

## **CHAPTER 28-02.1-13**

### **DOCUMENTS USED TO CONVEY REAL PROPERTY OR ANY INTEREST THEREIN**

#### Section

28-02.1-13-01 Survey Requirements for Preparation of Legal Descriptions and Conveyance of Property

#### **28-02.1-13-01. Survey requirements for preparation of legal descriptions and conveyance of property.**

Any registrant preparing a description, including without limitation a legal, property, or boundary description for, or assisting in the filing of, a document that will, or may, be used to convey or acquire real property or any interest therein, other than easements, including without limitation an auditor's plat, outlot, deed, or conveyance of rights of way, must conduct a survey of the property being conveyed and comply with all the requirements related thereto contained in North Dakota Century Code sections 40-50.1-01 and 40-50.1-02.

Preliminary descriptions and documents used for negotiations for real property, interests in real property, rights of way, and easements are not subject to the requirements of this chapter; however, all such preliminary documents must bear a statement that the document is preliminary, it does not represent a complete boundary survey, and the document is not intended for construction, recording, or implementation. The statement must appear prominently on the face of the preliminary document.

Descriptions prepared by a registrant which are, or may be used to acquire or convey rights of way in which possession of title is obtained may be prepared without the setting of all exterior monuments if all four of the following requirements are met:

1. The rights of way are retraceable by using established monuments;
2. Exterior monuments are set wherever there is a change of width to the rights of way;
3. Exterior monuments are set wherever there is a change in direction of the rights of way other than changes of direction at section corners; and
4. Monuments are set at intersections of rights of way with section lines or section line rights of way.

Descriptions prepared by a registrant which are, or may be used to acquire or convey easements having a term of five years or more must be retraceable in each section of land over which the easement crosses by using established subdivision or public land survey system monuments existing or placed at the time of the easement conveyance.

**History:** Effective October 1, 2004; amended effective July 1, 2009; October 1, 2021.

**General Authority:** NDCC 43-19.1-08

**Law Implemented:** NDCC 43-19.1-01, 43-19.1-08