

**1999 SENATE GOVERNMENT AND VETERANS AFFAIRS**

**SB 2243**

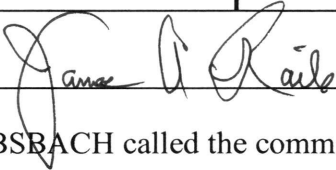
1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2243

Senate Government and Veterans Affairs Committee

Conference Committee

Hearing Date January 28, 1999

Tape Number	Side A	Side B	Meter #
2	X		2916-END
2		X	0-2980
Committee Clerk Signature 			

Minutes: CHAIRMAN KREBSBACH called the committee to order and opened the hearing on SB 2243. SENATOR RICH WARDNER, District 37, Prime sponsor of the bill appeared before the committee to introduce the proposed legislation. He indicated that this bill was introduced for the surveyors of North Dakota. They are not a large group however, they do have an important function in our state. All they want is to be able to look at a document sometime and find out who drafted it so that they can go ask them what they meant. We did have this bill in before and it didn't make it through last session because there are other people that feel it was too broad and too far reaching. So there are amendments to it and we will have someone get up from the surveyors group and explain the situation. We did have to make some more amendments to help bring another group on board that probably would have opposed it. I also have another short amendment that was brought to me by a representative of MDU and all it does is make a couple of minor changes in which it puts the form in ND in line with the form in SD because

utility companies are constantly dealing with abstracts and it would make it nice for them if the language was the same in both states. We've talked to the individuals who are here representing the surveyors and they said that that was no problem. CURTIS GLASOE, legislative chairman for the North Dakota Society of Professional Land Surveyors appeared before the committee to present testimony in support of SB 2243. A copy of his written testimony is attached.

SENATOR STENEHJEM-What do you do with, very often the descriptions are a combination of what you call the alley plot and the meets and bounds? CURTIS GLASOE-In our terminology if it has got any distances in it when it is aliquot parts then it becomes a meets and bounds

description. SENATOR STENEHJEM-A frequent thing that you'll see in the cities is lot 1,

block 2, and the west 75 feet of lot 4. CURTIS GLASOE-I would say that the lot part, that's a

meets and bounds description within the aliquot parts. SENATOR STENEHJEM-Is their a

definition of meets and bounds in the code? CURTIS GLASOE-No, I don't think there is.

SENATOR STENEHJEM-That could be a problem. CURTIS GLASOE-That probably is. The problem we have is when there is variance of distances in a description. As to federal statutes as to who prepares deeds I don't think there is any one that exists. At least I don't know of one.

SENATOR STENEHJEM-There are a lot of kinds of deeds as you know. That is your intent to

include all these types of deeds? CURTIS GLASOE-Yes, that is right. SENATOR DEMERS-I

don't know much about this, I'm not as knowledgeable as Senator Stenehjem but I'm wondering

who's opposing this? CURTIS GLASOE-There was a problem with the title people and

abstractors. Two years ago they were afraid it was going to stall hundreds of house closings by

not having a signature on there. The intention of the bill is not to have a signature but to have the

persons name and address typed on there who did that work. They came out against it, the

registers of deeds were for it. They wanted to have something because they get a lot of questions on what does this mean, what does this mean, and they have no place to go to either. I can't recall if there were others opposed to it. SENATOR STENEHJEM-Well you've got lead time in here, the year 2000. I'm just wondering if you might create more confusion by limiting it to meets and bounds which isn't even defined and just saying that all deeds and all contracts for deeds shall have that on there. CURTIS GLASOE-Senator Stenehjem, that is a good point. We did discuss that a little bit when this same question you had on they had the west half of this minus the east 70 feet or whatever they mean by that. Also appearing before the committee in support of SB 2243 was STEVE ACKERMAN-a practicing land surveyor registered in ND, SD, and Minn. For the past 14 years he has been engaged in private practice and own and operate a land surveying firm in Wahpeton. He has been called upon countless times to decipher, interpret, and lay out on the ground all types of legal descriptions good and bad. Where did these bad descriptions come from? It is difficult to know. That is the purpose of this bill. Wouldn't it be great if on the document that conveys title by the use of the meets and bounds description that we had someone to go back to if there was a question. Wouldn't it be great if you could go back to the scrivener and ask them just what they meant by what they wrote. You see many times the person drafting the description doesn't know the ramifications of what they are writing or the ways in which a certain descriptive term can be interpreted. The simplest of these misunderstandings is a North South East West scenario. Everyone seems to think that a section or quarter section is perfectly square and when N, S, E, and W is used it creates all kinds of problems. Another is the East half/West half scenario. He demonstrated what he was talking about to the committee. This bill would allow people like himself to go back to the scrivener and

