

HOUSE BILL NO. 1406

Introduced by

Representative Grosz

1 A BILL for an Act to amend and reenact sections 11-18-05 and 11-18-11 of the North Dakota
2 Century Code, relating to register of deeds fees and recording certificates.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 11-18-05 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **11-18-05. Fees of register of deeds.** The register of deeds shall charge and collect
7 the following fees:

8 1. For recording an instrument affecting title to real estate:

9 a. Deeds, mortgages, and all other instruments not specifically provided for in
10 this subsection, seven dollars for the first page and three dollars for each
11 additional page. In addition, for all documents recorded under this section
12 that list more than five sections of land, a fee of one dollar for each additional
13 section listed which is to be recorded in the tract index.

14 (1) "Page" means one side of a single legal size sheet of paper not
15 exceeding eight and one-half inches [21.59 centimeters] in width and
16 fourteen inches [35.56 centimeters] in length.

17 (2) The printed, written, or typed words must be considered legible by the
18 register of deeds before the page will be accepted for recording.

19 (3) Each real estate instrument must have a legal description considered to
20 be adequate by the register of deeds before such instrument will be
21 accepted for recording.

22 (4) A space of at least four inches by three and one-half inches [10.16 by
23 8.89 centimeters] square must be provided on the ~~front side~~ first or last
24 page of each instrument for the register of deeds' recording information.

- 1 If recording information can only be placed on the reverse side of an
2 instrument, an additional page charge must be levied. In addition, a
3 one inch [2.54 centimeters] top or bottom margin is required on each
4 page of an instrument.
- 5 b. Instruments satisfying, releasing, assigning, subordinating, continuing,
6 amending, or extending more than one instrument previously recorded in the
7 county in which recording is requested, seven dollars for the first page and
8 three dollars for each additional page plus three dollars for each such
9 additional document number or book and page. In addition, for all documents
10 recorded under this section which list more than five separate sections of
11 land, a fee of one dollar for each additional section listed which is to be
12 recorded in the tract index.
- 13 c. ~~Plats, irregular tracts, or annexations, ten dollars for one lot plus ten cents for~~
14 ~~each additional lot, with the exception of auditor's lots which must be a single~~
15 ~~charge of seven dollars.~~ Subdivision, annexation, vacation, and dedication
16 plats, ten dollars for one lot plus ten cents for each additional lot. Irregular
17 tract or outlot plats and auditor's lot plats, seven dollars for the first page and
18 three dollars for each additional page.
- 19 2. For filing any non-central indexing system instrument, five dollars.
- 20 3. For making certified copies of any recorded instrument, the charge is ~~five~~ seven
21 dollars for the first page and ~~two~~ three dollars for each additional page. For
22 making a noncertified copy of any recorded instrument, a fee of not more than one
23 dollar per instrument page.
- 24 4. ~~For making a copy of any other filed instrument, one dollar for each five pages or~~
25 ~~portion thereof.~~ For making a copy of any filed non-central indexing system
26 instrument, one dollar for each five pages or portion thereof. For making a certified
27 copy of any non-central indexing system filed instrument, five dollars plus one
28 dollar for each additional five pages or portion thereof.
- 29 5. For filing, indexing, making, or completing any statement, abstract, or certificate
30 under the Uniform Commercial Code central filing data base, the computerized
31 central notice system or the computerized statutory liens data base, for receiving

1 printouts, and for other services provided through the computerized system, the
2 fee is the same as that provided in sections 41-09-42 and 41-09-43, as applicable.

3 6. The register of deeds may establish procedures for providing access to records
4 under the register of deeds' control. Such records include paper, photostat,
5 microfilm, microfiche, and electronic or computer generated instruments created by
6 governmental employees. If procedures have been established, the register of
7 deeds may levy a reasonable fee, not to exceed one dollar per instrument page, to
8 any entity or person requesting access to the register of deeds' records for the
9 purpose of reproducing the records using on or off-site equipment or personnel.
10 Duplicate records stored off-site as a security measure are not accessible for
11 reproduction.

12 **SECTION 2. AMENDMENT.** Section 11-18-11 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **11-18-11. Register of deeds to record or file instruments.** When an instrument
15 affecting the title to or creating a lien upon real estate within the county is numbered and
16 entered in the reception ~~book~~ record and indexed, it ~~shall~~ must be recorded or filed as provided
17 by law. ~~The register of deeds shall write or stamp, or cause to be written or stamped, at the~~
18 ~~beginning of a recorded instrument the words "document number" and shall add thereto the~~
19 ~~number stamped or written on the document. The register of deeds shall add, immediately after~~
20 ~~the record of such instrument, a certificate reciting that the instrument was filed in the register of~~
21 ~~deeds' office and giving the date and hour of filing. The register of deeds shall authenticate the~~
22 ~~certificate with an official signature, but need not affix the official seal thereto. The register of~~
23 deeds shall provide recording information on the instrument as required by paragraph 4 of
24 subdivision a of subsection 1 of section 11-18-05 and shall authenticate the information with an
25 official signature and the official seal of the office as required by section 11-18-04.