

My name is Paula Bachmeier. I am the Executive Secretary of the North Dakota Land Title Association and have been involved in the title industry for 51 years, working in Ward County.

I am speaking in support of Senate Bill 2356 relating to the recording of deeds on parcels of real estate containing previously accepted and taxed metes and bounds legal descriptions.

Part of our profession is doing real estate closings – and we do them on properties located throughout the State of North Dakota. We are responsible for making sure deeds are recorded promptly and properly after funds have been exchanged between the buyer and seller. Prior to the actual closings, we check to make sure title is in order. We always get copies of the tax statements for the prior years for the properties being sold.

We have been having deeds rejected for recording (after closing) because the legal description is in metes and bounds – even though the property may have been transferred for years using the legal descriptions from prior deeds. We have had transactions close, send the deeds for recording and they are rejected with a requirement for surveying/platting. Funds would have already been disbursed as every seller, of course, expects to receive their sale proceeds at the time the closing occurs. Buyers are expecting to be the owners of the property at the time they provide funds for closing.

This is providing an undue hardship on our sellers and buyers. As a result, we are forwarding the metes and bounds descriptions to Auditors/Recorders before closing (even though they came from previously recorded deeds) and asking if they will accept a new deed containing the description. In some cases we are being told that the answer will be given when the document is presented for recording and not before.

In some cases we are being told that we can record the deed, but then the new buyer will be required to plat the property subsequent to closing before they can transfer it the next time.

All of these circumstances are causing an undue hardship for our buyers and sellers and delaying closings sometimes by months at a time depending on the availability of surveyors in the market and the approval process of the county involved.

I strongly hope that this committee gives a “do pass” to SB 2356 requiring the County Auditors/Recorders to accept the recording of a deed containing a legal description that previously existed in the public records.

Thank you