2025 SENATE INDUSTRY AND BUSINESS

SB 2356

2025 SENATE STANDING COMMITTEE MINUTES

Industry and Business Committee
Fort Union Room, State Capitol

SB 2356
2/3/2025

A bill relating to the contents of a legal description for a deed and a contract for a deed.

2:46 p.m. Chairman Barta called the meeting to order.

Members present: Chairman Barta, Vice-Chairman Boehm, Senator Klein, Senator Enget

Members absent: Senator Kessel

Discussion Topics:

- Meets and bounds legal description, requirements and example
- Notice of transfer of ownership and purpose
- Seller leans and debts
- County auditor
- Certificate of surveys
- Frequency and importance of issue
- County protocol variation
- Planning and zoning practices
- Title insurance
- Property tax purposes and value
- Delayed deed filing
- Valid legal description and defective documents
- Financial institution consumer protection
- Buyer protection
- Real estate closings
- Proper authority
- County administration
- Oil boom and economic growth
- Subdivision requirements and county subdivision processes
- Transactional survey
- Adjoining land parcels
- Buyer-seller litigation
- Plot division
- County auditor role and permission
- Verification of paid property taxes
- Advancing technology standards

2:47 p.m. Senator Scott Meyer, District 18, testified in favor.

2:48 p.m. John Ward, ND Land Title Association, introduced other following speakers.

2:49 p.m. Nick Hacker, President of the ND Land Title Association, testified in favor and submitted testimony #33884.

3:05 p.m. Joe Larson, lawyer, veteran, realtor, testified in favor.

3:12 p.m. Rick Clayburgh, President and CEO of the ND Banker's Association, testified in favor.

3:13 p.m. Lisa Feldner, ND Association of Realtors, testified in favor.

3:13 p.m. Alexis Baxley, Independent Credit Union of ND, testified in favor.

3:14 p.m. Paula Bachmeier, Executive Director of the ND Land Title Association, testified in favor and submitted testimony #33621.

3:18 p.m. Stacy Krumwiede, lobbyist on behalf of Hummert Land Surveying, introduced Aaron Hummert.

3:19 p.m. Aaron Hummert, Professional Land Surveyor at Interstate Engineering, testified in opposition and submitted testimony #34630.

3:32 p.m. Blaine Johnson, real estate attorney, testified in neutral.

Additional written testimony:

Rachel Laqua, President of the ND Planning Association, submitted testimony #33585 in opposition.

Melissa Vachal, Recorder/Planning and Zoning Director for Mountrail County, submitted testimony #33846 in opposition.

3:37 p.m. Chairman Barta closed the hearing.

Audrey Oswald, Committee Clerk

NORTH DAKOTA
PLANNING ASSOCIATION
Serving North Dakota since 1973

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February 3, 2025
Committee Hearing: SB2356
Industry and Business

Senator Barta and Committee Members:

The North Dakota Planning Association respectfully requests a decision of DO NOT PASS on Senate Bill 2356.

The impacts of this bill are not clear. Typically, the platting process is required in order to split land and record a deed selling a portion of the split land. This bill seems to imply that a recorder may not reject a deed based on requirements in NDCC57-02-39, which allows for a county auditor to state that a plat must be produced in order to record an "irregularly shaped lot". This section is not the section of the century code which requires and regulates platting, but it is a tool that jurisdictional planners utilize in order to ensure orderly development. This bill appears to put the recorder in a position to have to judge whether a deed has been properly platted under a certain section of the century code, which is beyond their scope, and would cause confusion.

If a recorder may not reject a deed based on those requirements laid out in 57-02-39, is it clear that that they will need to reject the deed based on NDCC 40-50.01 if it is not properly surveyed and platted? We don't believe that it is.

There are good reasons that platting is required before splitting lots, particularly those within City limits. Burleigh, Morton and Williams Counties have all encountered problems with lots that were split without a subdivision. Lots sold by deed without platting can end up without any legal access or without the ability to be serviced by utilities. Planners in our association have had to work with property owners who bought a lot that was described as "the west 30 feet of Lot 1" or "the north half of Lot 2", etc. which were not properly subdivided and recorded, leaving a sub-standard lot with no ability for building. In other cases, lots have been split by deed and ended up too small for a septic system in an area where there is no sewer. Proper subdivision and platting regulations forbear this issue, though we recognize that the process is not always convenient or quick.

In this instance, we respectfully urge a DO NOT PASS on Senate Bill 2356 as the impacts of it are unclear.

Thank you,

North Dakota Planning Association Board
Rachel Laqua, President

My name is Paula Bachmeier. I am the Executive Secretary of the North Dakota Land Title Association and have been involved in the title industry for 51 years, working in Ward County.

I am speaking in support of Senate Bill 2356 relating to the recording of deeds on parcels of real estate containing previously accepted and taxed metes and bounds legal descriptions.

Part of our profession is doing real estate closings – and we do them on properties located throughout the State of North Dakota. We are responsible for making sure deeds are recorded promptly and properly after funds have been exchanged between the buyer and seller. Prior to the actual closings, we check to make sure title is in order. We always get copies of the tax statements for the prior years for the properties being sold.

We have been having deeds rejected for recording (after closing) because the legal description is in metes and bounds – even though the property may have been transferred for years using the legal descriptions from prior deeds. We have had transactions close, send the deeds for recording and they are rejected with a requirement for surveying/platting. Funds would have already been disbursed as every seller, of course, expects to receive their sale proceeds at the time the closing occurs. Buyers are expecting to be the owners of the property at the time they provide funds for closing.

This is providing an undue hardship on our sellers and buyers. As a result, we are forwarding the metes and bounds descriptions to Auditors/Recorders before closing (even though they came from previously recorded deeds) and asking if they will accept a new deed containing the description. In some cases we are being told that the answer will be given when the document is presented for recording and not before.

In some cases we are being told that we can record the deed, but then the new buyer will be required to plat the property subsequent to closing before they can transfer it the next time.

All of these circumstances are causing an undue hardship for our buyers and sellers and delaying closings sometimes by months at a time depending on the availability of surveyors in the market and the approval process of the county involved.

I strongly hope that this committee gives a “do pass” to SB 2356 requiring the County Auditors/Recorders to accept the recording of a deed containing a legal description that previously existed in the public records.

