

ARTICLE 2-03

PRACTICE STANDARDS

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CHAPTER 2-03-01 TIMELINESS OF SERVICE

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2-03-01-01. Logbook. Every abstract office shall maintain a logbook of requested abstract work. The logbook must document the customer's name, the date the request for work is received, the promised or expected completion date, the actual completion date, and a remarks column. Except as otherwise agreed by the customer, the expected completion date will be three weeks or less after receipt of the work order. The abstracter shall note any extenuating circumstances under section 2-03-01-03, and shall include an explanation if work is not completed within three weeks. The board or the board's representative may examine the logbook at any time, either in person or by requiring the abstracter to photocopy pages from the book and mail them to the board or the board's representative or by requiring the abstracter to fax pages from the logbook to a designated facsimile machine within a specified time period.

History: Effective April 1, 2006.

General Authority: NDCC 43-01-16

Law Implemented: NDCC 43-01-16

2-03-01-02. Timeliness of service. Under normal circumstances, the abstracter will complete each requested abstract work order within a presumed period of three weeks or less from receipt of the requested abstract work order.

History: Effective April 1, 2006.

General Authority: NDCC 43-01-16

Law Implemented: NDCC 43-01-16

2-03-01-03. Exceptions to presumed timeliness standard. The following are exceptions from the standard presumed turnaround time of three weeks or less:

1. The customer and abstract company have mutually agreed upon a different time limit, which must be documented in the logbook.

2. Circumstances other than the customer's consent which may prevent an abstract company from completing a job request within three weeks include:
 - a. The extended absence of a key employee or employees due to illness, death in the employee's immediate family, deployment by any branch of the armed forces, jury duty, or a reasonable unavoidable absence caused by circumstances beyond the employee's control.
 - b. The abstracter is delayed by waiting for information from third parties or the customer which prevent the abstracter from completing the work.
 - c. The abstract job is too voluminous to be completed within a three-week time period, in which case, the abstracter shall notify the customer and attempt to mutually agree upon a specific date.
 - d. Work may be delayed until the requesting customer's previous invoices have been paid.
3. If requested abstract work is received by means other than personal delivery, and if the abstract company determines the job cannot be completed within three weeks of receipt, or within the time limits stated in correspondence from the customer, then the abstract company must contact the customer and negotiate a reasonable completion date, which must be documented in the logbook.

History: Effective April 1, 2006.

General Authority: NDCC 43-01-16

Law Implemented: NDCC 43-01-16

2-03-01-04. Practice parameters. In addition to any other disciplinary measure available to the board, if the board determines there are consistent problems with tardiness in completing abstract work under normal circumstances, the board may require the abstract company to hire and to train additional employees at the company's expense.

History: Effective April 1, 2006.

General Authority: NDCC 43-01-16

Law Implemented: NDCC 43-01-16

2-03-01-05. Work product requirements. As part of the duty to provide an abstract on request:

1. Abstracters and abstract companies may not refuse to provide an industry acceptable alternative abstract product, such as stubbing separate parcels or providing a partial abstract, if requested in writing

by a customer and if the alternative is not adverse to provisions guiding such products or the usage thereof under law.

2. Abstracters and abstract companies may not refuse to exclude from abstracts of title, at the customer's written request, recorded documents such as zoning ordinances, mineral instruments, or other documents under North Dakota Century Code section 43-01-15.1.

History: Effective April 1, 2006.

General Authority: NDCC 43-01-05, 43-01-16

Law Implemented: NDCC 43-01-15.1, 43-01-16