

SENATE BILL NO. 2340

Introduced by

Senators Meyer, Burckhard, Casper

Representatives Beadle, Louser, Delmore

1 A BILL for an Act to amend and reenact subsection 1 of section 11-18-05 of the North Dakota
2 Century Code, relating to fees charged by a county recorder for filing mortgage disclosures.

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

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

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

7 a. Deeds, mortgages, and all other instruments not specifically provided for in this
8 subsection, ~~ten~~fifteen dollars for ~~the first page and three dollars for each~~
9 additional page documents containing one to four pages and sixty dollars for
10 documents containing more than four pages plus three dollars for each additional
11 page after the first twenty-five pages. In addition, for all documents recorded
12 under this section that list more than ~~five~~ten sections of land, a fee of one dollar
13 for each additional section listed which is to be recorded in the tract index. Three
14 dollars of the fee collected for ~~the first page of~~ each instrument recorded under
15 this subdivision must be placed in the document preservation fund.

16 (1) "Page" means one side of a single legal size sheet of paper not exceeding
17 eight and one-half inches [21.59 centimeters] in width and fourteen inches
18 [35.56 centimeters] in length.

19 (2) The printed, written, or typed words must be considered legible by the
20 recorder before the page will be accepted for recording and, unless the form
21 was issued by a government agency, must have a font size equal to or
22 larger than ten point calibri.

1 (3) Each real estate instrument must have a legal description considered to be
2 adequate by the recorder before such instrument will be accepted for
3 recording.

4 (4) A space of at least four inches by three and one-half inches [10.16 by
5 8.89 centimeters] square three inches [7.62 centimeters] must be provided
6 ~~on~~ across the top of the first ~~or~~ last page of each instrument for the
7 recorder's recording information. ~~If~~ Except as provided in paragraph 5, if
8 recording information can only be placed on the reverse side of an
9 instrument, the recorder may add a page, and an additional page charge
10 ~~must~~ may be levied.

11 ~~(5) If a mortgage for which a closing disclosure was issued containing~~
12 ~~information required under title 12, Code of Federal Regulations, part~~
13 ~~1026.38 and the first page of the mortgage explicitly states in bold lettering~~
14 ~~or stamped and signed by the mortgagor or the mortgagor's agent, "I certify~~
15 ~~this document's recording fee applies under section 11-18-05 of the North~~
16 ~~Dakota Century Code" the recorder shall assess a fee of fifty-five dollars.~~
17 ~~Mortgages filed under this paragraph are not subject to any other fees~~
18 ~~under this chapter.~~

19 b. Instruments satisfying, releasing, assigning, subordinating, continuing, amending,
20 or extending more than ~~one instrument~~ ten instruments previously recorded in the
21 county in which recording is requested, ~~ten dollars for the first page and three~~
22 ~~dollars for each additional page plus~~ a fee of fifteen dollars for documents
23 containing one to four pages, sixty dollars for documents containing more than
24 four pages plus three dollars for each additional page after the first twenty-five
25 pages, and three dollars for each ~~such~~ additional document number or book ~~and~~
26 ~~page~~ after the first ten referenced instruments. In addition, for all documents
27 recorded under this section which list more than ~~five~~ ten separate sections of
28 land, a fee of one dollar for each additional section listed which is to be recorded
29 in the tract index. Three dollars of the fee collected for ~~the first page of~~ each
30 instrument recorded under this subdivision must be placed in the document
31 preservation fund.

Sixty-fifth
Legislative Assembly

- 1 c. Plats, twenty dollars for twenty lots or fewer and fifty dollars for more than twenty
2 lots.
- 3 d. All instruments presented for recording after June 30, 2001, must contain a
4 one-inch [2.54-centimeter] top, bottom, or side margin on each page of the
5 instrument for the placement of computerized recording labels. An instrument that
6 does not conform to this margin requirement may be recorded upon payment of
7 an additional fee of ten dollars.