

Testimony Prepared for the
Senate State and Local Government Committee
January 31, 2025
By: Deborah A. Moeller, Cass County Recorder

RE: SB2259 Relating to the
provision of blanks and
records

My name is Deb Moeller and I am the Cass County Recorder. Thank you for the opportunity to submit written testimony in support of SB 2259 which would repeal N.D.C.C. 44-04-16 requiring North Dakota county recorders to provide blanks and records necessary for transacting any official business connected with our office.

I support SB 2259 for the following reasons:

1. My office is responsible for recording an average of 29,000 documents per year, the majority of which are binding legal documents. I believe providing blank legal documents subjects recorders to accusations of practicing law without a license. I do not want to expose myself and my office to providing the wrong blank document to individuals with specific legal needs when we are unfamiliar with the facts of their unique situations.
2. Providing blank documents to the public could ultimately cause irreparable harm or cause them to spend more time and resources trying to correct legal work they initiated without seeking professional assistance. Some examples include:
 - a. Disqualification from Medicaid as a result of gifting real property;
 - b. Tax consequences;
 - c. Incomplete/inaccurate transfers of real property; and,
 - d. Title issues.
3. I believe that providing blank legal documents makes it easier for fraudulent activity to occur, particularly with vulnerable populations or those wishing to retaliate against someone. Having blank documents readily available provides an easy tool to commit the fraud.

Currently, when someone inquires about forms to transact business in our office, we refer them to a licensed attorney or a title company for assistance. By repealing N.D.C.C. 44-04-16 a requestor could not compel us to provide a form.

We will continue to accept recordable documents prepared by the public without assistance from legal counsel or a title company. However, the submitter assumes all responsibility and risk related to a document they prepared themselves or obtained in some other manner.

For these reasons I ask for a DO PASS recommendation on SB 2259. Please do not hesitate to contact me if you should have any questions.

Thank you for your time and consideration.