Thank you

Industry and Business
RE: SB2356
February 3, 2025
By: Melissa Vachal
Mountrail County Recorder, Mountrail County P&Z Director

Good Morning Senator Barta and Committee Members.

For the record I am Melissa Vachal, Mountrail County Recorder and Mountrail County Planning & Zoning Director. I am writing to you today in opposition on SB2356 and would appreciate a DO NOT PASS recommendation

The impacts of this bill are very concerning and not good for many county offices but also for the buyer of all property.

Who, wants to buy a parcel of land on a metes and bounds description and not know their actual property lines? Years ago, land was described in the deed as 100 feet from the blue shed, north 50 feet to the slough, south 50 feet to the side walk and 100 feet west back to the blue shed. Unfortunately, this metes and bounds description really shouldn't be used as the blue shed has been taken down and the slough has dried up and the side walk has been moved by not making the seller plat this property, how will the buyer know where his property lines are.

This bill would allow for the metes and bounds to be used for many years to come by allowing the deed to have the legal description from a prior deed be used and no solid lines will be defined.

In my 18 years as being County Recorder I've seen many of these metes and bounds descriptions given deed after deed. The Recorder's office only records a document if transferred by the Auditor's office and should the Auditor see that this metes and bounds needs to be platted then they do not transfer and we cannot record. There is a cleaner process and yes it may take the seller or buyer a little more process time but, in the end, we would have a clear title of property lines. There will be pins placed on the property showing where their corners are located. Then there will be no question to when they build that they will be within those lines.

If you allow a metes and bounds to continue to be used over and over there will be no reason a surveyor will need to be out placing pins for lines. Our program in the recorders office doesn't allow for us to put a metes and bounds description into it clearly but does allow us to put surveyed and platted outlots that describe a specific location based upon what the metes and bounds description.

Our Planning and Zoning office plays a big roll into making sure Outlots are on the records correctly. But without the platting process we do not get the outlot number or Auditors lot number. On the Planning and Zoning process, platting is very important so that we don't have subdivisions popping up all over the country or lots that should be given splits or if a business purchases land from a farmer/rancher, with the surveying and platting of an outlot the zoning process is able to be followed correctly.

By requiring a parcel of land to become platted at the time of the sale the lots makes sense for all parties. NDCC 57.02-39 allows the Auditor's office to require a metes and bounds description to be platted. Mountrail County implemented the platting process years ago due to issues with metes and bounds. Proper platting also allows for many entities to make sure the acreage is correct for setbacks but also can be drawn in correctly on the GIS program and locatable in the Recorders office by a surveyed and recorded outlot, not a metes and bounds description.

For these reasons I ask for a DO NOT PASS recommendation on SB 2356

Thank you again for your time and consideration.

Melissa Vachal

Mountrail County Recorder/Mountrail County Planning & Zoning Director

Senate Industry and Business Committee
Hearing on SB 2356

Testimony from North Land Title Association
Nick Hacker – Legislative Chair
nick@thetitleteam.com
(240) 688-2210

Chairman Barta and Members of the Committee, my name is Nick Hacker with the North Dakota Land Title Association. Our members provide real estate abstracting, title and closing services to homeowners and lenders across the state.

Senate Bill 2225 strengthens real property rights including the right to convey or sell your property without condition from the government. This bill is an important step to try to address an ongoing issue that our industry and buyers and sellers face when attempting to record a deed after the sale of property.

Under NDCC 57-02-39, the county has the right to require property owners to plat property, which is described using metes and bounds legal descriptions, especially if the precise location of the land may not be easily ascertained. This bill does not take that right away, it simply does not allow that right to be exercised for the purpose of rejecting the recording of the deed.

We are a race recording state and rights are established when notice of ownership is created. Notice of ownership occurs when the deed is recorded. When the deed is not recorded because the property now needs to be platted, significant risk to the new owner occurs. For instance, if the seller has a new lien filed against them, that lien now attaches to the buyer's real estate after the buyer paid the seller for the property received a signed warranty deed but such deed has not been recorded. That means the buyer's property is encumbered by the sellers' liens occurring after they purchase the property.

The liens the purchaser is subject can include; new mortgages of the seller, federal tax liens, state tax liens, construction liens, child support liens, and bankruptcy claims. When a title company is used and title insurance is purchased, the title company takes on this risk. However, title companies are not always used during the sale of property.

The enforcement of NDCC 57-02-39 is often times exercised even when the property being sold using the same metes and bounds description as that used when the seller purchased the property. That means the property already has a tax identification and is being taxed, so there should be no reason for rejection of the deed which forces consumers to incur the cost of surveying and platting along with unnecessary delays to closing their transaction. These delays can be substantial in rural North Dakota and take several months.

Senate Bill 2356 provides North Dakotans with certainty that when they purchase property, they can obtain the protection of public notice by timely getting their deed recorded. Please support this bill with a Do Pass vote.

#34630

NDSPLS ADMINISTRATIVE OFFICE
PO Box 7370
Bismarck, ND 58507
Phone: 701-223-3184
E-mail: info@ndspls.org
Website: www.ndspls.org
Date: February 2, 2025

To: Chairman Barta, Members of the Senate Industry and Business Committee.

NDSPLS is made up of over 100 members, many of which are Registered Professional Land Surveyors who live and practice in the State of North Dakota. There are approximately 500 Registered Land Surveyors who are licensed to practice in ND. We are licensed and regulated by the North Dakota State Board of Registration for Professional Engineers and Professional Land Surveyors. Our mission and objective is: to unite all of the Professional Land Surveyors in the State of North Dakota; to elevate the standards of the surveying profession; to establish basic minimum standards and requirements for surveys; to assist in promoting legislative and educational programs to improve the professional status of the Land Surveyor; to work in cooperation with local, county, state, federal and tribal governments in our field of endeavor; to uphold a rigid code of ethics; to strive to improve our relations with our clients and the public by doing our work with precision and integrity; and to maintain a good relationship between Land Surveyors and Engineers.

The North Dakota Society of Professional Land Surveyors is OPPOSED to Senate Bill No. 2356.

