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North Dakota State Legislature

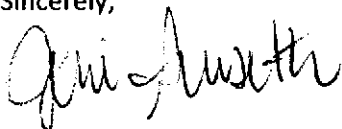
Dear North Dakota State Legislature,

I am writing today regarding NDCC 47-10-02.1 and the confusion the current language has caused our brokerage, clients and real estate agents.

- The current NDCC 47-10-02.1 was passed in 2019 with the intent to provide protection for buyers and sellers of residential property in ND for sales involving a real estate licensee
- Unfortunately, not all consumers are protected by NDCC 47-10-02.1 and the current statute language provides some consumers with a loophole. It infers that sellers do not need to disclose material facts regarding their property if it is not their primary residence or if a real estate professional is not involved in the transaction.
- Overall, the current language has caused confusion for consumers, brokers & agents, and has resulted in financial repercussions for some buyers
- Appears to conflict with ND case law – Holcomb v. Zinke, 1985 “a seller of defective property has a duty to disclose material facts which are known by the seller or should be known to the seller and which would not be discoverable by the buyer’s exercise of ordinary care and diligence” o The current NDCC 47-10-02.1 can be interpreted in a confusing and misleading way that contradicts this
- The changes to this law are for consumer protection – SB 2247 will ensure that all consumers are protected, not just ones who use REALTORS® or licensees
- The changes in this bill also give the control of when written disclosure happens back to the people – buyers and sellers can have control in their very unique situations rather being dictated when the disclosure needs to occur. The current statutory timeline potentially creates voidable contracts and also puts liability on the licensed agent when it should simply be determined by the buyer and seller.
- We ask that you support SB 2247

Thank you for your consideration.

Sincerely,



Jeni L Grunseth, REALTOR®
Broker/Vice President, Trademark Realty