ask them what exactly was meant by the description. I strongly support the bill and ask a do pass recommendation from the committee. There were no questions from the committee. LARRY SMITH-Registered land surveyor in the states of ND and SD, and a principle of Swenson and Hagen an Engineering Company located in Bismarck. He indicated he supports the bill. The citizens of North Dakota have a great respect for the land that is not seen in many other states of the United States. SB 2243 is a step in helping the surveyors and other parallel industries and professions provide a precise and quality service to the people of ND. In my experience of 20 some years conflicting and confusing legal descriptions can cause undue title problems, added expense and possible litigation for the landowners of ND. Many times the legal descriptions are prepared by individuals who are not knowledgeable in descriptions, land parcels, public land systems, or meets and bounds descriptions. A poorly prepared description for meets and bounds can create havoc when the time comes to place that legal description on the ground. I can cite many examples in 25 years experience where the poor description has caused feuds, added expense, litigation, gunfights etc. One of those problems that we can typically see is the meets and bounds that doesn't close. Meets and bounds is defined in Black's Law. He at this time presented some examples to the committee of proper and improper use of meets and bounds. Following his presentation there were no questions from committee members. JIM HORNER, ND Land Title Association Lobbyist appeared before the committee. He indicated that he offered his support to the bill. There were no questions from the committee. DENNIS BOYD-MDU Resources Group appeared before the committee in support of this legislation. He explained the modest amendment that MDU was proposing as an addition to this bill. SENATOR STENEHJEM-I don't like it the way SD does it, it doesn't tell you what's prepared

by whom. Who is this instrument prepared by or drafted by? At this point Senator Stenehjem and Dennis Boyd engaged in a discussion of MDU's proposed amendment (Tape 2, Side B, Meter #'s 280-450). A discussion ensued between SENATORS WARDNER and W. STENEHJEM with comments from MR. BOYD. There were no further questions for Mr. Boyd. There was no additional testimony in support of SB 2243. Appearing before the committee in neutral position GEORGE PAPACEK-NDDOT-He offered a question to the committee concerning the government entities exemption clause (Meter #'s 600-1192, Tape 2, Side B). Committee discussion involved SENATORS STENEHJEM, WARDNER, and, DEMERS. For the remainder of the hearing questions and general discussion were offered by SENATORS THANE, WARDNER, STENEHJEM and MR. HORNER and MR. ACKERMAN (Meter #'s 1395-2100, Tape 2, Side B). JACK MCDONALD representing himself offered questions to the committee about this bill. General discussion involving SENATORS STENEHJEM, KREBSBACH, DEMERS, JACK MCDONALD, MR. GLASOE, and MR. HORNER participated (Tape 2, Side B, Meter #'s 2100-3000). No testimony was offered in opposition to SB 2243. CHAIRMAN KREBSBACH closed the hearing on SB 2243 at this time.

