

**Sixty-first Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2009**

SENATE BILL NO. 2234
(Senators Holmberg, Hogue)

AN ACT to amend and reenact section 47-19-02 of the North Dakota Century Code, relating to recording instruments without acknowledgement.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 47-19-02 of the North Dakota Century Code is amended and reenacted as follows:

47-19-02. Instruments entitled to record without acknowledgment. The following instruments may be recorded without acknowledgment or further proof:

- ~~1. Any judgment affecting the title to or the possession of real property authenticated by the certificate of the clerk of the court in which such judgment is rendered.~~
- ~~2. Any letters patent from the United States.~~
- ~~3. Any duplicate final register's receipt.~~
- ~~4. A certificate from the United States land office.~~
- ~~5. A contract between the state and a purchaser of school and institutional lands for the purchase and sale of such lands.~~
- ~~6. An assignment of any such contract when such assignment has been approved by the board of university and school lands.~~
- ~~7. Any certified copy of a patent or of a duplicate final register's receipt or certificate when certified and proved according to the laws of the United States and of this state in such manner as to entitle it to admission as evidence in the courts of this state, and when so recorded, it shall be notice in like manner and to the same extent as the originals thereof would have been if the same had been recorded.~~
- ~~8. Any affidavit made as is provided in section 47-19-12.~~
- ~~9. A certified copy of an order of a district court relating to estate tax determinations.~~
- ~~10. A statement of the state tax commissioner relating to estate tax determination.~~
- ~~11. A certified copy of discharge of bankrupt.~~
- ~~12. A financing statement as defined in section 41-09-02.~~
- ~~13. All instruments issued by the United States, or any agency, bureau, or department thereof and the state of North Dakota and all political subdivisions thereof which affect the title to real property.~~
1. An instrument issued by an agency, bureau, department, or the judiciary of the United States, this state or a political subdivision of this state, or an Indian tribe recognized by the United States department of the interior. An instrument includes a contract or agreement that is entered by one of these governmental entities that contract or agreement is deemed to have been issued by the entity.

2. An instrument certified by an agency, bureau, department, or the judiciary of the United States or a foreign government, a state of the United States or a political subdivision of a state, or an Indian tribe recognized by the United States department of the interior.
3. A lis pendens or other instrument that is signed by an attorney at law licensed to practice law in this state which bears the attorney's identification number issued by the state board of law examiners.
4. An affidavit that bears a jurat or verification upon oath or affirmation.
5. A Uniform Commercial Code financing statement under title 41.
6. A plat signed by a land surveyor registered in this state.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-first Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2234.

Senate Vote: Yeas 46 Nays 0 Absent 1

House Vote: Yeas 83 Nays 0 Absent 11

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2009.

Approved at _____ M. on _____, 2009.

Governor

Filed in this office this _____ day of _____, 2009,
at _____ o'clock _____ M.

Secretary of State