

Introduced by

Senators Klein, Wanzek

Representatives Dockter, Pollert, Oversen

1 A BILL for an Act to amend and reenact subdivision c of subsection 1 of section 11-18-05,  
2 ~~sections~~section 24-01-25 ~~and 35-22-19~~, and subsection 2 of section 35-24-13 of the North  
3 Dakota Century Code, relating to fees and notice requirements of the county recorder; to repeal  
4 section 35-22-19 of the North Dakota Century Code, relating to a failure to record in a  
5 foreclosure; and to provide for a legislative management study.

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

7 **SECTION 1. AMENDMENT.** Subdivision c of subsection 1 of section 11-18-05 of the North  
8 Dakota Century Code is amended and reenacted as follows:

9 c. Plats, irregular tracts, or annexations, ~~ten dollars for one lot plus ten cents for~~  
10 ~~each additional lot, with the exception of auditor's lots which must be a single~~  
11 ~~charge of seven~~fifty dollars.

12 **SECTION 2. AMENDMENT.** Section 24-01-25 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14 **24-01-25. Fees not charged for recording instruments.**

15 ~~No fees~~The county auditor may ~~be charged or collected from the state of North Dakota by~~  
16 ~~the county auditor~~not charge or collect from the state of North Dakota, the recorder, or the clerk  
17 of court for any services rendered for the recording or filing of any document required under ~~the~~  
18 ~~provisions of this~~ chapter 177 of the 1953 Session Laws.

19 ~~SECTION 3. AMENDMENT.~~ Section ~~35-22-19~~ of the North Dakota Century Code is  
20 ~~amended and reenacted as follows:~~

21 ~~SECTION 35-22-19. Failure of recorder to mail notices -- Liability.~~

22 ~~The failure of the recorder to comply with the provisions of sections 35-22-17 and 35-22-18~~  
23 ~~in no way invalidates the foreclosure proceedings nor affects the title to the property involved,~~  
24 ~~but such failure renders the recorder liable in a civil action to the person entitled to a copy of the~~

1 ~~affidavit of publication herein described for any damage sustained by the person by reason of~~  
2 ~~such failure.~~

3 **SECTION 3. AMENDMENT.** Subsection 2 of section 35-24-13 of the North Dakota Century  
4 Code is amended and reenacted as follows:

5 2. Upon the filing of such bond, the recorder ~~individual or entity~~ which that posted the bond  
6 shall send a notice thereof, together with a copy of the bond, to all obligees named  
7 therein, by registered or certified mail addressed to such obligees at the address set  
8 forth in their respective claims for lien.

9 **SECTION 4. REPEAL.** Section 35-22-19 of the North Dakota Century Code is repealed.

10 **SECTION 5. LEGISLATIVE MANAGEMENT STUDY - BANK OF NORTH DAKOTA'S**

11 **FORECLOSURE PROCEDURES.** During the 2013-14 interim, the legislative management may  
12 study the Bank of North Dakota's foreclosure procedures, specifically foreclosure by  
13 advertisement. The legislative management shall report its findings and recommendations,  
14 together with any legislation required to implement the recommendations, to the sixty-fourth  
15 legislative assembly.