***COMMITTEE DISCUSSION-Tape 2, February 4, 1999, Side B, Meter #'s 2511-3590.***

***SENATOR WARDNER explained what proposed amendments would do for the bill. He asked the committee members to follow along with the proposed amendments to the bill. The amendments discussed were legislative council amendments number .0203. Following review of the amendment SENATOR WARDNER made a motion to adopt the amendments, seconded by SENATOR DEMERS. Roll Call Vote indicated 6 YEAS, 0 NAYS, and 1 ABSENT or NOT Voting. A motion for DO PASS AS AMENDED was made by SENATOR KILZER, seconded***

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Senate Government and Veterans Affairs Committee

Bill/Resolution Number SB 2243

hearing Date January 28, 1999

*by SENATOR WARDNER. ROLL CALL VOTE indicated 6 YEAS, 0 NAYS, and 0 ABSENT*

*OR NOT VOTING. SENATOR WARDNER will carry the bill.*

PROPOSED AMENDMENTS TO SENATE BILL NO. 2243

Page 1, line 2, replace "the drafter of an instrument affecting real property" with "deeds and contracts for deeds"

Page 1, line 6, replace "**Instrument**" with "**Deeds and contracts for deeds**"

Page 1, line 7, replace "an instrument" with "a deed or contract for deed"

Page 1, line 9, replace "instrument" with "legal description contained in the deed or contract for deed" and replace "record" with "instrument"

Page 1, line 10, replace "An instrument" with "A deed or contract for deed"

Page 1, line 11, replace "This instrument" with "The legal description"

Page 1, line 12, after "(address)" insert "or obtained from a previously recorded instrument"

Page 1, line 13, replace "; a decree, order, judgment, or writ of any court; a will or" with ", an"

Page 1, line 14, replace the semicolon with a comma

Renumber accordingly



PROPOSED AMENDMENTS TO SENATE BILL NO. 2243

Page 1, line 2, replace "the drafter of an instrument affecting real property" with "deeds and contracts for deeds"

Page 1, line 6, replace "**Instrument**" with "**Deeds and contracts for deeds**"

Page 1, line 7, replace "an instrument" with "a deed or contract for deed"

Page 1, line 9, replace "instrument" with "legal description contained in the deed or contract for deed" and replace "record" with "instrument"

Page 1, line 10, replace "An instrument" with "A deed or contract for deed" and after "statement" insert "substantially"

Page 1, line 11, replace "This instrument" with "The legal description" and replace "drafted" with "prepared"

Page 1, line 12, after "(address)" insert "or obtained from a previously recorded instrument"

Page 1, line 13, remove "; a decree, order, judgment, or writ of any court; a will or instrument issued by a"

Page 1, line 14, remove "governmental entity;"

Re-number accordingly

Date: 2/04/99  
Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2243

Senate GOVERNMENT AND VETERAN'S AFFAIRS Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Motion to Amend .0203

Motion Made By Sen. Wardner Seconded By Sen. De Mers

Senators	Yes	No	Senators	Yes	No
SENATOR KREBSBACH	✓				
SENATOR WARDNER	✓				
SENATOR KILZER	✓				
SENATOR STENEHJEM					
SENATOR THANE	✓				
SENATOR DEMERS	✓				
SENATOR MUTZENBERGER	✓				

Total (Yes) 6 No 0

Absent 1

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Date: 2/04/99  
Roll Call Vote #: 2

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2243

Senate GOVERNMENT AND VETERAN'S AFFAIRS Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass as Amended

Motion Made By Sen. Kilzer Seconded By Sen. Wardner

Senators	Yes	No	Senators	Yes	No
SENATOR KREBSBACH	✓				
SENATOR WARDNER	✓				
SENATOR KILZER	✓				
SENATOR STENEHJEM					
SENATOR THANE	✓				
SENATOR DEMERS	✓				
SENATOR MUTZENBERGER	✓				

Total (Yes) 6 No 0

Absent 1

Floor Assignment Senator Wardner

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

**SB 2243: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2243 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "the drafter of an instrument affecting real property" with "deeds and contracts for deeds"

Page 1, line 6, replace "**Instrument**" with "**Deeds and contracts for deeds**"

Page 1, line 7, replace "an instrument" with "a deed or contract for deed"

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Page 1, line 11, replace "This instrument" with "The legal description" and replace "drafted" with "prepared"

Page 1, line 12, after "(address)" insert "or obtained from a previously recorded instrument"

