

SENATE BILL NO. 2340

Introduced by

Senators Meyer, Burckhard, Casper

Representatives Beadle, Louser, Delmore

1 A BILL for an Act to amend and reenact subsection 1 of section 11-18-05 of the North Dakota
2 Century Code, relating to fees charged by a county recorder for filing mortgage disclosures.

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

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

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

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

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

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

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

22 (4) A space of at least ~~four inches by three and one-half inches [10.16 by~~
23 ~~8.89 centimeters] square~~ three inches [7.62 centimeters] must be provided
24 enacross the top of the first or last page of each instrument for the

1 recorder's recording information. ~~If~~Except as provided in paragraph 5, if
2 recording information can only be placed on the reverse side of an
3 instrument, the recorder may add a page, and an additional page charge
4 must be levied.

5 (5) If a mortgage for which a closing disclosure was issued containing
6 information required under title 12, Code of Federal Regulations, part
7 1026.38 and the first page of the mortgage explicitly states in bold lettering
8 or stamped and signed by the mortgagor or the mortgagor's agent, "I certify
9 this document's recording fee applies under section 11-18-05 of the North
10 Dakota Century Code" the recorder shall assess a fee of fifty-five dollars.
11 Mortgages filed under this paragraph are not subject to any other fees
12 under this chapter.

- 13 b. Instruments satisfying, releasing, assigning, subordinating, continuing, amending,
14 or extending more than one instrument previously recorded in the county in which
15 recording is requested, ten dollars for the first page and three dollars for each
16 additional page plus three dollars for each such additional document number or
17 book and page. In addition, for all documents recorded under this section which
18 list more than five separate sections of land, a fee of one dollar for each
19 additional section listed which is to be recorded in the tract index. Three dollars of
20 the fee collected for the first page of each instrument recorded under this
21 subdivision must be placed in the document preservation fund.
- 22 c. Plats, twenty dollars for twenty lots or fewer and fifty dollars for more than twenty
23 lots.
- 24 d. All instruments presented for recording after June 30, 2001, must contain a
25 one-inch [2.54-centimeter] top, bottom, or side margin on each page of the
26 instrument for the placement of computerized recording labels. An instrument that
27 does not conform to this margin requirement may be recorded upon payment of
28 an additional fee of ten dollars.