This bill appears to diminish the effect of *NDCC 57-02-39 – Irregularities of land to be platted into lots if required*. This is very concerning to NDSPLS as this bill would appear to require the recording of deeds and contracts for deeds containing insufficient and ambiguous land descriptions. Furthermore, this bill does not appear to differentiate between existing tracts of record and new tracts created by division. The surveying profession's understanding of the rationale and application of *NDCC 57-02-39* is aligned with the recently decided North Dakota Supreme Court case *Nordquist v. Alonge, 2024 ND 157*. The auditor's certificate of transfer is a prerequisite for the recording of a deed or a contract for deed. The rejection of a deed containing an insufficient or ambiguous land description rests with the auditor, not the recorder. In review of *Nordquist* and other codes, it is clear this bill fails to appreciate the totality of other applicable codes affecting the platting, transfer and recording of property conveyances, particularly in Titles 11, 40 and 57.

Overall, NDSPLS believes *NDCC 57-02-39* is an important mechanism to maintain a coherent system of land records in North Dakota, to promote an orderly approach to the division of property, and to minimize the chaos that is caused by ambiguous land descriptions which often result in increased surveying and legal fees to correct. This bill appears to upend a system that is working and will only cause more confusion.

Therefore, NDSPLS urges a DO NOT PASS on Senate Bill No. 2356.

Respectfully submitted,

Aaron Hummert, PLS
Chair of the Legislative Committee
North Dakota Society of Professional Land Surveyors

2025 SENATE STANDING COMMITTEE MINUTES

Industry and Business Committee
Fort Union Room, State Capitol

SB 2356
2/10/2025

A bill relating to the contents of a legal description for a deed and a contract for deed.

9:14 a.m. Chairman Barta opened the hearing.

Members present: Chairman Barta, Vice-Chair Boehm, Senator Klein, Senator Kessel, Senator Enget

Discussion Topics:

- Deed contract
- Meets and bounds description
- Land surveyors

9:16 a.m. John Ward, on behalf of the ND Land Title Association, testified in neutral.

9:17 a.m. Senator Klein moved to adopt amendment LC# 25.1207.01001.

9:17 a.m. Senator Boehm seconded the motion.

Senators	Vote
Senator Jeff Barta	Y
Senator Keith Boehm	Y
Senator Mark Enget	Y
Senator Greg Kessel	Y
Senator Jerry Klein	Y

Motion passed 5-0-0.

9:18 a.m. Senator Kessel moved a Do Pass As Amended.

9:18 a.m. Senator Boehm seconded the motion.

Senators	Vote
Senator Jeff Barta	Y
Senator Keith Boehm	Y
Senator Mark Enget	Y
Senator Greg Kessel	Y
Senator Jerry Klein	Y

Motion passed 5-0-0.

Senator Barta will carry the bill.

9:19 a.m. Chairman Barta closed the hearing.

Audrey Oswald, Committee Clerk

25.1207.01001
Title.02000

Adopted by the Industry and Business Committee

February 10, 2025

2-10-25
JB 1082

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2356

Introduced by

Senators Meyer, Lee

Representatives Louser, Meier

A BILL for an Act to amend and reenact section 47-19-03.1 of the North Dakota Century Code, relating to the contents of a legal description for a deed and a contract for deed.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 47-19-03.1 of the North Dakota Century Code is amended and reenacted as follows:

47-19-03.1. Deeds and contracts for deeds to include name and address of drafter of legal description.

1. The recorder may not record a deed or contract for deed containing a metes and bounds legal description which affects the title to or possession of real property that otherwise may be recorded under this chapter unless the name and address of the individual who drafted the legal description contained in the deed or contract for deed appears on the instrument in a legible manner.
2. A deed or contract for deed complies with this section if it contains a statement substantially in the following form: "The legal description was prepared by _____ (name) _____ (address) or obtained from a previously recorded instrument." The recording of an instrument containing a metes and bounds legal description obtained from a previously recorded instrument of conveyance under this section may not be rejected based on section 57-02-39.
3. This section does not apply to any instrument executed before January 1, 2000, or any instrument executed or acknowledged outside the state. The validity and effect of the

JJ HB 2 of 2

record of any instrument in a recorder's office may not be lessened or impaired by the fact the instrument does not contain the statement required by this section.

REPORT OF STANDING COMMITTEE
SB 2356

Industry and Business Committee (Sen. Barta, Chairman) recommends **AMENDMENTS (25.1207.01001)** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). SB 2356 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

2025 HOUSE INDUSTRY, BUSINESS AND LABOR

SB 2356

2025 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee
Room JW327C, State Capitol

SB 2356
3/11/2025

A BILL for an Act to amend and reenact section 47-19-03.1 of the North Dakota Century Code, relating to the contents of a legal description for a deed and a contract for deed.

9:30 a. m. Chairman Warrey opened the meeting.

Members Present: Chairman Warrey, Vice Chairman Ostlie, Vice Chairman Johnson, Representatives Bahl, T. Brown, Finley-DeVille, Grindberg, Kasper, Koppelman, D. Ruby, Schatz, Schauer, Vollmer

Member Absent: Representative C. Brown

Discussion Topics:

- Previous recorded instrument
- Survey markers
- Legal descriptions
- Undue hardship buyers & sellers
- Existing liens
- Prevalent of Title Insurance

9:30 a.m. Senator Scott Meyer, District 18, Grand Forks, ND, introduced and testified.

9:33 a.m. Nick Hacker, ND Land Title Association, President & CEO The Title Team, testified in favor and submitted testimony #40001 and #40487.

9:49 a.m. Paula Bachmeier, Ward County, ND Land Title Association, testified in favor.

9:55 a.m. Rick Clayburgh, President/CEO, ND Bankers Association, testified in favor.

9:58 a.m. Blaine Johnson, Real Property Section, State Bar Association, testified as neutral.

10:06 a.m. Representative D. Ruby moved Do Pass.

10:06 a.m. Representative Vollmer seconded the motion.

Representatives	Vote
Representative Jonathan Warrey	Y
Representative Mitch Ostlie	Y
Representative Jorin Johnson	Y
Representative Landon Bahl	Y
Representative Collette Brown	AB

Representative Timothy Brown	Y
Representative Lisa Finley-DeVille	Y
Representative Karen Grindberg	Y
Representative Jim Kasper	Y
Representative Ben Koppelman	Y
Representative Dan Ruby	Y
Representative Mike Schatz	Y
Representative Austin Schauer	Y
Representative Daniel R. Vollmer	Y

Motion passed 13-0-1

10:07 a.m. Representative Vollmer will carry the bill.

