

LIENS

CHAPTER 345

SENATE BILL NO. 2500

(Senators Mushik, Langley, Naaden, Streibel)

MORTGAGE SATISFACTION AND DISCHARGE FILING

AN ACT to amend and reenact sections 35-01-27 and 35-03-16 of the North Dakota Century Code, relating to satisfaction and discharge of mortgages on real property.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 35-01-27 of the North Dakota Century Code is amended and reenacted as follows:

35-01-27. Discharge of mortgage or lien on real property must be furnished on demand - Penalty. When any mortgage or other lien upon real property has been satisfied; ~~the owner thereof~~, immediately upon demand of the owner of the property, the owners of the mortgage or other lien shall execute and deliver to the owner a certificate of discharge duly acknowledged, or and cause a satisfaction of record to be entered. The fee for filing the satisfaction must be paid by the owner of the property or added to the debt paid by the owner of the property. Any mortgagee or owner of a mortgage or lien who refuses to execute or deliver a discharge or to enter a satisfaction as herein provided is liable to the owner of the property for all damages sustained by reason of such refusal and exemplary damages of one hundred dollars.

SECTION 2. AMENDMENT. Section 35-03-16 of the North Dakota Century Code is amended and reenacted as follows:

35-03-16. Satisfaction of mortgage - Discharge - Form - Power of attorney. A recorded mortgage must be discharged upon the record by the register of deeds having custody thereof on the presentation of a certificate of discharge signed by the mortgagee, his executors, administrators, guardians, trustees, assigns, personal representatives, or special administrators appointed for that purpose, properly acknowledged or proved and certified as prescribed by chapter 47-19. The certificate of discharge must contain a brief description of the mortgage and must state that the mortgage has been paid in full or otherwise satisfied and discharged and that the officer is authorized to discharge the same of record. Any person executing a certificate of discharge as a personal representative of the mortgagee first shall file and have recorded in the office of the register of deeds where the mortgage is recorded, a power of attorney showing his authority to discharge mortgages in behalf of the mortgagee and in his name. The mortgagee shall present the certificate of discharge to the register of deeds for recording in the county in which the property is located within thirty days after the certificate of discharge is signed. The mortgagee may add the amount of the recording fee to the balance of the debt paid by the mortgagor. A certificate of the satisfaction of a mortgage may be made in substantially the following form:

This certifies that a certain mortgage executed by _____ of _____, mortgagor, to _____ of _____, mortgagee, dated the _____ day of _____ in the year _____, upon the _____ (here describe the property covered by the mortgage) and recorded in the office of the register of deeds in and for the county of _____ and state of North Dakota, in book _____ of mortgages on page _____, is paid and satisfied; and _____ hereby authorize and require said register of deeds to discharge the same of record in his office.

Witness _____ hand this _____ day of _____ A.D.
 _____ (Acknowledgment).

Approved April 4, 1995
 Filed April 4, 1995

CHAPTER 346

HOUSE BILL NO. 1383 (Representatives Bateman, Boehm)

AGRICULTURE LIEN AMENDMENTS AND FEES

AN ACT to create and enact two new sections to chapter 35-17, two new sections to chapter 35-30, and two new sections to chapter 35-31 of the North Dakota Century Code, relating to amendment of and fees for agister's liens, agricultural processor's liens, and agricultural supplier's liens.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Two new sections to chapter 35-17 of the North Dakota Century Code are created and enacted as follows:

Amendment of lien. A lienholder may file an amendment to correct the social security or internal revenue service taxpayer identification number of the debtor, to correct the spelling of the debtor's or lienholder's name, or to correct or change the address of the debtor or lienholder. The secretary of state shall prescribe a form that may be used to amend or assign the agister's lien that has been filed pursuant to section 35-17-04. The amendment or assignment of a lien does not affect the priority of the lien.

Fees. The fee for filing an agister's lien with the secretary of state or the county register of deeds is five dollars. The fee for filing a termination statement is five dollars. The termination fee must be paid at the time the fee for filing the lien is paid. The fee for filing an amendment or assignment of an agister's lien is five dollars.

SECTION 2. Two new sections to chapter 35-30 of the North Dakota Century Code are created and enacted as follows:

Amendment of lien. A lienholder may file an amendment to correct the social security or internal revenue service taxpayer identification number of the debtor, to correct the spelling of the debtor's or lienholder's name, or to correct or change the address of the debtor or lienholder. The secretary of state shall prescribe a form that may be used to amend or assign the agricultural processor's lien that has been filed pursuant to section 35-30-02. The amendment or assignment of a lien does not affect the priority of the lien.

Fees. The fee for filing an agricultural processor's lien with the secretary of state or the county register of deeds is five dollars. The fee for filing a termination statement is five dollars. The termination fee must be paid at the time the fee for filing the lien is paid. The fee for filing an amendment or assignment of an agricultural processor's lien is five dollars.

SECTION 3. Two new sections to chapter 35-31 of the North Dakota Century Code are created and enacted as follows:

Amendment of lien. A lienholder may file an amendment to correct the social security or internal revenue service taxpayer identification number of the debtor, to correct the spelling of the debtor's or lienholder's name, or to correct or change the

address of the debtor or lienholder. The secretary of state shall prescribe a form that may be used to amend or assign the agricultural supplier's lien that has been filed pursuant to section 35-31-02. The amendment or assignment of a lien does not affect the priority of the lien.

Fees. The fee for filing an agricultural supplier's lien with the secretary of state or the county register of deeds is five dollars. The fee for filing a termination statement is five dollars. The termination fee must be paid at the time the fee for filing the lien is paid. The fee for filing an amendment or assignment of an agricultural supplier's lien is five dollars.

Approved March 10, 1995

Filed March 13, 1995