

Testimony Prepared for the
Senate State and Local Government Committee
January 10, 2025
By: Deborah A. Moeller, Cass County Recorder

RE: SB2026 Certification of
foreign grantee's right to
own property

Good morning, Chairwoman Roers and Committee Members.

My name is Deb Moeller and I am the Cass County Recorder. Thank you for the opportunity to appear before you to speak neutrally on SB 2026.

My office is responsible for recording an average of 29,000 documents per year of which 6,000 of those documents are deeds. SB 2026 will have significant implications for the Cass County Recorders Office as well as those who submit deeds to our county for recording. The statement of compliance proposed in SB 2026 appears to be required on all deeds except those exempted in Subsection 6 of N.D.C.C. 11-18-02.2. Effectively, the statement of compliance will apply to comparatively few foreign grantees.

Some of the administrative concerns I have in complying with SB 2026 are:

1. the staff hours needed to reject non-compliant deeds and educate submitters on the statement of compliance requirement;
2. how will submitters correct the already executed non-compliant deed;
3. how do we determine if a grantee is falsifying a statement of compliance;
4. are submitters using exemptions under Subsection 6 of N.D.C.C. 11-18-02.2 to avoid the statement of compliance requirement; and,
5. is the statement of compliance required on transfer on death deeds since they aren't exempted under Subsection 6 of N.D.C.C. 11-18-02.2.

While I understand the purpose of SB 2026, I ask that you consider the implications for all North Dakota Recorders and document submitters in relation to the objective of the proposed statement of compliance requirement.

Thank you for your time and consideration.

I remain ready to answer any questions you may have for me.