Page 1, line 13, replace "; a decree, order, judgment, or writ of any court; a will or instrument issued by a" with a comma

Page 1, line 14, remove "governmental entity;"

Renumber accordingly

**1999 HOUSE GOVERNMENT AND VETERANS AFFAIRS**

**SB 2243**

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2243

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 3-4-1999

Tape Number	Side A	Side B	Meter #
1	X		36.4 - 60.5
1		X	0 - 11.0
1		X	22.5 - 30.5
Committee Clerk Signature <i>James L. McWilliams</i>			

Minutes: Some of the individuals testifying submit written testimony. When noted please refer to it for more detailed information.

Representative Klein, Chairman of the GVA Committee opened the hearing on March 4, 1999.

Summary of the Bill: Relating to recording deeds and contracts for deeds.

Testimony in Favor:

Senator Wardner, Appeared before the committee to introduce the bill. What the surveyor's want to know who did a legal description so if there is a problem they can go back and ask the person what did you mean? Metes means direction and bounds means distance. The person who drafts the legal description and puts it in the Register of Deeds office must register his/her name and address so there is historical evidence when a surveyor has questions.

Curt Glasoe, NDSPLS submitted written testimony which he read in it's entirety (**please refer to his testimony**). The most part that we have problems with is metes and bounds. This bill is to go

forward, we can't go back and correct all of the errors and conflicts. This is for the future year 2000 and on.

Representative Klemin, Line 14 and 15 wouldn't you still want to know who prepared the description.

Glasoe, I can't really answer that. I know it was prepared after Minnesota.

Representative Klemin, Your really trying to get at the metes and bounds description that utilizes the pole thing. Your intent is to have the same persons name on there that gave you the information. By putting this language in there will it solve any disputes with surveyor's?

Glasoe, Right. I hope so.

Representative Klein, The original congressional survey was done years ago and it wasn't the most accurate. All Mr. Glasoe is trying to do is tie this down. I don't see any problem with this.

Larry Smith, NDSPLS submitted written testimony to the committee which he read in it's entirety (**please refer to his testimony**). The person who does the legal description puts his/her name and address on it.

Claus Lembke, ND Association of Realtors appeared before the committee to support this legislation.

Sandy Tabor, ND State Bar Association stated that they really have no position on this bill, but more so to make sure it follows the legislative intent. What were talking about is a reasonable concern and I believe after listening to the previous testimonies, that are concerns have been answered.

Testimony in Opposition: None.

Representative Klein, Closed the hearing on SB 2243.

Committee Action:

Representative Klein, This bill really relates to metes and bounds.

Representative Klemin, One problem that I can see immediately is in the head note line 6. What there talking about is not the drafter of the deed, but the drafter legal description contained in the deed. We do have a statute that say's the headnote is not part of the law, but the problem is that everything gets indexed by what the headnote is. Anybody seeing this in the index or in a search, is going to see that the deed and contract for deed include name and address of the drafter. I know that it's clear if you read down through the bill, but the problem is we have a difference between what is says in the headnote which is what you see in all of the index and what is stated in text of the language itself. What I would propose is to amend line 6 to add the words "of the legal description" at the end of the word drafter. So I would move the amendments.

Representative Grande, Seconded the motion.

Representative Devlin, This would make it inconsistent throughout the bill.

Representative Kliniske, The attorney's looked at this bill and they didn't have a problem with it.

Representative Klein, Maybe were just going to clutter this thing up.

Representative Klemin, I do think were going to have to change line 6.

Motion Passes: Yes (vocal).

Representative Thoreson, Made a motion for a Do Pass as amended.

Representative Cleary, Seconded the motion.

Motion Passes: Do Pass as Amended **15-0**.

Representative Klein, Is the carrier for the bill.



