CHAPTER 47-06
REAL ESTATE TITLE BY OCCUPANCY AND ACCESSION

47-06-01. Title by occupancy.

Occupancy for any period confers a title sufficient against all except the state and those who have title by prescription, accession, transfer, will, or succession.

47-06-02. Title by prescription - Occupancy required.

Occupancy for the period prescribed by any law of this state as sufficient to bar an action for the recovery of the property confers a title thereto, denominated a title by prescription, which is sufficient against all.

47-06-03. Title to real property - Adverse possession.

A title to real property, vested in any person who has been or hereafter shall be, either alone or including those under whom that person claims, in the actual open adverse and undisputed possession of the land under such title for a period of ten years and who, either alone or including those under whom that person claims, shall have paid all taxes and assessments legally levied thereon, shall be valid in law. Possession by a county under tax deed shall not be deemed adverse. A contract for deed shall constitute color of title within the meaning of this section from and after the execution of such contract.

47-06-04. Fixtures - When tenant may remove.

When a person affixes that person's property to the land of another without an agreement permitting that person to remove it, the thing affixed belongs to the owner of the land, unless the owner of the land chooses to require the former to remove it. A tenant may remove from the demised premises, anytime during the continuance of the tenant's term, anything affixed thereto, for the purpose of trade, manufacture, ornament, or domestic use, if the removal can be effected without injury to the premises, unless the thing has become an integral part of the premises by the manner in which it is affixed. When any tenant upon agricultural land shall have built, erected, or placed upon such leased premises during the tenant's tenancy, any grain bin, granary, or structure for the purpose of housing grain, and no written agreement between the landlord and the tenant has been made as to its removal, the tenant may remove the same at any time within eight months after the termination of the tenant's lease and the vacating of said premises. The tenant shall not have said right of removal as against the owner or holder of any mortgage, deed, or conveyance which shall have been filed and recorded after the building, erection, or placing of such bin, granary, or structure, unless such tenant, within sixty days after such building, erecting, or placing, shall have filed in the office of the recorder a written notice describing the land, the character of the structure, and stating that the tenant intends to remove such structure as provided by law.

47-06-04.1. Mobile home storm shelters - Placement and transfer of ownership.

1. Upon approval of the mobile home park owner, the owner of a mobile home located in the park may construct a storm shelter in the mobile home park. The approval must be in writing and must include the type, location, and use of the shelter, and an agreement between the park owner and the mobile home owner concerning ownership and maintenance of the shelter.
2. Notwithstanding section 47-06-04, the agreement between the owner of the mobile home and the park owner must provide that the owner of the mobile home is the owner of the shelter and may remove the shelter provided the land is returned to its original condition during any time that person owns the mobile home.
3. The shelter owner may transfer ownership of the shelter to either a person who purchases the mobile home or to the mobile home park owner. The transfer must be in writing; must include the type, location, and use of the shelter; must include the maintenance responsibilities of the parties; and must be signed by both parties. If a mobile home owner transfers the shelter to a purchaser of the mobile home, the terms

of the transfer must be the same as the terms of the agreement between the park owner and the mobile home owner required under subsection 1.

a. If a suitable price cannot be agreed upon with the mobile home park owner, the shelter owner is deemed to have transferred the ownership and maintenance responsibilities of the shelter to the park owner without cost, unless the shelter is removed or the shelter is transferred to a purchaser of the mobile home as provided in this section.
b. If the park owner is unwilling to assume ownership of the shelter, the park owner may require the mobile home owner to remove the shelter and return the land to its original condition.

4. The park owner is not liable for any injury or damages that may occur to the mobile home owner as a result of the installation or use of the mobile home storm shelter.
5. All shelters must meet with the approval of local governing bodies.

47-06-05. Riparian accretions.

Where from natural causes land forms by imperceptible degrees upon the bank of a river or stream, navigable or not navigable, either by accumulation of material or by the recession of the stream, such land belongs to the owner of the bank, subject to any existing right of way over the bank.

47-06-06. Avulsion - Title - Reclamation by original owner - Limitations.

If a river or stream, navigable or not navigable, carries away by sudden violence a considerable and distinguishable part of a bank and bears it to the opposite bank or to another part of the same bank, the owner of the part carried away may reclaim it within a year after the owner of the land to which it has been united takes possession thereof.

47-06-07. Ancient streambed taken by owners of new course as indemnity.

If a stream, navigable or not navigable, forms a new course abandoning its ancient bed, the owners of the land newly occupied take by way of indemnity the ancient bed abandoned, each in proportion to the land of which the owner has been deprived.

47-06-08. Islands and relicted lands in navigable streams belong to state.

Islands and accumulations of land formed in the beds of streams which are navigable belong to the state, if there is no title or prescription to the contrary. The control and management, including the power to execute surface and mineral leases, of islands, relictions, and accumulations of land owned by the state of North Dakota in navigable streams and waters and the beds thereof, must be governed by chapter 61-33.

47-06-09. Islands and relicted land in non-navigable streams.

An island or accumulation of land formed in a stream which is not navigable belongs to the owner of the shore on that side where the island or accumulation is formed, or if not formed on one side only, to the owners of the shore on the two sides, divided by an imaginary line drawn through the middle of the river.

47-06-10. Island formed by dividing stream - Title.

If a stream, navigable or not navigable, in forming itself a new arm divides itself and surrounds land belonging to the owner of the shore and thereby forms an island, the island belongs to such owner.