

June 2007

TITLE 47

Property

Summary of Bills Enacted by 2007 Legislative Assembly

This memorandum summarizes 2007 legislation primarily affecting North Dakota Century Code Title 47. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1257 requires an operator of an oil or gas well to make royalty payments to those mineral interest owners whose title and ownership interest is not in dispute in the event of a dispute of title existing that otherwise would affect distribution of royalty payments.

Senate Bill No. 2219 removes the requirement that instruments relating to condominium units describe the unit and the land.

House Bill No. 1231 clarifies that nothing prohibits or limits the right of a seller of real estate to retain any payments associated with an existing wind energy product even though an interest in the production of wind energy may not be severed from the surface estate.

Senate Bill No. 2221 clarifies that a claim of homestead by a debtor who received a discharge is a declaration of homestead and that filing a certified copy with the legal description of the discharge constitutes notice that a homestead is exempt from judgments.

Senate Bill No. 2364 prohibits covenants running with the land or condominium restrictions prohibiting the outdoor display of a political yard sign.

House Bill No. 1146 prohibits the severance from the surface estate the right of access for hunting.

House Bill No. 1035 changes cross-references relating to consumer rental purchase agreements not being subject to the Uniform Commercial Code.

House Bill No. 1058 removes the definition of last-known address of an apparent owner and removes the requirement of two weeks' publication of a list of abandoned property in a newspaper of general circulation to be consecutive.

House Bill No. 1147 clarifies there is a month-to-month tenancy if a lessee of real property for residential purposes holds over and the lessor accepts rent. The bill provides that if a lessee does not initial a clause that requires more than one month's notice of termination of a lease of real property for residential purposes, the lease may be terminated on the last day of a month with at least one calendar month's notice. In addition, the bill allows either party to terminate a lease on the last day of a month with at least one calendar month's notice if a lease has converted to a month-to-month tenancy by law.