and vested solely in the surviving joint tenant or spouse or vested jointly in the surviving joint tenants, if there has been recorded in the office of the recorder of the county or counties in which the real property is situate an affidavit, subscribed and sworn to by a person who has knowledge of the facts required in this subsection, which sets forth the following:

(a) The family relationship, if any, of the affiant to each deceased joint tenant or the deceased spouse;

(b) A description of the instrument or conveyance by which the joint tenancy or right of survivorship was created;

(c) A description of the property subject to the joint tenancy or right of survivorship; and

(d) The date and place of death of each deceased joint tenant or the deceased spouse.

2. Each month, a county recorder shall send all the information contained in each affidavit received by the county recorder pursuant to subsection 1 during the immediately preceding month to the Department of Health and Human Services in any format and by any medium approved by the Department.

(Added to NRS by 1971, 803; A 1983, 667; 1991, 461; 1995, 2571; [1999, 885](#); [2003, 878](#))

ELECTRONIC RECORDING OF REAL PROPERTY (UNIFORM ACT)

NRS 111.366 Short title. [NRS 111.366](#) to [111.3697](#), inclusive, may be cited as the Uniform Real Property Electronic Recording Act.

(Added to NRS by [2007, 137](#))

NRS 111.3663 Definitions. As used in [NRS 111.366](#) to [111.3697](#), inclusive, unless the context otherwise requires, the words and terms defined in [NRS 111.3667](#) to [111.368](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by [2007, 137](#))

NRS 111.3667 “Document” defined. “Document” means information that is:

1. Inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form; and

2. Eligible to be recorded in the records maintained by the county recorder.

(Added to NRS by [2007, 137](#))

NRS 111.367 “Electronic” defined. “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

(Added to NRS by [2007, 138](#))

NRS 111.3673 “Electronic document” defined. “Electronic document” means a document that is received by the county recorder in an electronic form.

(Added to NRS by [2007, 138](#))

NRS 111.3675 “Electronic signature” defined. “Electronic signature” means an electronic sound, symbol or process attached to or logically associated with a document and executed or adopted by a person with the intent to sign the document.

(Added to NRS by [2007, 138](#))

NRS 111.3677 “Person” defined. “Person” means a natural person, corporation, business trust, estate, trust, partnership, limited-liability company, association, joint venture, public corporation, government or governmental subdivision, agency or instrumentality or any other legal or commercial entity.

(Added to NRS by [2007, 138](#))

NRS 111.368 “State” defined. “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.

(Added to NRS by [2007, 138](#))

NRS 111.3683 Applicability. [NRS 111.366](#) to [111.3697](#), inclusive, allow a person to submit an electronic document for recording with a county recorder only if the county recorder has elected to accept electronic documents for recording in accordance with the provisions of [NRS 111.366](#) to [111.3697](#), inclusive.

(Added to NRS by [2007, 138](#))

NRS 111.3685 Validity of electronic documents.

1. If a law requires, as a condition for recording, that a document be an original, be on paper or another tangible medium, or be in writing, the requirement is satisfied by an electronic document satisfying the provisions of [NRS 111.366](#) to [111.3697](#), inclusive.

2. If a law requires, as a condition for recording, that a document be signed, the requirement is satisfied by an electronic signature.

3. A requirement that a document or a signature associated with a document be notarized, acknowledged, verified, witnessed or made under oath is satisfied if the electronic signature of the person authorized to perform that act, and all other information required to be included, is attached to or logically associated with the document or signature. A physical or electronic image of a stamp, impression or seal need not accompany an electronic signature.

(Added to NRS by [2007, 138](#))

NRS 111.3687 Recording of documents.

1. A county recorder:

(a) Who implements any of the functions listed in this section shall do so in compliance with standards established by the Secretary of State.

(b) May receive, index, store, archive and transmit electronic documents.

(c) May provide for access to, and for search and retrieval of, documents and information by electronic means.

(d) Who accepts electronic documents for recording shall continue to accept paper documents as authorized by state law and shall place entries for both types of documents in the same index.

(e) May convert paper documents accepted for recording into electronic form.

(f) May convert into electronic form information recorded before the county recorder began to record electronic documents.

(g) May accept electronically any fee or tax that the county recorder is authorized to collect.

(h) May agree with other officials of a state or a political subdivision thereof, or of the United States, on procedures or

processes to facilitate the electronic satisfaction of prior approvals and conditions precedent to recording and the electronic payment of fees and taxes.

2. As used in this section, "paper document" means a document that is received by the county recorder in a form that is not electronic.