90491.0301  
Title.0400

Adopted by the Government and Veterans  
Affairs Committee  
March 4, 1999

VR  
3/4/99

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2243 GVA 3-4-99**

Page 1, line 6, after "**drafter**" insert "**of legal description**"

Re-number accordingly

Roll Call Vote #: 1 Date: 3-4-99

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2243

House GOVERNMENT AND VETERANS AFFAIRS Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken DO PASS AMENDED

Motion Made By THORESON Seconded By CLEARY

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN KLEIN	✓		REP. WINRICH	✓	
VICE-CHAIR KLINISKE	✓				
REP. BREKKE	✓				
REP. CLEARY	✓				
REP. DEVLIN	✓				
REP. FAIRFIELD	✓				
REP. GORDER	✓				
REP. GRANDE	✓				
REP. HAAS	✓				
REP. HAWKEN	✓				
REP. KLEMIN	✓				
REP. KROEBER	✓				
REP. METCALF	✓				
REP. THORESON	✓				

Total (Yes) 15 No 0

Absent 0

Floor Assignment KLEIN

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)  
March 4, 1999 4:51 p.m.

Module No: HR-39-4082  
Carrier: Klein  
Insert LC: 90491.0301 Title: .0400

**REPORT OF STANDING COMMITTEE**

SB 2243, as engrossed: Government and Veterans Affairs Committee (Rep. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2243 was placed on the Sixth order on the calendar.

Page 1, line 6, after "**drafter**" insert "**of legal description**"

Renumber accordingly

**1999 TESTIMONY**

**SB 2243**

AMENDMENT TO SB 2243

Section 1, line 10: ....statement in substantially the following form: ~~This instrument was drafted~~ Prepared by \_\_\_\_\_(name),  
\_\_\_\_\_(address)."

Submitted by:  
Dennis Boyd  
Montana-Dakota Utilities Co.  
400 North 4<sup>th</sup> Street  
Bismarck, ND 58501

My name is Curtis Glasoe. I am the legislative chairman for the North Dakota Society of Professional Land Surveyors(NDSPLS). There are approximately 275 Land Surveyors licensed in North Dakota with about 150 land surveyors that live and practice in the State. This Society is made up of 125 Registered Land Surveyors in North Dakota.

I was born and raised in North Dakota, graduated from NDSU in engineering and have practiced engineering and land surveying for over 25 years. I am licensed to practice in Montana, South Dakota and North Dakota.

First off, I would like to say I am fully in favor of SB2243, but a little introduction to the bill is in order. Title of property is transferred in many different ways. Some of the most frequent are Deeds and Contracts for Deed. Within these documents, most property is described by an aliquot part of a certain section, like the SW1/4 of section 32, or the west 1/2 of the NW1/4 of section 32. We, as surveyors, have very few problems with these descriptions. However with descriptions containing bearings or directions and distances, we have many problems, these descriptions are called metes and bounds descriptions.

Presently anyone can write a legal description in the State of North Dakota, including private citizens, lawyers, bankers, realtors, and even land surveyors. Since we do not propose to change this practise, we want to make our surveying job as easy and economical as possible to the general public. We all want the parcel that was sold or purchased to be surveyed correctly.

When we get a legal description with conflicting directions, the buyer/seller wants the surveyor to solve this problem. This requires the land surveyor to try and determine what it is the owner of the property has purchased or thought he acquired in the Deed. This is very difficult and no matter what we think the intent of the description is, that desire may not be followed due to the conflicting directions.

To solve this problem, we would like to offer SB2243. This bill requires the author to be shown along with the metes and bounds legal description on the instrument. A lot of the time this knowledge or contact is all we need to clarify what parcel was meant to be transferred under the Deed. With no name to contact, the process is very time consuming and without the person who drafted the description we may be surveying the wrong parcel intended by the seller or buyer.

There have been conversations with other groups that this bill will affect and as a result of those discussions, an amendment is offered to 1) restrict the bill to just metes and bounds descriptions contained in Deeds and Contracts for Deeds, and 2) change to include just who drafted or wrote the legal description, not the entire instrument as in the original bill.

We can not go back and change old legal descriptions with this bill, but we can go forward with this bill in the year 2000. This bill will make the surveyor's job easier, hence cheaper for the people of the great State of North Dakota.

