

**FIRST ENGROSSMENT  
with House Amendments**

**ENGROSSED SENATE BILL NO. 2173**

Introduced by

Senator Lee

1 A BILL for an Act to create and enact a new section to chapter 11-18 of the North Dakota  
2 Century Code, relating to creation of a document preservation fund; to amend and reenact  
3 section 11-18-05 of the North Dakota Century Code, relating to fees charged by the register of  
4 deeds; and to provide an expiration date.

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

6 **SECTION 1.** A new section to chapter 11-18 of the North Dakota Century Code is  
7 created and enacted as follows:

8 **Document preservation fund.** The county treasurer shall establish a document  
9 preservation fund to receive the portion of the recording fees authorized by section 11-18-05.  
10 The revenue in this fund may be used only for contracting for and purchasing equipment and  
11 software for a document preservation, storage, and retrieval system; training employees to  
12 operate the system; maintaining and updating the system; and contracting for the offsite  
13 storage of microfilm or electronic duplicates of documents for the county register of deeds'  
14 office.

15 **SECTION 2. AMENDMENT.** Section 11-18-05 of the 1999 Supplement to the North  
16 Dakota Century Code is amended and reenacted as follows:

17 **11-18-05. Fees of register of deeds.** The register of deeds shall charge and collect  
18 the following fees:

- 19 1. For recording an instrument affecting title to real estate:  
20 a. Deeds, mortgages, and all other instruments not specifically provided for in  
21 this subsection, seven dollars for the first page and three dollars for each  
22 additional page. In addition, for all documents recorded under this section  
23 that list more than five sections of land, a fee of one dollar for each additional  
24 section listed which is to be recorded in the tract index.

- 1                   (1) "Page" means one side of a single legal size sheet of paper not  
2                   exceeding eight and one-half inches [21.59 centimeters] in width and  
3                   fourteen inches [35.56 centimeters] in length.
- 4                   (2) The printed, written, or typed words must be considered legible by the  
5                   register of deeds before the page will be accepted for recording.
- 6                   (3) Each real estate instrument must have a legal description considered to  
7                   be adequate by the register of deeds before such instrument will be  
8                   accepted for recording.
- 9                   (4) A space of at least four inches by three and one-half inches [10.16 by  
10                   8.89 centimeters] square must be provided on the first or last page of  
11                   each instrument for the register of deeds' recording information. If  
12                   recording information can only be placed on the reverse side of an  
13                   instrument, an additional page charge must be levied.
- 14                  b. Instruments satisfying, releasing, assigning, subordinating, continuing,  
15                  amending, or extending more than one instrument previously recorded in the  
16                  county in which recording is requested, seven dollars for the first page and  
17                  three dollars for each additional page plus three dollars for each such  
18                  additional document number or book and page. In addition, for all documents  
19                  recorded under this section which list more than five separate sections of  
20                  land, a fee of one dollar for each additional section listed which is to be  
21                  recorded in the tract index.
- 22                  c. Plats, irregular tracts, or annexations, ten dollars for one lot plus ten cents for  
23                  each additional lot, with the exception of auditor's lots which must be a single  
24                  charge of seven dollars.
- 25                  d. All instruments presented for recording after June 30, 2001, must contain a  
26                  one-inch [2.54-centimeter] top, bottom, or side margin on each page of the  
27                  instrument for the placement of computerized recording labels. An instrument  
28                  that does not conform to this margin requirement may be recorded upon  
29                  payment of an additional fee of ~~two~~ ten dollars.
- 30                  2. For filing any non-central indexing system instrument, ~~five~~ ten dollars.

- 1           3. For making certified copies of any recorded instrument or filed non-central  
2           indexing system instrument, the charge is five dollars for the first page and two  
3           dollars for each additional page. For making a noncertified copy of any recorded  
4           instrument or filed non-central indexing system instrument, a fee of not more than  
5           one dollar per instrument page.
- 6           4. ~~For making a copy of any filed non-central indexing system instrument, one dollar~~  
7           ~~for each five pages or portion thereof. For making a certified copy of any~~  
8           ~~non-central indexing system filed instrument, five dollars plus one dollar for each~~  
9           ~~additional five pages or portion thereof.~~
- 10          5. For filing, indexing, making, or completing any statement, abstract, or certificate  
11          under the Uniform Commercial Code central filing data base, the computerized  
12          central notice system or the computerized statutory liens data base, for receiving  
13          printouts, and for other services provided through the computerized system, the  
14          fee is the same as that provided in sections 41-09-42 and 41-09-43, as applicable.
- 15          ~~6.~~ 5. The register of deeds may establish procedures for providing access for  
16          duplicating records under the register of deeds' control. Such records include  
17          paper, photostat, microfilm, microfiche, and electronic or computer generated  
18          instruments created by governmental employees.
- 19          ~~7.~~ 6. Duplicate register of deeds' records stored off-site as a security measure are not  
20          accessible for reproduction.

21           **SECTION 3. AMENDMENT.** Subsection 1 of section 11-18-05 of the 1999

22 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- 23           1. For recording an instrument affecting title to real estate:
- 24           a. Deeds, mortgages, and all other instruments not specifically provided for in  
25           this subsection, ~~seven~~ ten dollars for the first page and three dollars for each  
26           additional page. In addition, for all documents recorded under this section  
27           that list more than five sections of land, a fee of one dollar for each additional  
28           section listed which is to be recorded in the tract index. Three dollars of the  
29           fee collected for the first page of each instrument recorded under this  
30           subdivision must be placed in the document preservation fund.

- 1                   (1) "Page" means one side of a single legal size sheet of paper not  
2                   exceeding eight and one-half inches [21.59 centimeters] in width and  
3                   fourteen inches [35.56 centimeters] in length.
- 4                   (2) The printed, written, or typed words must be considered legible by the  
5                   register of deeds before the page will be accepted for recording.
- 6                   (3) Each real estate instrument must have a legal description considered to  
7                   be adequate by the register of deeds before such instrument will be  
8                   accepted for recording.
- 9                   (4) A space of at least four inches by three and one-half inches [10.16 by  
10                   8.89 centimeters] square must be provided on the first or last page of  
11                   each instrument for the register of deeds' recording information. If  
12                   recording information can only be placed on the reverse side of an  
13                   instrument, an additional page charge must be levied.
- 14                  b. Instruments satisfying, releasing, assigning, subordinating, continuing,  
15                  amending, or extending more than one instrument previously recorded in the  
16                  county in which recording is requested, ~~seven~~ ten dollars for the first page  
17                  and three dollars for each additional page plus three dollars for each such  
18                  additional document number or book and page. In addition, for all documents  
19                  recorded under this section which list more than five separate sections of  
20                  land, a fee of one dollar for each additional section listed which is to be  
21                  recorded in the tract index. Three dollars of the fee collected for the first page  
22                  of each instrument recorded under this subdivision must be placed in the  
23                  document preservation fund.
- 24                  c. Plats, irregular tracts, or annexations, ten dollars for one lot plus ten cents for  
25                  each additional lot, with the exception of auditor's lots which must be a single  
26                  charge of seven dollars.
- 27                  d. All instruments presented for recording after June 30, 2001, must contain a  
28                  one-inch [2.54-centimeter] top, bottom, or side margin on each page of the  
29                  instrument for the placement of computerized recording labels. An instrument  
30                  that does not conform to this margin requirement may be recorded upon  
31                  payment of an additional fee of two dollars.

1           **SECTION 4. EXPIRATION DATE.** Sections 1 and 3 of this Act are effective through  
2 June 30, 2005, and after that date are ineffective.