

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

SENATE BILL NO. 2233
(Senator Holmberg)

AN ACT to create and enact two new sections to chapter 47-19 of the North Dakota Century Code, relating to recording of change of name or identity of mortgagee and the assignment, satisfaction, release, or authorization of foreclosure by a mortgagee; and to provide for retroactive application.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Two new sections to chapter 47-19 of the North Dakota Century Code are created and enacted as follows:

Corporate change noted in assignment, satisfaction, or release. When a change in the name or identity of a corporate mortgagee or assignee of the mortgagee is caused by or results from a merger, consolidation, amendment to charter or articles of incorporation, or conversion of articles of incorporation or charter from federal to state, from state to federal, or from one form of entity to another, a mortgage assignment, satisfaction, or release that is otherwise recordable and that specifies in the body of the instrument the merger, consolidation, amendment, or conversion event causing the change in name or identity is in recordable form. The assignment, satisfaction, or release is entitled to be recorded in the office of the county recorder without further evidence of corporate merger, consolidation, amendment, or conversion. For purposes of assigning, satisfying, or releasing the mortgage, the assignment, satisfaction, or release is prima facie evidence of the facts stated in it with respect to the corporate merger, consolidation, amendment, or conversion, and the county recorder shall rely upon it to assign, satisfy, or release the mortgage.

Authority of mortgagee designated as nominee or agent - Retroactive application.

1. An assignment, satisfaction, or release is entitled to be recorded in the office of the county recorder and is sufficient to assign, satisfy, or release a mortgage if:
 - a. A mortgage is granted to a mortgagee as nominee or agent for a third party identified in the mortgage, and the third party's successors and assigns;
 - b. A subsequent assignment, satisfaction, or release of the mortgage is executed by the mortgagee or the third party, its successors or assigns; and
 - c. The assignment, satisfaction, or release is in recordable form.
2. The county recorder shall rely upon the recorded assignment, satisfaction, or release in subsection 1 to assign, satisfy, or release the mortgage.
3. This section applies to any mortgage assignment, satisfaction, or release executed, recorded, or filed before, on, or after August 1, 2009.

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. 2233.

Senate Vote: Yeas 45 Nays 0 Absent 2

House Vote: Yeas 93 Nays 0 Absent 1

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