January 28, 1999

Mr. Chairman and Legislative members:

My name is Steve Ackerman

I am a practicing licenced land surveyor, registered in North Dakota, South Dakota, and Minnesota.

For the past 14 years I have been engaged in private practice and own and operate a land surveying firm in Wahpeton.

In my experience as a land surveyor I have been called upon countless times to decipher, interpret, and lay out on the ground, all types of legal descriptions, good and bad.

Where do these bad descriptions come from? Well, its difficult to know? And that is the purpose of this bill.

Wouldn't it be great that if on a document that conveys title by the use of a metes and bounds description, that we had someone to go back to if their was a question.

Wouldn't it be great to be able to go back to the scrivener, that is the one who wrote the description, and ask them just what they meant by what they wrote.

You see, many times the person drafting the description doesn't know the ramifications of what they are writing, or the ways in which a certain descriptive term can be interpreted.

The simplest of these misunderstandings is the north-south and east-west scenario.....

Another is the West Half or East Half scenario. Is the party trying to convey the west half of a tract of land by **area** or by **distance**? What a difference it can make in the position of the boundary line.

Wouldn't it be great to go back to the scrivener, and ask them what they intended to do???

This bill would allow people like me to do just that, and I strongly support the bill and urge a do pass recommendation.

Thank you.



ATTORNEYS AT LAW  
R.E.T. SMITH  
FRED STREGE\*  
JANEL B. FREDERICKSEN  
\*LICENSED IN MINNESOTA

GRACE L. EHLERS  
OFFICE MANAGER

MARY BETH REYNOLDS  
PEGGY BLAUFUSS  
LEGAL ASSISTANTS

January 6, 1999

Mr. Steven Ackerman  
Ackerman Land Surveying  
107 - 2nd Street South  
Wahpeton, North Dakota 58075

Dear Mr. Ackerman:

It is my understanding that your surveyor's association is looking for information concerning the wisdom of requiring the drafter's name and address on various instruments before those instruments may be recorded. I have no problem with this requirement.

I have been a licensed attorney in North Dakota and Minnesota since 1977. For the last 10 years at least, I have focused much of my practice on real estate issues. I represent developers, banks, real estate agencies and I do all forms of commercial and residential real estate work. Since I live in a border community, much of my work involves Minnesota real estate.

As you know, Minnesota currently requires that various instruments must contain the name and address of the drafter before the instrument involved is entitled to recordation. I have never had a problem with that requirement, the requirement is not burdensome and there have been numerous times when the requirement has helped my clients.

I assume you are in favor of this requirement because having the name and address of the drafter allows one to search out a person who may have significant background knowledge about the real property, the parties and the rationale involved with a particular instrument. These are good reasons for including the drafting information. I have, in the past, sought out attorneys utilizing this information taken from the recorded instrument. I know my clients have saved money by my not having to track people down and by my being able to go right to the source for information.

The inclusion of this information in Minnesota documents is an afterthought and a habit. I believe we have this information pre-printed on our computer forms so that our firm spends no extra time keying this information into a document.



January 6, 1999

Page 2

I would hope that the inclusion of this required information is required of all people who prepare documents, not just attorneys. Many easements and other documents are prepared by non-attorneys and sometimes those documents are less than artfully, much less carefully, drafted. It would be helpful to be able to track down these folks for further, clarifying and sometimes corrective information.

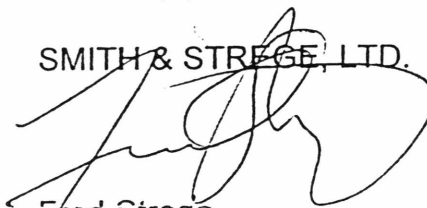
Many times a legal description is difficult to follow for the reader, but because the drafter has some background or specialized knowledge, the description is not so difficult for the drafter to follow. Sometimes the drafter will have a survey or other information which simplifies everything. Having this person at one's disposal always helps and cuts down on attorney time and effort.

