

Introduced by

Representatives Louser, Beadle, Vetter

Senators Casper, Meyer

1 A BILL for an Act to amend and reenact section 11-18-02.2 and paragraph 8 of subdivision a of
2 subsection 3 of section 47-10-27 of the North Dakota Century Code, relating to property sales
3 price disclosures; and to provide a penalty.

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

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

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

9 1. Any grantee or grantee's authorized agent who presents a deed in the office of the
10 county recorder shall certify on the face of the deed ~~any~~ one of the following:

11 a. ~~A statement that the grantee has filed a report of the full consideration paid for~~
12 ~~the property conveyed with the state board of equalization.~~

13 b. ~~A statement that the grantee has filed a report of the full consideration paid for~~
14 ~~the property conveyed with the recorder.~~

15 ~~e.b.~~ A statement of the full consideration paid for the property conveyed.

16 d.~~e.b.~~ A statement designating one of the exemptions in subsection 76 which the
17 grantee believes applies to the transaction.

18 2. Any party who presents an affidavit of affixation to real property of a manufactured
19 home in the office of the county recorder in accordance with section 47-10-27 and who
20 acquired the manufactured home before the affixation of the manufactured home to
21 the real property shall either contain in or present in addition to the affidavit of
22 affixation ~~any one of the following:~~

23 a. ~~A statement that the party has filed with the state board of equalization a report of~~
24 ~~the full consideration paid for the manufactured home before the affixation.~~

- 1 b. ~~A statement that the party has filed with the recorder a report of the full~~
2 ~~consideration paid for the manufactured home before the affixation.~~
- 3 ~~e.b.~~ Aa statement of the full consideration paid by the party for the manufactured
4 home before the affixation.
- 5 3. The recorder may not record any deed unless the deed ~~contains one of the statements~~
6 ~~required by~~complies with subsection 1 or record any affidavit of affixation unless the
7 affidavit ~~contains or is accompanied by one of the statements required by~~complies
8 with subsection 2.
- 9 4. ~~The recorder shall accumulate and at least monthly forward to the state board of~~
10 ~~equalization a report containing the information filed in the recorder's office pursuant to~~
11 ~~subsection 1 or subsection 2.~~
- 12 5. The state board of equalization shall prescribe the necessary forms for the statements
13 and reports to be used in carrying out this section, and the forms must contain a space
14 for the explanation of special circumstances that may have contributed to the amount
15 of the consideration.
- 16 ~~6.5.~~ For purposes of subsection 1, the word "deed" means an instrument or writing
17 whereby any real property or interest therein is granted, conveyed, or otherwise
18 transferred to the grantee, purchaser, or other person, except any instrument or writing
19 that transfers any ownership in minerals or interests in minerals underlying land if that
20 ownership has been severed from the ownership of the overlying land surface or any
21 instrument or writing for the easement, lease, or rental of real property or any interest
22 therein.
- 23 ~~7.6.~~ This section does not apply to deeds transferring title to the following types of property,
24 or to deeds relating to the following transactions:
- 25 a. Property owned or used by public utilities.
- 26 b. Property classified as personal property.
- 27 c. A sale when the grantor and the grantee are of the same family or corporate
28 affiliate, if known.
- 29 d. A sale that resulted as a settlement of an estate.
- 30 e. All sales to or from a government or governmental agency.
- 31 f. All forced sales, mortgage foreclosures, and tax sales.

- 1 g. All sales to or from religious, charitable, or nonprofit organizations.
- 2 h. All sales when there is an indicated change of use by the new owners.
- 3 i. All transfer of ownership of property for which is given a quitclaim deed.
- 4 j. Sales of property not assessable by law.
- 5 k. Agricultural lands of less than eighty acres [32.37 hectares].
- 6 l. A transfer that is pursuant to a judgment.
- 7 m. A transfer on death deed or revocation instrument authorized under chapter
- 8 30.1-32.1.

9 ~~8.7.~~ Any person that, in the statements provided for in subsection 1 or subsection 2,
10 willfully falsifies the consideration paid for the transferred real property or the
11 manufactured home, as applicable, or interest therein ~~or that falsely certifies that the~~
12 ~~person has filed a report of full consideration with the state board of equalization is~~
13 guilty of a class B misdemeanor.

14 **SECTION 2. AMENDMENT.** Paragraph 8 of subdivision a of subsection 3 of section
15 47-10-27 of the North Dakota Century Code is amended and reenacted as follows:

- 16 (8) If the party executing the affidavit acquired the manufactured home before
- 17 the affixation of the manufactured home to the real property, that party shall
- 18 complete ~~one of the statements~~statement required by subsection 2 of
- 19 section 11-18-02.2; and