10:07 a.m. Chairman Warrey closed the meeting.

Diane Lillis, Committee Clerk

REPORT OF STANDING COMMITTEE
ENGROSSED SB 2356 (25.1207.02000)

Industry, Business and Labor Committee (Rep. Warrey, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT OR EXCUSED AND NOT VOTING). SB 2356 was placed on the Fourteenth order on the calendar.

House Industry, Business and Labor Committee
Hearing on SB 2356

Testimony from North Land Title Association
Nick Hacker – Legislative Chair
nick@thetitleteam.com
(240) 688-2210

Chairman Warrey and Members of the Committee, my name is Nick Hacker with the North Dakota Land Title Association. Our members provide real estate abstracting, title and closing services to homeowners and lenders across the state.

Senate Bill 2356 as amended, strengthens real property rights including the right to convey or sell your property without delay. This bill is an important step to try to address an ongoing issue that buyers and sellers face when attempting to record a deed after the sale of property using the same legal description from the prior sale.

Under NDCC 57-02-39, the county has the right to require property owners to plat property especially if the precise location of the land may not be easily ascertained. This bill does not take that right away, it simply does not allow that right to be exercised for the purpose of rejecting the recording of the deed when the same legal description is used as the prior conveyance.

We are a race recording state which means rights are established and protected when notice of ownership is created. Notice of ownership occurs when the deed is recorded. When the deed is not recorded, significant risk to the new owner occurs. If the seller has a new lien filed against them before the deed is recorded, that lien now attaches to the buyer's real estate after the buyer paid the seller for the property in return for a signed warranty deed.

The liens that can attach include new mortgages of the seller, federal tax liens, state tax liens, construction liens, child support liens, and bankruptcy claims. When a title company is used and title insurance is purchased, the title company takes on this risk. However, title companies are not always used during the sale of property.

The enforcement of NDCC 57-02-39 causing a deed to be rejected is untimely and unnecessary. The property being sold already has a tax identification and is being taxed, so there should be no reason for rejecting the deed which then forces consumers to incur the cost of surveying and platting the property at the time of sale causing unnecessary costs, delays and risk to closing. These delays can be substantial in rural North Dakota and take several months.

Senate Bill 2356 provides North Dakotans with certainty that when they purchase property, they can obtain the protection of public notice by timely recording their deed.

Please support this bill with a Do Pass recommendation. Thank you

#40487

Prior Deed
1 of 2

QUIT CLAIM DEED

THIS INDENTURE, made this 28 day of September, 2000, between **LYMAN M. PAGE JR. and DORIS E. PAGE**, husband and wife, as Tenants in Common, Grantors, and **LYMAN M. PAGE JR. and DORIS E. PAGE**, husband and wife, as Joint Tenants with rights of survivorship, Grantees, whose address is 146 Brandon Circle, Bismarck ND 58501.

WITNESSETH:

For and in consideration of the sum of One Dollar ($1.00) and other good and valuable consideration, Grantors do hereby quit claim to said Grantees, all of the following real property lying and being in the County of McLean and State of North Dakota, and described as follows, to-wit:

1st Tract

Same legal description

A tract of land located in the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section Seven (7), Township One Hundred Forty-eight (148), Range Eighty-three (83), described as:

Commencing at a point on the North Line of the right of way of Highway 37, which is 395.16 feet West of the East line of said Southeast Quarter of the Southeast Quarter (SE1/4SE1/4); thence due North 521 feet; thence due West 218 feet; thence due South 521 feet; and thence due East 218 feet along the North Boundary of said highway right of way to the point of beginning, containing 2.62 acres more or less.

WITNESS, the hand of the Grantors:

Lyman M Page Jr.
LYMAN M. PAGE JR

Doris E. Page
DORIS E. PAGE

STATE OF NORTH DAKOTA)
)ss
COUNTY OF McLean)

On the 28 day of September, 2000, before me personally appeared Lyman

I

3339573
Page: 1 of 2
10/05/2000 11:31A
LYMAN M PAGE JR QCD 10.00 McLean Co., ND

M. Page Jr, known to me to be the person who is described in and who executed the within and foregoing document and acknowledged that he executed the same.

DOUGLAS D. SLETTEN NOTARY PUBLIC STATE OF NORTH DAKOTA SEAL

Notary Public
My commission expires: _____

DOUGLAS D. SLETTEN
Notary Public, State of North Dakota
My Commission Expires July 24, 2004

STATE OF NORTH DAKOTA)
)Ss
COUNTY OF Burleigh).

On the 2nd day of October., 2000, before me personally appeared Doris E. Page, known to me to be the person who is described in and who executed the within and foregoing document and acknowledged that she executed the same.

JENNIE BIRDSELL
Notary Public, STATE OF NORTH DAKOTA
My Commission Expires NOV. 25, 2005

Notary Public
My commission expires: Nov. 25, 2005

Delinquent taxes and special assessments of installments of special assessments paid and transfer entered this 5th day of October, 2000.

County Auditor
By: _____ Deputy

Current taxes or current special assessments or installments of special assessments are unpaid in the amount of -0-.

STATEMENT OF CONSIDERATION:

I certify that the requirement for a report or statement of full consideration paid does not apply because this deed is for one of the transactions exempted by subdivision "c" and "i" of Section 6, NDCC 11-18-02.2.

