

**2013 SENATE JUDICIARY**

**SB 2168**

# 2013 SENATE STANDING COMMITTEE MINUTES

Senate Judiciary Committee  
Fort Lincoln Room, State Capitol

SB 2168  
1/23/2013  
Job #17578

Conference Committee

Committee Clerk Signature



**Minutes:**

**Relating to after-acquired title & provide for retroactive application**

**Senator David Hogue - Chairman**

**Grant Shaft** - Real Property Section - State Bar Association - He explains the after acquired title provision and gives a practical example. He explains the reason for this bill is that the Supreme Court has addressed a case recently that dealt with a quit claim deed, if the deed utilizes the language grant after acquired title will always pass. If it does not have the grant language in it it will not pass after acquired title.

**Senator Hogue** - Asks if there is case law that says a quit claim deed indeed does not convey after an acquired title.

**Shaft** - Replies it is. He says it was decided to go with what the practice has always been and that is the use of the word grant whatever the document is would pass after acquired title.

**Senator Sitte** - Asks if title insurance is more expensive than the abstracts

**Shaft** - Replies that it is not the case. He says the difference in cost comes on the lending end.

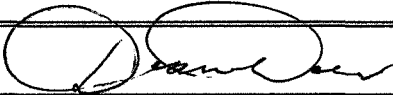
Close the hearing on 2168

# 2013 SENATE STANDING COMMITTEE MINUTES

Senate Judiciary Committee  
Fort Lincoln Room, State Capitol

SB 2168  
1/23/2013  
Job #17647

Conference Committee

Committee Clerk Signature 

Minutes:

**Senator David Hogue - Chairman**

Committee Work

Senator Hogue explains quit claim deeds and warranty deed to the committee. He says what this bill is saying that sometimes the chronology of recording of deeds gets out of order. This bill would make it clear that all quit claim deeds that contain the word grant are intending to give after required title. He said sometimes property is being conveyed several different times within a short period of time and the people to the transaction do not get the order correct. Senator Armstrong remarks sometimes the deeds get out of order at the recorder's office. He says this will solve the problem. He also said this will also protect people who do this on their own.

Senator Nelson moves a do pass  
Senator Armstrong seconded

Vote - yes-7, no-0

Senator Hogue will carry

Date: 1-23-13  
Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 2168

Senate JUDICIARY Committee

Check here for Conference Committee

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

Action Taken:  Do Pass  Do Not Pass  Amended  Adopt Amendment  
 Rerefer to Appropriations  Reconsider

Motion Made By S. Nelson Seconded By S. Armstrong

Senators	Yes	No	Senator	Yes	No
Chairman David Hogue	X		Senator Carolyn Nelson	X	
Vice Chairman Margaret Sitte	X		Senator John Grabinger	X	
Senator Stanley Lyson	X				
Senator Spencer Berry	X				
Senator Kelly Armstrong	X				

Total (Yes) 7 No 0

Absent 0

Floor Assignment S. Hogue

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

**REPORT OF STANDING COMMITTEE**

**SB 2168: Judiciary Committee (Sen. Hogue, Chairman) recommends DO PASS**  
(7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2168 was placed on the  
Eleventh order on the calendar.

**2013 HOUSE JUDICIARY**

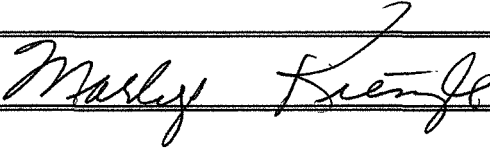
**SB 2168**

# 2013 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee  
Prairie Room, State Capitol

SB 2168  
March 26, 2013  
Job # 20495

Conference Committee



## Explanation or reason for introduction of bill/resolution:

Relating to after-acquired title; and to provide for retroactive application.

## Minutes:



**Chairman Kim Koppelman:** Opens SB 2168.

**Grant Shaft, ND Bar Association of North Dakota and Rural Probate and Trust Section:** (:05 to 4:50) He introduces the bill and is in support of the bill. He explained the changes under Section 47-10-15 of the North Dakota Century Code pertaining to a quit claim deed. What the attorneys usually question is that after a title is usually reserved for warranty deeds. Warranty Deeds use the word grant. Commonly Quit Claim Deeds have become a more used vehicle for conveying titles. So what we are trying to do here is clarify the language.

**Vice Chairman Larry Klemin:** Typically a quit claim deed would pass the interest of grantor whatever it is and if he had no interest it would not pass anything.

**Grant Shaft:** That is correct.

**Vice Chairman Larry Klemin:** If you have a quit claim deed that has grant language in it does it have any significance at all?

**Grant Shaft:** It does to us as attorneys. It does let us know if there was an interest or not. So what we are trying to get to is to rely on the language of the deed.

**Chairman Kim Koppelman:** Closed the hearing.

**Rep Hogan:** Made a motion of Do Pass.

**Rep Paur:** Seconded the motion

Do Pass Yes 13 No 0 absent 1 Carrier Rep Klemin

Date: 3-26-13  
 Roll Call Vote #: 1

**2013 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. SB2168**

House Judiciary Committee

Check here for Conference Committee

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

Action Taken:  Do Pass  Do Not Pass  Amended  Adopt Amendment  
 Rerefer to Appropriations  Reconsider

Motion Made By Rep Hogan Seconded By Rep. Paur

Representatives	Yes	No	Representatives	Yes	No
Chairman Kim Koppelman	/		Rep. Lois Delmore	/	
Vice Chairman Lawrence Klemin	/		Rep. Ben Hanson	/	
Rep. Randy Boehning	/		Rep. Kathy Hogan	/	
Rep. Roger Brabandt	/				
Rep. Karen Karls	/				
Rep. William Kretschmar	/				
Rep. Diane Larson	/				
Rep. Andrew Maragos					
Rep. Gary Paur	/				
Rep. Vicky Steiner	/				
Rep. Nathan Toman	/				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Rep. Klemin

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



**REPORT OF STANDING COMMITTEE**

**SB 2168: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends DO PASS**  
(13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2168 was placed on the  
Fourteenth order on the calendar.