Also, if the drafter is included on the document involved, the register of deeds will have someone to call in case there is a glaring error in the document. Most registers of deeds are kind enough to point out errors that can be easily corrected before the document is officially recorded. This cuts down on time and effort for both the attorneys and the government officials involved.

I can't really think of any downside to this requirement. I'm sure there are some, but they don't come to mind. If you would like any further information or clarification, please call. You have my permission to distribute this letters to others as you see fit.

Sincerely yours,

SMITH & STREGE, LTD.

A handwritten signature in black ink, appearing to read 'Fred Strege', written over the typed name and company name.

Fred Strege  
A Member of the Firm

FS:fs

My name is Curtis Glasoe. I am the legislative chairman for the North Dakota Society of Professional Land Surveyors(NDSPLS). There are approximately 275 Land Surveyors licensed in North Dakota with about 150 land surveyors that live and practice in the State. This Society is made up of 125 Registered Land Surveyors in North Dakota.

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When we get a legal description with conflicting directions, the buyer/seller wants the surveyor to solve this problem. This requires the land surveyor to try and determine what it is the owner of the property has purchased or thought he acquired in the Deed. This is very difficult and no matter what we think the intent of the description is, that desire may not be followed due to the conflicting directions.

To solve this problem, we would like to offer SB2243. This bill requires the author to be shown along with the metes and bounds legal description on the instrument. A lot of the time this knowledge or contact is all we need to clarify what parcel was meant to be transferred under the Deed. With no name to contact, the process is very time consuming and without the person who drafted the description we may be surveying the wrong parcel intended by the seller or buyer.

There have been conversations with other groups that this bill will affect and as a result of those discussions, an amendment is offered to 1) restrict the bill to just metes and bounds descriptions contained in Deeds and Contracts for Deeds, and 2) change to include just who drafted or wrote the legal description, not the entire instrument as in the original bill.

We can not go back and change old legal descriptions with this bill, but we can go forward with this bill in the year 2000. This bill will make the surveyor's job easier, hence cheaper for the people of the great State of North Dakota.

**MR. LARRY J. SMITH**  
**REGISTERED LAND SURVEYOR - ND & SD**  
**PRINCIPAL AT SWENSON, HAGEN & CO. 26 YEARS**  
**MEMBER OF NDSPLS (CHARTER MEMBER)**  
**SERVED AS PRESIDENT AND VARIOUS OFFICES**  
**MARCH 4, 1999**

I wish to speak in support of SB2243.

We as surveyors are trusted with measuring, establishing, subdividing and marking the lands of North Dakota. The citizens of North Dakota have a respect for the land that is not seen in other parts of our county. SB 2243 is a step in helping the surveyors and other parallel industries provide a precise and quality service to the people of North Dakota.

In my experience, conflicting and confusing legal descriptions can cause undue title problems, added expense, and possible litigation for land owners in North Dakota. Many times legal descriptions are prepared by individuals who are not knowledgeable in descriptions, land parcels, the public land system or metes and bounds. A poorly prepared description or metes and bounds can cause real havoc when the time comes to place the legal description on the ground.

I can site many examples in my 25 years of experience where poor descriptions have caused feuds, added expense, and litigation:

1. Metes and bounds that don't close (does not end at the point of beginning).
2. Metes and bounds to cover aliquot parts of the Section.

