

Introduced by

Representatives Louser, Beadle, Vetter

Senators Casper, Meyer

1 A BILL for an Act to amend and reenact section 11-18-02.2 and paragraph 8 of subdivision a of  
2 subsection 3 of section 47-10-27 of the North Dakota Century Code, relating to property sales  
3 price disclosures; and to provide a penalty.

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

5 **SECTION 1. AMENDMENT.** Section 11-18-02.2 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **11-18-02.2. Statements of full consideration to be filed with state board of**  
8 **equalization or recorder - Procedure - Penalty.**

9 1. Any grantee or grantee's authorized agent who presents a deed in the office of the  
10 county recorder shall certify on the face of the deed ~~any~~ one of the following:

11 a. ~~A statement that the grantee has filed a report of the full consideration paid for~~  
12 ~~the property conveyed with the state board of equalization.~~

13 b. ~~A statement that the grantee has filed a report of the full consideration paid for~~  
14 ~~the property conveyed with the recorder.~~

15 ~~e.b.~~ A statement of the full consideration paid for the property conveyed.

16 d.~~e.b.~~ A statement designating one of the exemptions in subsection 76 which the  
17 grantee believes applies to the transaction.

18 2. Any party who presents an affidavit of affixation to real property of a manufactured  
19 home in the office of the county recorder in accordance with section 47-10-27 and who  
20 acquired the manufactured home before the affixation of the manufactured home to  
21 the real property shall either contain in or present in addition to the affidavit of  
22 affixation ~~any one of the following:~~

23 a. ~~A statement that the party has filed with the state board of equalization a report of~~  
24 ~~the full consideration paid for the manufactured home before the affixation.~~

- 1           b. ~~A statement that the party has filed with the recorder a report of the full~~  
2           ~~consideration paid for the manufactured home before the affixation.~~
- 3           ~~e.b.~~ Aa statement of the full consideration paid by the party for the manufactured  
4           home before the affixation.
- 5           3. The recorder may not record any deed unless the deed ~~contains one of the statements~~  
6           ~~required by~~complies with subsection 1 or record any affidavit of affixation unless the  
7           affidavit ~~contains or is accompanied by one of the statements required by~~complies  
8           with subsection 2.
- 9           4. ~~The recorder shall accumulate and at least monthly forward to the state board of~~  
10           ~~equalization a report containing the information filed in the recorder's office pursuant to~~  
11           ~~subsection 1 or subsection 2.~~
- 12           5. The state board of equalization shall prescribe the necessary forms for the statements  
13           and reports to be used in carrying out this section, and the forms must contain a space  
14           for the explanation of special circumstances that may have contributed to the amount  
15           of the consideration.
- 16           ~~6.5.~~ For purposes of subsection 1, the word "deed" means an instrument or writing  
17           whereby any real property or interest therein is granted, conveyed, or otherwise  
18           transferred to the grantee, purchaser, or other person, except any instrument or writing  
19           that transfers any ownership in minerals or interests in minerals underlying land if that  
20           ownership has been severed from the ownership of the overlying land surface or any  
21           instrument or writing for the easement, lease, or rental of real property or any interest  
22           therein.
- 23           ~~7.6.~~ This section does not apply to deeds transferring title to the following types of property,  
24           or to deeds relating to the following transactions:
- 25           a. Property owned or used by public utilities.
- 26           b. Property classified as personal property.
- 27           c. A sale when the grantor and the grantee are of the same family or corporate  
28           affiliate, if known.
- 29           d. A sale that resulted as a settlement of an estate.
- 30           e. All sales to or from a government or governmental agency.
- 31           f. All forced sales, mortgage foreclosures, and tax sales.

- 1 g. All sales to or from religious, charitable, or nonprofit organizations.
- 2 h. All sales when there is an indicated change of use by the new owners.
- 3 i. All transfer of ownership of property for which is given a quitclaim deed.
- 4 j. Sales of property not assessable by law.
- 5 k. Agricultural lands of less than eighty acres [32.37 hectares].
- 6 l. A transfer that is pursuant to a judgment.
- 7 m. A transfer on death deed or revocation instrument authorized under chapter
- 8 30.1-32.1.

9 ~~8.7.~~ Any person that, in the statements provided for in subsection 1 or subsection 2,  
10 willfully falsifies the consideration paid for the transferred real property or the  
11 manufactured home, as applicable, or interest therein ~~or that falsely certifies that the~~  
12 ~~person has filed a report of full consideration with the state board of equalization is~~  
13 guilty of a class B misdemeanor.

14 **SECTION 2. AMENDMENT.** Paragraph 8 of subdivision a of subsection 3 of section  
15 47-10-27 of the North Dakota Century Code is amended and reenacted as follows:

- 16 (8) If the party executing the affidavit acquired the manufactured home before
- 17 the affixation of the manufactured home to the real property, that party shall
- 18 complete ~~one of the statements~~statement required by subsection 2 of
- 19 section 11-18-02.2; and