

**FIRST ENGROSSMENT
with Senate Amendments**

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1406

Introduced by

Representative Grosz

1 A BILL for an Act to amend and reenact sections 11-18-05 and 11-18-11 of the North Dakota
2 Century Code, relating to register of deeds fees and recording certificates.

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. Fees of register of deeds.** The register of deeds shall charge and collect
7 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, seven 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.

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

17 (2) The printed, written, or typed words must be considered legible by the
18 register of deeds before the page will be accepted for recording.

19 (3) Each real estate instrument must have a legal description considered to
20 be adequate by the register of deeds before such instrument will be
21 accepted for recording.

22 (4) A space of at least four inches by three and one-half inches [10.16 by
23 8.89 centimeters] square must be provided on the ~~front side~~ first or last
24 page of each instrument for the register of deeds' recording

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

1 printouts, and for other services provided through the computerized system, the
2 fee is the same as that provided in sections 41-09-42 and 41-09-43, as applicable.

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

7 7. Duplicate register of deeds' records stored off-site as a security measure are not
8 accessible for reproduction.

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

11 **11-18-11. Register of deeds to record or file instruments.** When an instrument
12 affecting the title to or creating a lien upon real estate within the county is numbered and
13 entered in the reception ~~book~~ record and indexed, it ~~shall~~ must be recorded or filed as provided
14 by law. ~~The register of deeds shall write or stamp, or cause to be written or stamped, at the~~
15 ~~beginning of a recorded instrument the words "document number" and shall add thereto the~~
16 ~~number stamped or written on the document. The register of deeds shall add, immediately~~
17 ~~after the record of such instrument, a certificate reciting that the instrument was filed in the~~
18 ~~register of deeds' office and giving the date and hour of filing. The register of deeds shall~~
19 ~~authenticate the certificate with an official signature, but need not affix the official seal thereto.~~
20 The register of deeds shall provide recording information on the instrument as required by
21 paragraph 4 of subdivision a of subsection 1 of section 11-18-05 and shall authenticate the
22 information with an official signature and the official seal of the office as required by section
23 11-18-04.