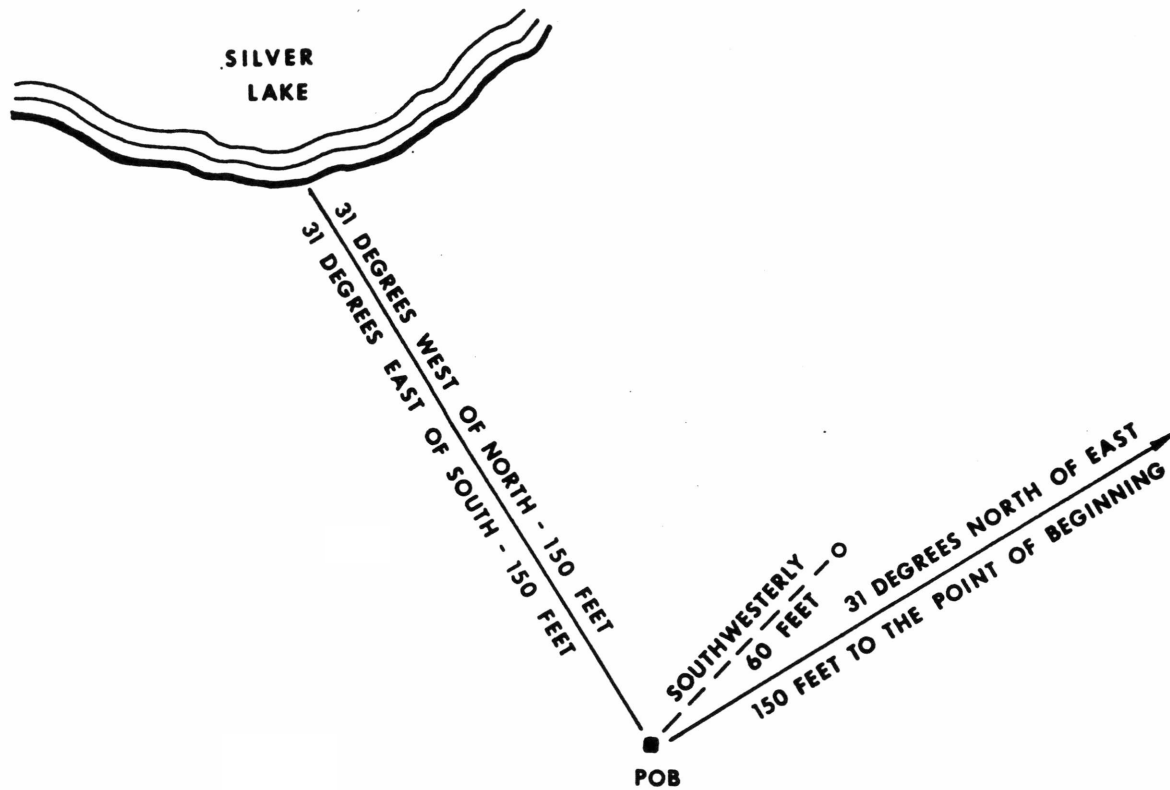
Example: 40 acres, 1320 foot square when aliquot part does not contain 40 acres or is non-existent. NW 1/4 NW 1/4 Section 5 instead of Government Lot 4 (see examples)

Members of the Committee, all SB2243 is asking is that the person who prepared the legal description put his name and address to it. If we have questions, we can contact the individual to determine what the intent was or gather more historical evidence. If that individual is not willing to put his name to his work, maybe he should not be writing legal descriptions.

I strongly urge you to support SB2243 for the benefit of the people of North Dakota.

LARRY SMITH → SB 2243

Starting at a light pole set and owned by the Bangor-Hydro Electric Company and going sixty (60) feet in a southwesterly direction to a stake, this stake being the starting point of this Lot: thence thirty one (31) degrees west of north one hundred and fifty (150) feet to a point on the shore of Silver Lake; thence thirty one (31) degrees East of South one hundred and fifty (150) feet to a stake; thence thirty one (31) degrees North of East one hundred and fifty (150) feet to the point of beginning.



BESIDES THAT, WHICH LIGHT POLE DO WE START AT?

LARRY SMITH SB 2243

*. . . thence turning and running northerly by said seven (7) foot strip of land, one hundred eighty-six and twenty-six one-hundredths (186.26) feet more or less (within 5 feet) to a point; thence turning and running easterly eighty-two and five-tenths (82.5) feet; thence turning and running southerly by said seven (7) foot strip of land one hundred eighty-six and twenty-six one-hundredths (186.26) feet, more or less (within 5 feet) to the point of beginning.*