

SENATE BILL NO. 2024

Introduced by

Legislative Council

(Advisory Commission on Intergovernmental Relations)

1 A BILL for an Act to amend and reenact sections 11-18-05 and 11-18-22 of the North Dakota
2 Century Code, relating to the expiration of the document preservation fund.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 11-18-05 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **11-18-05. (~~Effective through June 30, 2005~~) Fees of recorder.** The recorder shall
7 charge and collect the following fees:

8 1. For recording an instrument affecting title to real estate:

9 a. Deeds, mortgages, and all other instruments not specifically provided for in
10 this subsection, ten dollars for the first page and three dollars for each
11 additional page. In addition, for all documents recorded under this section
12 that list more than five sections of land, a fee of one dollar for each additional
13 section listed which is to be recorded in the tract index. Three dollars of the
14 fee collected for the first page of each instrument recorded under this
15 subdivision must be placed in the document preservation fund.

16 (1) "Page" means one side of a single legal size sheet of paper not
17 exceeding eight and one-half inches [21.59 centimeters] in width and
18 fourteen inches [35.56 centimeters] in length.

19 (2) The printed, written, or typed words must be considered legible by the
20 recorder before the page will be accepted for recording.

21 (3) Each real estate instrument must have a legal description considered to
22 be adequate by the recorder before such instrument will be accepted
23 for recording.

- 1 (4) A space of at least four inches by three and one-half inches [10.16 by
2 8.89 centimeters] square must be provided on the first or last page of
3 each instrument for the recorder's recording information. If recording
4 information can only be placed on the reverse side of an instrument, an
5 additional page charge must be levied.
- 6 b. Instruments satisfying, releasing, assigning, subordinating, continuing,
7 amending, or extending more than one instrument previously recorded in the
8 county in which recording is requested, ten dollars for the first page and three
9 dollars for each additional page plus three dollars for each such additional
10 document number or book and page. In addition, for all documents recorded
11 under this section which list more than five separate sections of land, a fee of
12 one dollar for each additional section listed which is to be recorded in the tract
13 index. Three dollars of the fee collected for the first page of each instrument
14 recorded under this subdivision must be placed in the document preservation
15 fund.
- 16 c. Plats, irregular tracts, or annexations, ten dollars for one lot plus ten cents for
17 each additional lot, with the exception of auditor's lots which must be a single
18 charge of seven dollars.
- 19 d. All instruments presented for recording after June 30, 2001, must contain a
20 one-inch [2.54-centimeter] top, bottom, or side margin on each page of the
21 instrument for the placement of computerized recording labels. An instrument
22 that does not conform to this margin requirement may be recorded upon
23 payment of an additional fee of ten dollars.
- 24 2. For filing any non-central indexing system instrument, ten dollars.
- 25 3. For making certified copies of any recorded instrument or filed non-central indexing
26 system instrument, the charge is five dollars for the first page and two dollars for
27 each additional page. For making a noncertified copy of any recorded instrument
28 or filed non-central indexing system instrument, a fee of not more than one dollar
29 per instrument page.
- 30 4. For filing, indexing, making, or completing any statement, abstract, or certificate
31 under the Uniform Commercial Code central filing data base, the computerized

1 central notice system or the computerized statutory liens data base, for receiving
2 printouts, and for other services provided through the computerized system, the fee
3 is the same as that provided in sections 41-09-96 and 54-09-11.

4 5. The recorder may establish procedures for providing access for duplicating records
5 under the recorder's control. Such records include paper, photostat, microfilm,
6 microfiche, and electronic or computer-generated instruments created by
7 governmental employees.

8 6. Duplicate recorders' records stored offsite as a security measure are not
9 accessible for reproduction.