(Added to NRS by [2007, 138](#))

NRS 111.369 Administration and standards.

1. The Secretary of State shall adopt by regulation standards to implement the provisions of [NRS 111.366](#) to [111.3697](#), inclusive.

2. To keep the standards and practices of county recorders in this State in harmony with the standards and practices of recording offices in other jurisdictions that enact substantially the Uniform Real Property Electronic Recording Act and to keep the technology used by county recorders in this State compatible with technology used by recording offices in other jurisdictions that enact substantially the Uniform Real Property Electronic Recording Act, the Secretary of State, so far as is consistent with the purposes, policies and provisions of [NRS 111.366](#) to [111.3697](#), inclusive, shall consider in adopting, amending and repealing the standards required by this section:

(a) Standards and practices of other jurisdictions;

(b) The most recent standards promulgated by national standard-setting bodies, such as the Property Records Industry Association;

(c) The views of interested persons and governmental officials and entities;

(d) The needs of counties of varying size, population and resources; and

(e) Standards requiring adequate information security protection to ensure that electronic documents are accurate, authentic, adequately preserved and resistant to tampering.

(Added to NRS by [2007, 139](#))

NRS 111.3693 Uniformity of application and construction. In applying and construing the Uniform Real Property Electronic Recording Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

(Added to NRS by [2007, 139](#))

NRS 111.3697 Relation to Electronic Signatures in Global and National Commerce Act. [NRS 111.366](#) to [111.3697](#), inclusive, modify, limit and supersede the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001 et seq., but do not modify, limit or supersede Section 101(c) of that Act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that Act, 15 U.S.C. § 7003(b).

(Added to NRS by [2007, 139](#))

EASEMENT FOR COLLECTION OF SOLAR ENERGY

NRS 111.370 Creation of easement by grant; signing, recording and contents of instrument creating easement.

1. An easement for collection of solar energy may be created by a grant from the owner of neighboring land to the owner of land on which equipment for the collection of solar energy has been or is planned to be installed.

2. The easement is an interest in real property.

3. The grant must be expressed in a written instrument, signed by the grantor. When acknowledged, the instrument must be recorded by the county recorder in the county where the burdened and benefited lands are situated.

4. The instrument must include a description of:

(a) The burdened and benefited lands.

(b) The location, size and periods of operation of the equipment to be used in collecting the solar energy.

(c) The open area to be preserved for passage of direct solar radiation across the burdened land to the collecting equipment, by dimensions or bearings from the collecting equipment or by a statement that no obstructions which cast a shadow on the equipment during its periods of operation are allowed on the burdened land.

(Added to NRS by 1979, 469)

NRS 111.375 Vesting of easement; effect of transfer of land.

1. An easement for the collection of solar energy becomes vested in a grantee upon the recording of the grant.

2. The easement is appurtenant to the benefited land. The benefit of the easement passes with the benefited land and the burden of the easement passes with the burdened land upon any transfer, voluntary or involuntary, of the respective lands.

(Added to NRS by 1979, 470)

NRS 111.380 Termination, modification or extinguishment of easement. An easement for the collection of solar energy:

1. Terminates upon the expiration of a period of limitation specified in the grant creating the easement.

2. Terminates upon recording of a release of the easement by the owner of the benefited land.

3. May be modified or extinguished by an order of a court based upon principles of equity, changes in conditions or abandonment.

(Added to NRS by 1979, 470)

EASEMENTS FOR CONSERVATION

NRS 111.390 General purpose. The general purpose of [NRS 111.390](#) to [111.440](#), inclusive, is to make uniform the law of those states which enact the Uniform Conservation Easement Act or provisions substantially similar to that act.
(Added to NRS by 1983, 687)

NRS 111.400 Scope.

1. [NRS 111.390](#) to [111.440](#), inclusive, apply to any interest in real property created:
 - (a) On or after July 1, 1983, which complies with those sections, whether designated as an easement for conservation or as a covenant, equitable servitude, restriction, easement or otherwise; or
 - (b) Before July 1, 1983, if the interest would have been enforceable had it been created after July 1, 1983, except that the interest is not enforceable against a bona fide purchaser of the real property for value or the holder of an encumbrance on real property if:
 - (1) The purchase or encumbrance of the real property was made after the easement for conservation was created but before July 1, 1983; and
 - (2) The easement for conservation was not enforceable at the time of the purchase or encumbrance of the real property under other law of this State.
2. Those sections do not invalidate any interest in real property whether designated as an easement for conservation or preservation or as a covenant, equitable servitude, restriction, easement or otherwise, which is enforceable under other law of this State.
(Added to NRS by 1983, 687)

