

March 18, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1301

Page 1, line 4, after "sections" insert "11-18-02.2,"

Page 1, after line 8, insert:

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

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

1. Any grantee or grantee's authorized agent who presents a deed in the office of the county recorder shall certify on the face of the deed any one of the following:
  - a. A statement that the grantee has filed a report of the full consideration paid for the property conveyed with the state board of equalization.
  - b. A statement that the grantee has filed a report of the full consideration paid for the property conveyed with the recorder.
  - c. A statement of the full consideration paid for the property conveyed.
  - d. A statement designating one of the exemptions in subsection 6 7 which the grantee believes applies to the transaction.
2. Any party who presents an affidavit of affixation to real property of a manufactured home in the office of the county recorder in accordance with section 47-10-26 and who acquired the manufactured home before the affixation of the manufactured home to the real property shall either contain in or present in addition to the affidavit of affixation any one of the following:
  - a. A statement that the party has filed with the state board of equalization a report of the full consideration paid for the manufactured home before the affixation.
  - b. A statement that the party has filed with the recorder a report of the full consideration paid for the manufactured home before the affixation.
  - c. A statement of the full consideration paid by the party for the manufactured home before the affixation.
3. The recorder ~~shall~~ may not record any deed unless ~~it~~ the deed contains one of the statements required by subsection 1 or record any affidavit of affixation unless the affidavit contains or is accompanied by one of the statements required by subsection 2.
- ~~3.~~ 4. The recorder shall accumulate and at least monthly forward to the state board of equalization a report containing the information filed in the recorder's office pursuant to subsection 1 or 2.

- 4- 5. The state board of equalization shall prescribe the necessary forms for the statements and reports to be used in carrying out ~~the purposes of~~ this section, and the forms ~~will~~ must contain a space for the explanation of special circumstances ~~which that~~ that may have contributed to the amount of the consideration.
- 5- 6. For purposes of ~~this section~~ subsection 1, the word "deed" means an instrument or writing whereby any real property or interest therein ~~shall be~~ is granted, conveyed, or otherwise transferred to the grantee, purchaser, or other person, except any instrument or writing ~~which that~~ that transfers any ownership in minerals or interests in minerals underlying land if that ownership has been severed from the ownership of the overlying land surface or any instrument or writing for the easement, lease, or rental of real property or any interest therein.
- 6- 7. ~~The provisions of this~~ This section ~~do~~ does not apply to deeds transferring title to the following types of property, or to deeds relating to the following transactions:
- a. Property owned or used by public utilities.
  - b. Property classified as personal property.
  - c. A sale when the grantor and the grantee are of the same family or corporate affiliate, if known.
  - d. A sale ~~which that~~ that resulted as a settlement of an estate.
  - e. All sales to or from a government or governmental agency.
  - f. All forced sales, mortgage foreclosures, and tax sales.
  - g. All sales to or from religious, charitable, or nonprofit organizations.
  - h. All sales when there is an indicated change of use by the new owners.
  - i. All transfer of ownership of property for which is given a quitclaim deed.
  - j. Sales of property not assessable by law.
  - k. Agricultural lands of less than eighty acres [32.37 hectares].
  - l. A transfer that is pursuant to a judgment.
- 7- 8. The state board of equalization shall guard the secrecy of information contained on statements filed with the board ~~pursuant to~~ under subsection 1 or 2, and any information contained on statements and any information provided by local officials ~~shall~~ must be limited to ~~such data as is~~ necessary to perform their official duties and shall may not include the names of any grantors or grantees to deeds or of any parties to affidavits of affixation. Any reports made available to the public must be made in a manner that will not reveal the names of any grantors ~~or~~ grantees, or parties. The recorder shall guard the secrecy of information contained on reports filed in the recorder's office ~~pursuant to~~ under subdivision b of subsection 1 or subdivision b of subsection 2.
- 8- 9. Any person ~~who that~~ who, in the statements provided for in subsection 1 or 2, willfully falsifies the consideration paid for the transferred real property or the manufactured home, as applicable, or interest therein or ~~who that~~

falsely certifies that the person has filed a report of full consideration with the state board of equalization is guilty of a class B misdemeanor."

Page 9, line 28, replace "may" with "must"

Page 10, line 2, replace "must be" with "are"

Page 11, line 24, replace "may" with "must"

Page 11, line 29, replace "must be" with "are"

Page 13, line 29, replace "may" with "must"

Page 14, line 3, replace "must be" with "are"

Page 15, line 9, replace "executes" with "shall execute"

Page 15, line 10, replace "records" with "record"

Page 15, line 15, replace "files" with "shall file"

Page 18, line 12, remove "and"

Page 18, line 13, after "(8)" insert "If the party executing the affidavit acquired the manufactured home before the affixation of the manufactured home to the real property, that party shall complete one of the statements required by subsection 2 of section 11-18-02.2; and

(9)"

Page 19, line 24, replace "may" with "must"

Page 20, line 1, replace "affect" with "effect" and replace "transfer of an interest" with "encumbrance"

Page 20, line 2, replace "transfer" with "conveyance"

Renumber accordingly