Signed: _____ Date: 9-28-00
Grantee or Agent

RECEPTION _____
INDEXED _____
CHECKED _____
COPIED _____
VERIFIED _____
MICROFILM _____

REGISTER OF DEEDS * MCLEAN CO. STATE OF NORTH DAKOTA * SEAL 2

REGISTER OF DEEDS OFFICE, MCLEAN COUNTY, ND 10/05/2000 11:31AM
I certify that this instrument was filed for record this date.
Duayne J. Oster, Register of Deeds

3339573

3339573
Page: 2 of 2
10/05/2000 11:31A
LYMAN M PAGE JR ECD 10.00 McLean Co., ND

Prior Deed
2 of 2

WARRANTY DEED (Joint Tenants)

THIS INDENTURE, made this 3rd day of August, in the year of our Lord two thousand seven between RICHARD E. WILLIAMS, single, whose postoffice address is 1230 SE Larch, College Place, WA 99324, party of the first part, and LYMAN M PAGE, JR. and DORIS E. PAGE, husband and wife as joint tenants and not as tenants in common, with the right of survivorship, whose postoffice address is 3509 16th Street NW, Garrison, ND 58540, parties of the second part;

WITNESSETH, That the said party of the first part, for and in consideration of the sum of One Dollar and other valuable consideration, to him in hand paid by said parties of the second part, the receipt whereof is hereby acknowledged, does by these presents GRANT, BARGAIN, SELL and CONVEY unto the said parties of the second part, as joint tenants, and not as tenants in common, their assigns, the survivor of said parties of the second part, and the heirs and assigns of such survivor, FOREVER, all the tract or parcel of land lying and being in the County of McLean and State of North Dakota, and described as follows, to-wit:

2nd Tract Same legal description

A tract of land located in the Southeast Quarter of the Southeast Quarter (SE¼SE¼) of Section Seven (7) in Township One Hundred Forty Eight (148) North of Range Eighty Three (83) West of the Fifth Principal Meridian, McLean County, North Dakota, described as follows:
Beginning at a point which is 100.00 feet West and 623.32 feet North of the Southeast corner of said Section Seven (7); thence North 279.36 feet; thence West 208.66 feet; thence South 279.36 feet; thence East 208.66 feet to the point of beginning.

Subject to all existing easements and rights of way, prior mineral reservations and to all exceptions, conditions or limitations expressed in Government Patents or in deeds of record.

The legal description was obtained from a previously recorded instrument.

TO HAVE AND TO HOLD THE SAME, Together with all the hereditaments and appurtenances thereunto belonging or in anywise appertaining, to said parties of the second part, their assigns, the survivor of said parties, and the heirs, successors and assigns of such survivor, FOREVER. And the said RICHARD E. WILLIAMS, single, said party of the first part, for himself, his heirs and personal representatives do covenant with said parties of the second part, their assigns, the survivor of said parties, and the heirs, successors and assigns of such survivor, that he is well seized in fee of the land and premises aforesaid, and has good right to sell and convey the same in manner and form aforesaid; that the same are free from all incumbrances,

and the above bargained and granted land and premises in the quiet and peaceable possession of said parties of the second part, their assigns, the survivor of said parties, and the heirs, successors and assigns of such survivor, against all persons lawfully claiming or to claim the whole or any part thereof, the said party of the first part will warrant and defend.

3357884
Page: 1 of 2
08/03/2007 04:24P
LYMAN M PAGE JR MD 13.00 McLean Co., ND

IN WITNESS WHEREOF, the said party of the first part hereunto sets his hand the day and year first above written.

Richard E. Williams

STATE OF WASHINGTON)
(ss
COUNTY OF)

On this 3rd day of August, 2007, before me personally appeared RICHARD E. WILLIAMS, single, known to me to be the same person described in and who executed the within and foregoing instrument, and severally acknowledged to me that he executed the same.

PAMELA R. FLATH NOTARY PUBLIC STATE OF NORTH DAKOTA

Pamela R Flath
1736 41 Ave NW Garrison, ND 58540 Notary Public
My commission expires: McLean County

PAMELA R. FLATH
Notary Public, State of North Dakota
My Commission Expires February 12, 2008

I certify that the full consideration paid for the property described in this deed is $ 15,000.00.

Lyman M Page 8-3-07
Grantee or Agent Date

Delinquent taxes and special assessments or installments of special assessments paid and TRANSFER ENTERED this 3rd day of August, 2007
Leslie Kargel
McLean County Auditor
By Pamela K Trueblood
Deputy, McLean County Auditor

Current taxes or current special assessments or installments of special assessments are unpaid in the amount of
$ -0-

RECEPTION
INDEXED
CHECKED
COPIED
VERIFIED
MICROFILM

MCLEAN COUNTY RECORDER OFFICIAL SEAL STATE OF NORTH DAKOTA

RECORDER'S OFFICE, MCLEAN COUNTY, ND 08/03/2007 04:24PM
I CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD THIS DATE
DWAYNE J. OSTER, COUNTY RECORDER
3357884

3357884
Page: 2 of 2
08/03/2007 04:24P
LYMAN M PAGE JR ND 18.00 McLean Co., ND

Rejected Deed

N21-0021-CO NDFT

WARRANTY DEED

THIS INDENTURE, made this 26 day of May, 2021, between Doris Page, a single person, Grantor, whether one or more, and HGWY 83 Storage & Camping, LLC, Grantee, whether one or more, whose post office address is 5555 22nd Ave SE, Bismarck, ND 58504.

WITNESSETH, for and in consideration of the sum of Ten and no/100 Dollars ($10.00), and other good and valuable consideration, Grantor does hereby GRANT to the Grantee, all of the following real property lying and being in the County of [redacted], State of North Dakota, and described as follows, to-wit:

2 tracts of land located in the SE¼SE¼ of Section 7 in Township 148 North of Range 83 West of the Fifth Principal Meridian, McLean County, North Dakota described as follows:

Commencing at a point on the North line of the right of way of U.S. Highway No. 37, which is 395.16 feet West of the East line of said SE¼SE¼; thence due North 521 feet; thence due West 218 feet; thence due South 521 feet; thence due East 218 feet along the North boundary of said highway right of way to the point of beginning.

Same legal description

AND

Beginning at a point which is 100.00 feet West and 623.32 feet North of the Southeast corner of said Section 7; thence North 279.36 feet; thence West 208.66 feet; thence South 279.36 feet; thence East 208.66 feet to the point of beginning.

SUBJECT to all prior and valid mineral reservations, restrictions, conveyances, easements and leases now of record.

And the Grantor for himself, his heirs, executors and administrators, does covenant with the Grantee that he is well seized in fee of the land and premises aforesaid and has good right to sell and convey the same in manner and form aforesaid; that the same are free from all encumbrances, except installments of special assessments or assessments for special improvements which have not been certified to the County Auditor for collection, and the above granted lands and premises in the quiet and peaceable possession of the Grantee, against all persons lawfully claiming or to claim the whole or any part thereof, the Grantor will warrant and defend.

WITNESS, the hand of the Grantor:

Doris Page

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF Burleigh)

On this 26 day of May, 2021, before me personally appeared Doris Page, known to me to be the same person who is described in and who executed the within and foregoing instrument and acknowledged to me that she executed the same.