NRS 111.410 Definitions. As used in [NRS 111.390](#) to [111.440](#), inclusive, unless the context otherwise requires:

1. "Easement for conservation" means a nonpossessory interest of a holder in real property, which imposes limitations or affirmative obligations and:
 - (a) Retains or protects natural, scenic or open-space values of real property;
 - (b) Assures the availability of real property for agricultural, forest, recreational or open-space use;
 - (c) Protects natural resources;
 - (d) Maintains or enhances the quality of air or water; or
 - (e) Preserves the historical, architectural, archeological, paleontological or cultural aspects of real property.
2. "Holder" means:
 - (a) A governmental body empowered to hold an interest in real property; or
 - (b) A charitable corporation, charitable association or charitable trust which has among its powers or purposes to:
 - (1) Retain or protect the natural, scenic or open-space values of real property;
 - (2) Assure the availability of real property for agricultural, forest, recreational or open-space use;
 - (3) Protect natural resources;
 - (4) Maintain or enhance the quality of air or water; or
 - (5) Preserve the historical, architectural, archeological, paleontological or cultural aspects of real property.
3. "Right of enforcement by a third person" means a right provided in an easement for conservation to enforce any of the easement's terms granted to a governmental body, charitable corporation, charitable association or charitable trust who is not a holder of the easement although qualified to be one.
(Added to NRS by 1983, 687; A [2009, 375](#))

NRS 111.420 Creation; recording; duration; effect on existing interest in real property.

1. Except as otherwise provided in [NRS 111.390](#) to [111.440](#), inclusive, an easement for conservation may be created, conveyed, recorded, assigned, released, modified, terminated or otherwise altered or affected in the same manner as other easements.
2. No right or duty in favor of or against a holder and no right of enforcement in favor of a third person arises under an easement for conservation before it is accepted by the holder and the acceptance is recorded.
3. An easement for conservation is unlimited in duration unless:
 - (a) The instrument creating it otherwise provides; or
 - (b) A court orders that the easement be terminated or modified, according to subsection 2 of [NRS 111.430](#).
4. An interest in real property existing at the time the easement for conservation is created is not impaired by the easement unless the owner of the interest is a party to the easement or consents to it.
(Added to NRS by 1983, 688)

NRS 111.430 Actions affecting easements for conservation.

1. An action affecting an easement for conservation may be brought by:
 - (a) An owner of an interest in the real property burdened by the easement;
 - (b) A holder of the easement;
 - (c) A third person with a right of enforcement; or
 - (d) A person authorized by other law.
2. [NRS 111.390](#) to [111.440](#), inclusive, do not affect the power of a court to modify or terminate an easement for conservation in accordance with the principles of law and equity.
(Added to NRS by 1983, 688)

NRS 111.440 Validity. An easement for conservation is valid even though:

1. It is not appurtenant to an interest in real property;
 2. It can be or has been assigned to another holder;
 3. It is not of a character that has been recognized traditionally at common law;
 4. It imposes a negative burden;
 5. It imposes affirmative obligations upon the owner of an interest in the burdened property or upon the holder;
 6. The benefit does not touch or concern real property; or
 7. There is no privity of estate or of contract.
- (Added to NRS by 1983, 689)

ATTORNEYS-IN-FACT AND AGENTS

NRS 111.450 Power of attorney to convey real property: Acknowledgment; recordation and revocation. Repealed. (See chapter 64, [Statutes of Nevada 2009, at page 213.](#))

NRS 111.460 Power of attorney for principal with a disability: Execution; actions binding; accounting to guardian. Repealed. (See chapter 64, [Statutes of Nevada 2009, at page 213.](#))

NRS 111.470 Power of attorney for principal with a disability: Power not terminated by death, disability or incompetence of principal; affidavit of attorney-in-fact or agent as evidence of nonrevocation or nontermination. Repealed. (See chapter 64, [Statutes of Nevada 2009, at page 213.](#))

REGISTRATION OF SECURITIES IN BENEFICIARY FORM (UNIFORM ACT)

NRS 111.480 Short title; uniformity of application and construction. [NRS 111.480](#) to [111.650](#), inclusive:

1. May be cited as the Uniform TOD Security Registration Act; and
 2. Must be construed and applied to effectuate their general purpose to make uniform the law with respect to their subject among states enacting the Uniform TOD Security Registration Act.
- (Added to NRS by 1997, 223)

