

CHAPTER 2-03-03 BILLING

Section
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An abstracter may charge no more than is allowed under North Dakota Century Code section 43-01-18. The following rules guide charges under the law:

1. Charges are allowed for searching different names, but a separate charge may not be made for the same or substantially the same name. A name with or without a middle initial is substantially the same name, but names with substantial differences, such as the suffixes jr. or sr., are different names. A married woman who uses the prefix mrs. followed by her husband's given name and surname creates a different name for searching than the woman's given name and her married surname. Also, a separate search charge may be made if a person's name has changed for any reason, such as marriage (including name combinations or hyphenations).
2. It is presumptively not overcharging to search all names on the title within the last forty years for tax and judgment liens, if relevant to the time period being searched.
3. Recording practices differ across the state. When billing, an abstracter shall charge based on the actual recording practice in the county.
 - a. Some counties will record documents as miscellaneous instruments and some counties will record the same documents as deeds or mortgages. Abstracters may charge by the actual recording.
 - b. Any document that was recorded as a single document may only be charged as a single instrument without regard to the number of attachments, letters, or riders. Conversely, if a document was recorded separately, it may be charged as a separate instrument even if it obviously relates to an additional instrument.
4. Charges for miscellaneous documents are based on the number of words in the document as abstracted and may not be based on the number of words in the document itself. Photocopies or verbatim documents may only be charged as a single entry.
5. Judgments, taxes, and tax liens are shown on the certification and are included within the certification fee and the name search charge. An additional charge is not allowed if a separate page is required for judgments and tax liens shown as attachments.
6. Abstracters may pass on to their customers the fees and costs that are charged to them for searches, recording fees, postage, etc.

History: Effective April 1, 2006.

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

Law Implemented: NDCC 43-01-15, 43-01-16, 43-01-18