(SEAL)

JESSICA HOLCOMB
Notary Public
State of North Dakota
My Commission Expires November 5, 2022

Notary Public

Grantee (Buyer) Sign One of the Following

I certify that the full consideration paid or to be paid for the property described in this deed is $ 415,000.00 .

Signed: _____ Date: 5/26/2024
Grantee or Agent

I certify that the requirement for a record or statement of full consideration paid does not apply because this deed is for one of the transactions exempted by NDCC § 11-18-02.2(6)(__).

Signed: _____ Date: _____
Grantee or Agent

This instrument was drafted by: [redacted] Law Firm, [redacted] 58554-0100
(The legal description contained herein was obtained from a previously recorded instrument.)

Final Recorded Deed

Delinquent taxes and special assessments or installments of special assessments paid and TRANSFER ENTERED this 5th day of November, 2021

Beth A. Knutson
McLean County Auditor

By Diane L Blumhagen
Deputy, McLean County Auditor

Current taxes or current special assessments or installments of special assessments are unpaid in the amount of $0.00

McLEAN COUNTY RECORDER OFFICIAL SEAL STATE OF NORTH DAKOTA

RECORDER'S OFFICE, MCLEAN COUNTY, ND 11/5/2021 10:21 AM
I CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD THIS DATE.
HEIDI J. ANDERSON, COUNTY RECORDER

Cailey
Recorded Electronically

3405256

11/5/2021 10:21 AM $20.00
NORTH DAKOTA GUARANTY & TITLE CO.-

3405256
Page: 1 of 3
McLean Co., ND

WARRANTY DEED

N21-0021-CO NDGT

THIS INDENTURE, made this 26 day of May, 2021, between Doris Page, a unmarried widow Grantor, whether one or more, and HGWY 83 Storage & Camping, LLC, Grantee, whether one or more, whose post office address is 5555 22nd Ave SE, Bismarck, ND 58504.

WITNESSETH, for and in consideration of the sum of Ten and no/100 Dollars ($10.00), and other good and valuable consideration, Grantor does hereby GRANT to the Grantee, all of the following real property lying and being in the County of McLean, State of North Dakota, and described as follows, to-wit:

2 tracts of land located in the SE¼SE¼ of Section 7 in Township 148 North of Range 83 West of the Fifth Principal Meridian, McLean County, North Dakota described as follows:
Outlot G:
Commencing at a point on the North line of the right of way of U.S. Highway No. 37, which is 395.16 feet West of the East line of said SE¼SE¼; thence due North 521 feet; thence due West 218 feet; thence due South 521 feet; thence due East 218 feet along the North boundary of said highway right of way to the point of beginning.

AND
Outlot H:
Beginning at a point which is 100.00 feet West and 623.32 feet North of the Southeast corner of said Section 7; thence North 279.36 feet; thence West 208.66 feet; thence South 279.36 feet; thence East 208.66 feet to the point of beginning.

SUBJECT to all prior and valid mineral reservations, restrictions, conveyances, easements and leases now of record.

- $3,200 of Surveying
- 2 month delay after closing and disbursement of funds
- Paid for by the title Company

And the Grantor for himself, his heirs, executors and administrators, does covenant with the Grantee that he is well seized in fee of the land and premises aforesaid and has good right to sell and convey the same in manner and form aforesaid; that the same are free from all encumbrances, except installments of special assessments or assessments for special improvements which have not been certified to the County Auditor for collection, and the above granted lands and premises in the quiet and peaceable possession of the Grantee, against all persons lawfully claiming or to claim the whole or any part thereof, the Grantor will warrant and defend.

WITNESS, the hand of the Grantor:

Doris Page

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF Burleigh)

On this 26 day of May, 2021, before me personally appeared Doris Page, known to me to be the same person who is described in and who executed the within and foregoing instrument and acknowledged to me that she executed the same.

(SEAL)

JESSICA HOLCOMB
Notary Public
State of North Dakota
My Commission Expires November 5, 2022

Notary Public

Grantee (Buyer) Sign One of the Following

I certify that the full consideration paid or to be paid for the property described in this deed is $ 415,000.00 .

Signed: Kyle Engler Date: 5/26/2021
Grantee or Agent

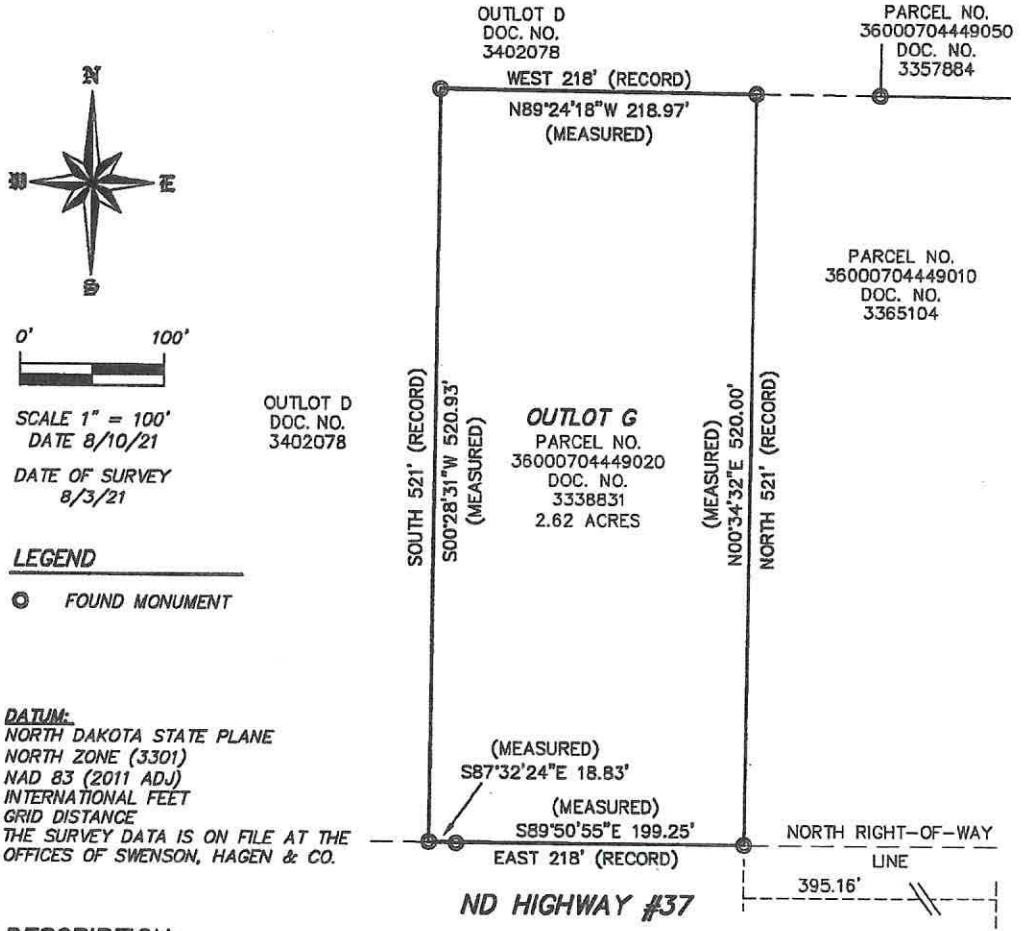
I certify that the requirement for a record or statement of full consideration paid does not apply because this deed is for one of the transactions exempted by NDCC § 11-18-02.2(6)(__).

