

**HOUSE BILL NO. 1271
with Senate Amendments
HOUSE BILL NO. 1271**

Sixty-sixth
Legislative Assembly
of North Dakota

Introduced by

Representatives Klemin, Roers Jones

Senator Dwyer

1 A BILL for an Act to amend and reenact subsection 6 of section 11-18-02.2 and section
2 30.1-32.1-06 of the North Dakota Century Code, relating to statements of full consideration
3 being filed with the county recorder and transfer on death deed requirements.

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

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

7 6. This section does not apply to deeds transferring title to the following types of property,
8 or to deeds relating to the following transactions:

- 9 a. Property owned or used by public utilities.
- 10 b. Property classified as personal property.
- 11 c. A sale when the grantor and the grantee are of the same family or corporate
12 affiliate, if known.
- 13 d. A sale that resulted as a settlement of an estate.
- 14 e. All forced sales, mortgage foreclosures, and tax sales.
- 15 f. All sales to or from religious, charitable, or nonprofit organizations.
- 16 g. All sales when there is an indicated change of use by the new owners.
- 17 h. All transfer of ownership of property for which is given a quitclaim deed.
- 18 i. Sales of property not assessable by law.
- 19 j. Agricultural lands of less than eighty acres [32.37 hectares].
- 20 k. A transfer that is pursuant to a judgment.
- 21 ~~l. A transfer on death deed or revocation instrument authorized under chapter~~
22 ~~30.1-32.1.~~

23 **SECTION 2. AMENDMENT.** Section 30.1-32.1-06 of the North Dakota Century Code is
24 amended and reenacted as follows:

1 **30.1-32.1-06. Requirements.**

- 2 1. A transfer on death deed except as otherwise provided in subsection 2 must contain
3 the essential elements and formalities of a properly recordable inter vivos deed.
- 4 2. A transfer on death deed must state that the transfer to the designated beneficiary is
5 to occur at the transferor's death.
- 6 3. A transfer on death deed must use the phrase "transfer on death deed" or the
7 abbreviation "TOD" in the title of the deed.
- 8 4. A transfer on death deed must be recorded before the transferor's death in the public
9 records in the office of the county recorder of the county where the property is located.
- 10 5. An auditor's certificate of transfer under section 11-18-02 and a statement of full
11 consideration under section 11-18-02.2 are not required to record a transfer on death
12 deed or a revocation instrument.