

## **LOST MARRIAGE LICENSES**

A.R.S. §25-123(C) (eff. 8/6/99) states: If a marriage license is lost before the endorsement of solemnization, the persons who wish to marry shall reapply to the clerk for a marriage license pursuant to Section 25-121 and pay a fee pursuant to Section 12-284.

(D) If the license that bears the endorsement of solemnization is lost, the clerk shall issue a replacement license that must be signed by the person who solemnized the marriage, the persons married and two of the witnesses to the marriage ceremony. The signed replacement license shall be returned to the clerk who shall record the license. If the persons married are unable to obtain all of the required signatures, either of them or their representative may apply to the Superior Court for an Order to authorize the issuance of a duplicate endorsed marriage license. The application shall be by a sworn statement that describes the circumstances of the marriage ceremony and that contains the notarized signatures of the applicant and, if possible, both persons married, the person who solemnized the marriage and at least two witnesses to the marriage ceremony. If the application is submitted by a representative, the court shall determine if the representative is an appropriate requesting party. Pursuant to a court order, the clerk shall issue and record a duplicate endorsed marriage license. The court shall not charge a fee for the application or for issuing or recording the duplicate endorsed marriage license.

### **Types of Procedures for Lost Marriage Licenses:**

A. License lost before solemnization of the marriage:

1. Couple must re-apply for a marriage license and pay the fee.

B. License lost after solemnization of the marriage:

1. Clerk shall issue a replacement license (no fee) and parties get it signed by person solemnizing the marriage and two of the witnesses. Clerk then records the license.
2. If it isn't possible to get all signatures on license, the following procedure must be followed: (No fee)
  - a. A party, parties or representative must file an application to duplicate the license.
  - b. The Judge signs an Order directing the Clerk to issue and record a duplicate endorsed license.

### **PROCEDURES FOR ISSUING LOST LICENSE AFTER SOLEMNIZATION**

1. Give the parties the Affidavit and Order to fill out. The Affidavit should be self-explanatory. It doesn't have to be the same two witnesses, but any witnesses who witnessed the marriage.
2. Give the Affidavit a DO case number. There is no fee.
3. Submit it to the Judge for his signature.
4. When the Order comes back, register Order and place copy in M.E. book.
5. Prepare a marriage license with all the names and information on it by typing /s/ John Doe (for example) where each person's name should be according to the Affidavit.
6. Sign the license, put seal on it, and record it as a regular marriage license. Put a copy of the Affidavit and Order with the license to be microfilmed.
7. Mail the license with a certified copy of the Affidavit and Order to parties.