Signed: _____ Date: _____
Grantee or Agent

This instrument was drafted by: Bair Law Firm, P.O. Box 100, Mandan, ND 58554-0100
(The legal description contained herein was obtained from a previously recorded instrument.)

CERTIFICATE OF SURVEY

OUTLOT G OF THE SE 1/4 OF THE SE 1/4 OF SECTION 7,
TOWNSHIP 148 NORTH, RANGE 83 WEST
OF THE FIFTH PRINCIPAL MERIDIAN
MCLEAN COUNTY, NORTH DAKOTA
Prepared for: GUARANTY & TITLE CO.



DESCRIPTION:

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE1/4SE1/4) OF SECTION SEVEN (7) IN TOWNSHIP ONE HUNDRED FORTY EIGHT (148) NORTH OF RANGE EIGHTY THREE (83) WEST OF THE FIFTH PRINCIPAL MERIDIAN, McLEAN COUNTY, NORTH DAKOTA, DESCRIBED AS:

COMMENCING AT A POINT ON THE NORTH LINE OF THE RIGHT OF WAY OF HIGHWAY 37, WHICH IS 395.16 FEET WEST OF THE EAST LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE1/4SE1/4); THENCE DUE NORTH 521 FEET; THENCE DUE WEST 218 FEET; THENCE DUE SOUTH 521 FEET; AND THENCE DUE EAST 208.66 FEET ALONG THE NORTH LINE OF SAID HIGHWAY RIGHT OF WAY TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 2.62, ACRES MORE OR LESS.

NOTE:

THIS PARCEL IS SUBJECT TO ALL EXISTING EASEMENTS AND RIGHTS OF WAY, PRIOR MINERAL RESERVATIONS AND TO ALL EXCEPTIONS, CONDITIONS OR LIMITATIONS EXPRESSED IN GOVERNMENT PATENTS OR IN DEEDS OF RECORD.

THIS LEGAL DESCRIPTION WAS OBTAINED FROM A PREVIOUSLY RECORDED INSTRUMENT.

Surveyor's Seal
REGISTERED PROFESSIONAL LAND SURVEYOR
TERRY BALTZER
LS-3595
DATE: 8-13-21
NORTH DAKOTA

SWENSON, HAGEN & COMPANY P.C.
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management
909 Basin Avenue
Bismarck, North Dakota 58504
shmg@swensonhagen.com
Phone (701) 223 - 2600
Fax (701) 223 - 2606

10/29/2021 1:40 PM $30.00
ND GUARANTY & TITLE COMPANY -BIS

THE UNDERSIGNED, owner(s) of the within described property, in accordance with the provision of sections 57-02-39 of the NDCC, and upon demand of the County Auditor of McLean County, ND, have caused to be made within and foregoing plat of said land, with the lots as therein described, and hereby donate & dedicate all the streets and alleys herein shown to the public and public use.

IN TESTIMONY WHEREOF the said owners have hereto set their hands and seal this 22 day of October, 2021.

Doris E Page
Print name

Print name

Doris E. Page
Signature

Signature

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF Burleigh)

On this 22 day of October, 2021, before me, a Notary Public in and for said County and State, personally appeared Doris E Page known to me to be the same person(s) described in, and who executed the foregoing instrument and acknowledged that they/he/she executed the same.

(SEAL)

JESSICA HOLCOMB
Notary Public
State of North Dakota
My Commission Expires November 5, 2022

Notary public for Burleigh County,
State of North Dakota

My Commission Expires: _____

I, Terry Baltzer, Surveyor, do hereby certify that at the request of _____, I made the within & foregoing plat and description of the land as herein described, and that the lots, distances, area and location, as indicated on said plat and contained in said description, are true and correct.

Terry Baltzer

Subscribed and sworn to before me this 26 day of Oct, 2021. My commission expires: _____.

(SEAL)

ELIZABETH KNUPPE
Notary Public
State of North Dakota
My Commission Expires May 15, 2023

Notary public for Burleigh County,
State of North Dakota

My Commission Expires: _____

Delinquent taxes and special assessments or installments of special assessment paid and TRANSFER ENTERED this 29 day of October, 2021

Beth A. Knutson
McLean County Auditor

By Diane L Blumhagen
Deputy, McLean County Auditor

Current taxes or current special assessments or installments of special assessments are unpaid in the amount of

$ 0

OFFICIAL SEAL
McLEAN COUNTY RECORDER
STATE OF NORTH DAKOTA

RECORDER'S OFFICE, MCLEAN COUNTY, ND 10/29/2021 1:40 PM
I CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD THIS DATE.
HEIDI J. ANDERSON, COUNTY RECORDER

