

**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 ~~if~~ 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.