10 ~~(Effective after June 30, 2005) Fees of recorder.~~ The recorder shall charge and
11 collect the following fees:

12 ~~1. For recording an instrument affecting title to real estate:~~

13 a. ~~Deeds, mortgages, and all other instruments not specifically provided for in~~
14 ~~this subsection, seven dollars for the first page and three dollars for each~~
15 ~~additional page. In addition, for all documents recorded under this section~~
16 ~~that list more than five sections of land, a fee of one dollar for each additional~~
17 ~~section listed which is to be recorded in the tract index.~~

18 ~~(1) "Page" means one side of a single legal size sheet of paper not~~
19 ~~exceeding eight and one half inches [21.59 centimeters] in width and~~
20 ~~fourteen inches [35.56 centimeters] in length.~~

21 ~~(2) The printed, written, or typed words must be considered legible by the~~
22 ~~recorder before the page will be accepted for recording.~~

23 ~~(3) Each real estate instrument must have a legal description considered to~~
24 ~~be adequate by the recorder before such instrument will be accepted~~
25 ~~for recording.~~

26 ~~(4) A space of at least four inches by three and one half inches [10.16 by~~
27 ~~8.89 centimeters] square must be provided on the first or last page of~~
28 ~~each instrument for the recorder's recording information. If recording~~
29 ~~information can only be placed on the reverse side of an instrument, an~~
30 ~~additional page charge must be levied.~~

- 1 b. ~~Instruments satisfying, releasing, assigning, subordinating, continuing,~~
2 ~~amending, or extending more than one instrument previously recorded in the~~
3 ~~county in which recording is requested, seven dollars for the first page and~~
4 ~~three dollars for each additional page plus three dollars for each such~~
5 ~~additional document number or book and page. In addition, for all documents~~
6 ~~recorded under this section which list more than five separate sections of~~
7 ~~land, a fee of one dollar for each additional section listed which is to be~~
8 ~~recorded in the tract index.~~
- 9 e. ~~Plats, irregular tracts, or annexations, ten dollars for one lot plus ten cents for~~
10 ~~each additional lot, with the exception of auditor's lots which must be a single~~
11 ~~charge of seven dollars.~~
- 12 d. ~~All instruments presented for recording after June 30, 2001, must contain a~~
13 ~~one inch [2.54 centimeter] top, bottom, or side margin on each page of the~~
14 ~~instrument for the placement of computerized recording labels. An instrument~~
15 ~~that does not conform to this margin requirement may be recorded upon~~
16 ~~payment of an additional fee of ten dollars.~~
- 17 2. ~~For filing any non-central indexing system instrument, ten dollars.~~
- 18 3. ~~For making certified copies of any recorded instrument or filed non-central indexing~~
19 ~~system instrument, the charge is five dollars for the first page and two dollars for~~
20 ~~each additional page. For making a noncertified copy of any recorded instrument~~
21 ~~or filed non-central indexing system instrument, a fee of not more than one dollar~~
22 ~~per instrument page.~~
- 23 4. ~~For filing, indexing, making, or completing any statement, abstract, or certificate~~
24 ~~under the Uniform Commercial Code central filing data base, the computerized~~
25 ~~central notice system or the computerized statutory liens data base, for receiving~~
26 ~~printouts, and for other services provided through the computerized system, the fee~~
27 ~~is the same as that provided in sections 41-09-96 and 54-09-11.~~
- 28 5. ~~The recorder may establish procedures for providing access for duplicating records~~
29 ~~under the recorder's control. Such records include paper, photostat, microfilm,~~
30 ~~microfiche, and electronic or computer-generated instruments created by~~
31 ~~governmental employees.~~

1 6. ~~Duplicate recorders' records stored offsite as a security measure are not~~
2 ~~accessible for reproduction.~~

3 **SECTION 2. AMENDMENT.** Section 11-18-22 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **11-18-22. ~~(Effective through June 30, 2005)~~ Document preservation fund.** The
6 county treasurer shall establish a document preservation fund to receive the portion of the
7 recording fees authorized by section 11-18-05. The revenue in this fund may be used only for
8 contracting for and purchasing equipment and software for a document preservation, storage,
9 and retrieval system; training employees to operate the system; maintaining and updating the
10 system; and contracting for the offsite storage of microfilm or electronic duplicates of
11 documents for the county recorder's office.