

Chairman Burckhard and Senate Political Subdivisions Committee

From: Katie Paulson, McKenzie County Recorder

RE: SB 2223

Chairman Burckhard & committee members,

My name is Katie Paulson and I am the McKenzie County Recorder. I am writing testimony to oppose SB 2223 in relation to the deed in lieu of foreclosure. I am under the impression that this would require the county recorder to research if there was a judgement of foreclosure filed on the UCC system before the document can be recorded. This issue I see with adding this step is the liability is places on me as a recorder.

When a document is presented to the recorder's office to put a document on record, our job is to ensure that it meets the basic recording requirements which are in North Dakota Century Code, collect the fee, and put the document on permanent record. We do not analyze to see if the document should be recorded because it meets certain title requirements. The way I read this bill, this would mean that now on certain documents the recorder will be responsible to determine if the document "should" be recorded beyond that it meets recording requirements.

I don't believe that county recorders should be responsible for looking something up on a system that we no longer manage to make this determination. It goes beyond our normal scope of service to the people which is spelled out in statute. What happens if we miss something and record a deed in lieu of foreclosure anyway?

For all of the other thousands of documents we record for the people, we have never been required to police **if** a document **should** be recorded. A document either meets the same minimum requirements as all the other documents or it doesn't.

To me the problem is the responsibility to analyze if we are allowed to record it based off of what has been filed in a place that we have no management over, I strongly urge this committee to consider the liability that this places on the county recorder, and **DO NOT PASS** SB 2223.

Thank you for your time and consideration,

Katie Paulson, McKenzie County Recorder