

HOUSE BILL NO. 1242

Introduced by

Representatives Wieland, Kaldor, Vigesaa

Senator Tallackson

1 A BILL for an Act to amend and reenact section 11-18-02.2 of the North Dakota Century Code,
2 relating to filing of statements of full consideration.

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

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

6 **11-18-02.2. Statements of full consideration to be filed with ~~state board of~~**
7 **~~equalization or recorder~~ - Procedure - Secrecy of information - Penalty.**

- 8 1. Any grantee or grantee's authorized agent who presents a deed in the office of the
9 county recorder shall certify on the face of the deed any ~~one~~ of the following:
 - 10 a. ~~A statement that the grantee has filed a report of the full consideration paid for~~
11 ~~the property conveyed with the state board of equalization.~~
 - 12 ~~b.~~ A statement that the grantee has filed a report of the full consideration paid for
13 the property conveyed with the recorder.
 - 14 ~~e.~~ b. A statement of the full consideration paid for the property conveyed.
 - 15 ~~e.~~ c. A statement designating one of the exemptions in subsection 6 which the
16 grantee believes applies to the transaction.
- 17 2. The recorder ~~shall~~ may not record any deed unless ~~it~~ the deed contains one of the
18 statements required by subsection 1.
- 19 3. The recorder shall accumulate and at least monthly forward to the state board of
20 equalization a report containing the information filed in the recorder's office
21 ~~pursuant to~~ under subsection 1.
- 22 4. The state board of equalization shall prescribe the necessary forms for the
23 statements and reports to be used in carrying out the purposes of this section, ~~and~~

1 ~~the. The~~ forms ~~will~~ must contain a space for the explanation of special
2 circumstances ~~which that~~ may have contributed to the amount of the consideration.

3 5. For purposes of this section, ~~the word "deed"~~ means an instrument or writing
4 whereby any real property or interest ~~therein shall be~~ in real property is granted,
5 conveyed, or otherwise transferred to the grantee, purchaser, or other person,
6 except any instrument or writing ~~which that~~ transfers any ownership in minerals or
7 interests in minerals underlying land if that ownership has been severed from the
8 ownership of the overlying land surface or any instrument or writing for the
9 easement, lease, or rental of real property or any interest ~~therein~~ in the real
10 property.

11 6. ~~The provisions of this~~ This section ~~do~~ does not apply to deeds transferring title to
12 the following types of property, or to deeds relating to the following transactions:

- 13 a. Property owned or used by public utilities.
14 b. Property classified as personal property.
15 c. A sale ~~when in which~~ the grantor and the grantee are of the same family or
16 corporate affiliate, if known.
17 d. A sale ~~which that~~ resulted as a settlement of an estate.
18 e. ~~All sales~~ A sale to or from a ~~government or governmental agency.~~
19 f. ~~All A forced sales sale, mortgage foreclosures, and foreclosure, or tax sales~~
20 sale.
21 g. ~~All sales~~ A sale to or from a religious, charitable, or nonprofit ~~organizations~~
22 organization.
23 h. ~~All sales when~~ A sale in which there is an indicated change of use by the new
24 ~~owners~~ owner.
25 i. ~~All A~~ transfer of ownership of property for which is given a quitclaim deed.
26 j. ~~Sales~~ A sale of property not assessable by law.
27 k. Agricultural lands of less than eighty acres [32.37 hectares].
28 l. A transfer that is pursuant to a judgment.

29 7. ~~The~~ A county recorder and the state board of equalization shall guard the secrecy
30 of information contained on statements filed with the board ~~pursuant to~~ under
31 subsection 1, and any information contained on ~~statements~~ a statement and any

1 information provided by ~~a local official~~ shall official must be limited to ~~such any~~
2 data ~~as is necessary to perform their official~~ the duties of the official and ~~shall may~~
3 not include the ~~names~~ name of any ~~grantors grantor~~ or ~~grantees grantee~~. ~~Any~~
4 ~~reports~~ A report made available to the public must be made in a manner that will
5 not reveal the ~~names~~ name of any ~~grantors grantor~~ or ~~grantees grantee~~. The
6 recorder shall guard the secrecy of information contained on reports filed in the
7 recorder's office ~~pursuant to~~ under subdivision ~~b~~ a of subsection 1. A statement of
8 full consideration must be made available to a licensed or certified appraiser or a
9 licensed real estate broker or real estate salesperson if the individual agrees that
10 the use of the information obtained is limited to statistical and comparison
11 purposes.

- 12 8. Any person who, in the statements provided for in subsection 1, willfully falsifies
13 the consideration paid for the transferred real property or interest ~~therein or who~~
14 ~~falsely certifies that the person has filed a report of full consideration with the state~~
15 ~~board of equalization in the real property~~ is guilty of a class B misdemeanor.