

Senate State and Local Government Committee

January 10, 2025

By: Carrie K. Krause, Wells County Recorder

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

Good Morning Chairwoman Roers and Committee Members.

For the record I am Carrie Krause, Wells County Recorder. Thank you for allowing me to stand before you today to speak neutrally on SB 2026

SB 2026 requires all "deeds" as defined in 11-18-02.2 to have a Statement of Compliance whether the grantee is allowed to own property under 47-01-09 or not. I have a concern on how the County Recorders will enforce this statute by knowing that the grantee or an agent for the grantee is falsifying the statement if they state they are allowed to own property.

What guidelines would be made available for us to know if someone is falsifying the statement. Could a Recorder be accused of "discrimination" of a grantee based upon their name?

Certain deeds for example a Transfer on Death Deed is not considered a deed in 11-18-02.2 as no transfer takes place until the grantor of the Transfer on Death Deed passes away and a Death Certificate is filed.

These are a few of the concerns and questions as a County Recorder, I have with this bill.

Thank you again for your time and consideration.

With that I will stand for any questions.