NRS 111.490 Definitions. As used in [NRS 111.480](#) to [111.650](#), inclusive, unless the context otherwise requires, the words and terms defined in [NRS 111.500](#) to [111.540](#), inclusive, have the meanings ascribed to them in those sections.
(Added to NRS by 1997, 223)

NRS 111.500 “Beneficiary” defined. “Beneficiary” means a person designated to become the owner of a security upon the death of the preceding owner.
(Added to NRS by 1997, 223)

NRS 111.510 “Beneficiary form” defined. “Beneficiary form” means the registration of a security that indicates the present owner of the security and designates a beneficiary.
(Added to NRS by 1997, 223)

NRS 111.520 “Register” defined. “Register” means to issue a certificate showing the ownership of a certificated security or, in the case of an uncertificated security, to initiate or transfer an account showing ownership of securities. Its derivatives have a corresponding meaning.
(Added to NRS by 1997, 223)

NRS 111.530 “Registering entity” defined. “Registering entity” means a person who originates or transfers title to a security by registration. The term includes a broker maintaining securities accounts for customers and a transfer agent or other person acting for or as an issuer of securities.
(Added to NRS by 1997, 223)

NRS 111.540 “Security” defined. “Security” means a share, participation or other interest in property, in a business or in an obligation of an enterprise or other issuer. The term includes a certificated security, an uncertificated security and a securities account. As used in this section, “securities account” means:

1. A reinvestment account associated with a security, a securities account with a broker, a cash balance in a brokerage account, cash, cash equivalents, interest, earnings or dividends earned or declared on a security in a securities account, a reinvestment account or a brokerage account, whether or not credited to the account before the owner’s death;
 2. An investment management or custody account with a trust company or a trust division of a bank with trust powers, including the securities in the account, a cash balance in the account, cash, cash equivalents, interest, earnings or dividends earned or declared on a security in the account, whether or not credited to the account before the owner’s death; or
 3. A cash balance or other property held for or due to the owner of a security as a replacement for or product of a security held in a securities account, whether or not credited to the account before the owner’s death.
- (Added to NRS by 1997, 223; A [2005, 57](#))

NRS 111.550 Applicability. [NRS 111.480](#) to [111.650](#), inclusive, apply to registrations of securities in beneficiary form made before, on or after October 1, 1997, by decedents dying on or after October 1, 1997.
(Added to NRS by 1997, 226)

NRS 111.560 Persons eligible to obtain registration; manner in which multiple owners of registered securities hold title. Only natural persons whose registration of a security shows sole ownership by one natural person or multiple ownership by two or more natural persons with right of survivorship, rather than as tenants in common, may obtain registration in beneficiary form. Multiple owners of a security registered in beneficiary form hold as joint tenants with right of survivorship, as tenants by the entirety or as owners of community property held in survivorship form, and not as tenants in common.

(Added to NRS by 1997, 223)

NRS 111.570 Validity of registration.

1. A security may be registered in beneficiary form if the Uniform TOD Security Registration Act or a similar statute is in force in:

(a) The state of organization of the issuer or registering entity or the location of the registering entity's principal office, the office of its transfer agent or its office making the registration; or

(b) The state listed as the owner's address at the time of registration.

2. A registration governed by the law of a jurisdiction in which the Uniform TOD Security Registration Act or similar legislation is not in force or was not in force when a registration in beneficiary form was made is nevertheless presumed to be valid and authorized as a matter of contract.

3. As used in this section, "state" includes a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands and any territory or possession subject to the jurisdiction of the United States.

(Added to NRS by 1997, 224)

NRS 111.580 Designation of beneficiary required for registration. A security, whether evidenced by certificate or account, is registered in beneficiary form if the registration includes a designation of a beneficiary to become the owner at the death of the owner or the deaths of all multiple owners.

(Added to NRS by 1997, 224)

NRS 111.590 Words or abbreviations indicating registration. Registration in beneficiary form may be shown by the words "transfer on death" or the abbreviation "TOD" or by the words "pay on death" or the abbreviation "POD" after the name of the registered owner and before the name of a beneficiary.

(Added to NRS by 1997, 224)

NRS 111.600 Effect of designation of beneficiary on ownership of registered securities; cancellation or modification of registration. The designation of a beneficiary on a registration in beneficiary form has no effect on ownership until the owner's death. A registration of a security in beneficiary form may be cancelled or changed at any time by the sole owner or all then surviving owners, without the consent of the beneficiary.