3405201

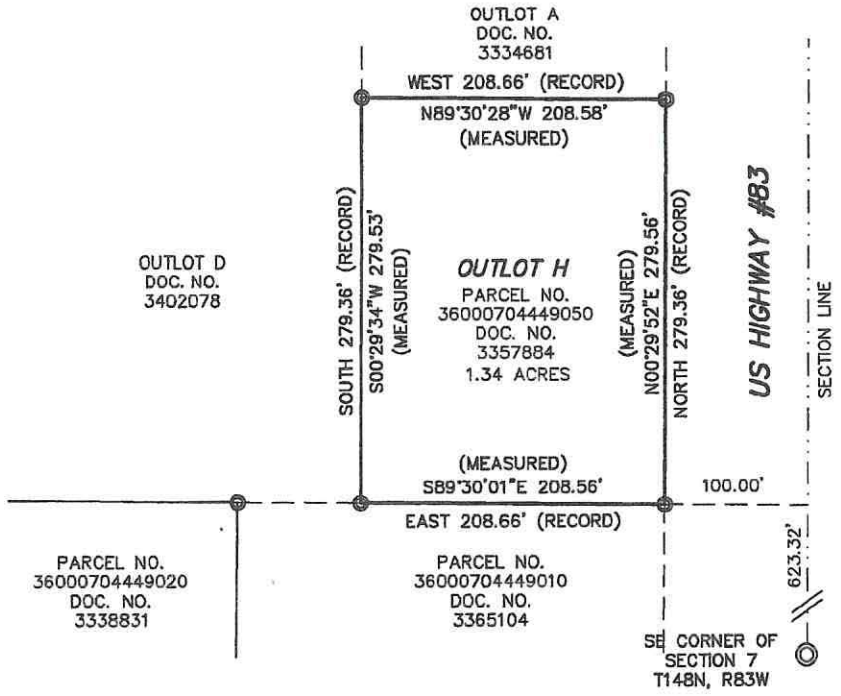
10/29/2021 1:40 PM $30.00
ND GUARANTY & TITLE COMPANY -BIS

3405201

McLean Co., ND

CERTIFICATE OF SURVEY

OUTLOT H OF THE SE 1/4 OF THE SE 1/4 OF SECTION 7,
TOWNSHIP 148 NORTH, RANGE 83 WEST
OF THE FIFTH PRINCIPAL MERIDIAN
MCLEAN COUNTY, NORTH DAKOTA
Prepared for: GUARANTY & TITLE CO.



DATUM:
NORTH DAKOTA STATE PLANE
NORTH ZONE (3301)
NAD 83 (2011 ADJ)
INTERNATIONAL FEET
GRID DISTANCE
THE SURVEY DATA IS ON FILE AT THE OFFICES OF SWENSON, HAGEN & CO.

LEGEND

○ FOUND MONUMENT

DESCRIPTION:

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE1/4SE1/4) OF SECTION SEVEN (7) IN TOWNSHIP ONE HUNDRED FORTY EIGHT (148) NORTH OF RANGE EIGHTY THREE (83) WEST OF THE FIFTH PRINCIPAL MERIDIAN, McLEAN COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOW:

BEGINNING AT A POINT WHICH IS 100.00 FEET WEST AND 623.32 FEET NORTH OF THE SOUTHEAST CORNER OF SAID SECTION SEVEN (7); THENCE NORTH 279.36 FEET; THENCE WEST 208.66 FEET; THENCE SOUTH 279.36 FEET; THENCE EAST 208.66 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 1.34, ACRES MORE OR LESS.

0' 100'

SCALE 1" = 100'
DATE 8/10/21

DATE OF SURVEY
8/3/21

NOTE:

THIS PARCEL IS SUBJECT TO ALL EXISTING EASEMENTS AND RIGHTS OF WAY, PRIOR MINERAL RESERVATIONS AND TO ALL EXCEPTIONS, CONDITIONS OR LIMITATIONS EXPRESSED IN GOVERNMENT PATENTS OR IN DEEDS OF RECORD.

THIS LEGAL DESCRIPTION WAS OBTAINED FROM A PREVIOUSLY RECORDED INSTRUMENT.

SWENSON, HAGEN & COMPANY P.C.
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management
909 Basin Avenue
Bismarck, North Dakota 58504
shcng@swensonhagen.com
Phone (701) 223 - 2600
Fax (701) 223 - 2606

10/29/2021 1:40 PM $30.00
ND GUARANTY & TITLE COMPANY -BIS

THE UNDERSIGNED, owner(s) of the within described property, in accordance with the provision of sections 57-02-39 of the NDCC, and upon demand of the County Auditor of McLean County, ND, have caused to be made within and foregoing plat of said land, with the lots as therein described, and hereby donate & dedicate all the streets and alleys herein shown to the public and public use.

IN TESTIMONY WHEREOF the said **owners** have hereto set their hands and seal this 22 day of October, 2021.

Doris E. Page
Print name

Print name

Doris E. Page
Signature

Signature

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF Burleigh)

On this 22 day of October, 2021, before me, a Notary Public in and for said County and State, personally appeared Doris E. Page known to me to be the same person(s) described in, and who executed the foregoing instrument and acknowledged that they/he/she executed the same.

(SEAL)

JESSICA HOLCOMB
Notary Public
State of North Dakota
My Commission Expires November 5, 2022

Notary public for Burleigh County,
State of North Dakota

My Commission Expires: _____

I, Terry Beltzer, **Surveyor**, do hereby certify that at the request of _____, I made the within & foregoing plat and description of the land as herein described, and that the lots, distances, area and location, as indicated on said plat and contained in said description, are true and correct.

Terry Beltzer

Subscribed and sworn to before me this 21 day of Oct, 2021. My commission expires: _____.

(SEAL)

ELIZABETH KNUPPE
Notary Public
State of North Dakota
My Commission Expires May 15, 2023

Notary public for Burleigh County,
State of North Dakota

My Commission Expires: _____

Delinquent taxes and special assessments or installments of special assessment paid and TRANSFER ENTERED this 29 day of October, 2021

Beth A. Knutson
McLean County Auditor

By Diane L. Blumhagen
Deputy, McLean County Auditor

Current taxes or current special assessments or installments of special assessments are unpaid in the amount of

$ 0

McLEAN COUNTY RECORDER OFFICIAL SEAL STATE OF NORTH DAKOTA

RECORDER'S OFFICE, MCLEAN COUNTY, ND 10/29/2021 1:40 PM
I CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD THIS DATE.
HEIDI J. ANDERSON, COUNTY RECORDER

3405202

10/29/2021 1:40 PM $30.00
ND GUARANTY & TITLE COMPANY -BIS

3405202

McLean Co., ND