(Added to NRS by 1997, 224)

NRS 111.610 Disposition of registered securities upon death of owner. On the death of a sole owner or the last to die of all multiple owners, ownership of securities registered in beneficiary form transfers to the beneficiary or beneficiaries who survive all owners. Upon proof of death of all owners and compliance with any applicable requirements of the registering entity, a security registered in beneficiary form may be reregistered in the name of the beneficiary or beneficiaries who survived the death of all owners. Until division of the security after the death of all owners, multiple beneficiaries surviving the death of all owners hold their interests as tenants in common. If no beneficiary survives the death of all owners, the security belongs to the estate of the deceased sole owner or the estate of the last to die of all multiple owners.

(Added to NRS by 1997, 224)

NRS 111.620 Transfer on death of registered security is contractual and not testamentary; rights of creditors.

1. A transfer on death resulting from a registration in beneficiary form is effective by reason of the contract regarding the registration between the owner and the registering entity and [NRS 111.480](#) to [111.650](#), inclusive, and is not testamentary.

2. [NRS 111.480](#) to [111.650](#), inclusive, do not limit the rights of creditors of owners of securities against beneficiaries and other transferees under other laws of this state.

(Added to NRS by 1997, 225)

NRS 111.630 Offer or acceptance of requests for registration by registering entity.

1. A registering entity is not required to offer or to accept a request for registration of a security in beneficiary form. If a registration in beneficiary form is offered by a registering entity, the owner requesting registration in beneficiary form assents to the protections given to the registering entity by [NRS 111.480](#) to [111.650](#), inclusive.

2. By accepting a request for registration of a security in beneficiary form, the registering entity agrees that the registration will be effective on the death of the deceased owner as provided in [NRS 111.480](#) to [111.650](#), inclusive.

(Added to NRS by 1997, 224)

NRS 111.640 Right of registering entity to establish terms and conditions for receiving and effectuating registrations; substitution and identification of beneficiaries.

1. A registering entity offering to accept registrations in beneficiary form may establish the terms and conditions under which it will receive requests for registrations in beneficiary form and for effectuation of registrations in beneficiary form, including requests for cancellation of previously registered designations of beneficiary and requests for reregistration to effect a change of beneficiary. The terms and conditions so established may provide for proving death, avoiding or resolving any problems concerning fractional shares, designating primary and contingent beneficiaries, and substituting a named beneficiary's descendants to take in the place of the named beneficiary in the event of the beneficiary's death.

2. Substitution may be indicated by appending to the name of the primary beneficiary the letters "LDPS," standing for "lineal descendants per stirpes." This designation substitutes a deceased beneficiary's descendants who survive the owner for a beneficiary who fails to survive, the descendants to be identified and to share in accordance with the law of the beneficiary's domicile at the owner's death governing inheritance by descendants of an intestate.

3. Other forms of identifying beneficiaries who are to take on one or more contingencies, and rules for providing proofs and assurances needed to satisfy reasonable concerns by registering entities regarding conditions and identities relevant to accurate implementation of registrations in beneficiary form, may be contained in a registering entity's terms and conditions.

(Added to NRS by 1997, 225)

NRS 111.650 Liability of registering entity.

1. A registering entity is discharged from all claims to a security by the estate, creditors, heirs or devisees of a deceased owner if it registers a transfer of a security in accordance with [NRS 111.610](#) and does so relying in good faith on:

(a) The registration;

(b) [NRS 111.480](#) to [111.650](#), inclusive; and

(c) Information provided to it by affidavit of the personal representative of the deceased owner, or by the surviving beneficiary or by the surviving beneficiary's representatives, or other information available to the registering entity.

2. The protections of [NRS 111.480](#) to [111.650](#), inclusive, do not extend to a reregistration or payment made after a registering entity has received written notice from a claimant to any interest in the security objecting to effectuation of a registration in beneficiary form. No other notice or other information available to the registering entity affects its right to protection under [NRS 111.480](#) to [111.650](#), inclusive.

3. The protection provided by [NRS 111.480](#) to [111.650](#), inclusive, to the registering entity of a security does not affect the rights of beneficiaries in disputes between themselves and other claimants to ownership of the security transferred or its value or proceeds.

4. As used in this section:

(a) "Devisee" means a person designated in a will to receive a disposition of real or personal property.

(b) "Heirs" means those persons, including the surviving spouse, who are entitled under the statutes of intestate succession to the property of a decedent.

(c) "Personal representative" includes an executor, administrator, successor personal representative, special administrator and persons who perform substantially the same function.

(Added to NRS by 1997, 225)