

House Judiciary Committee

Date 03/10/2025

Nancy Seefeldt – Morton County Recorder

RE: SB 2127 Uniform Electronic Estate Planning
Documents Act

Chairman Klemin and Committee:

My name is Nancy Seefeldt, and I am the Recorder in Morton County. I appreciate your committee giving me time to provide testimony. I am not opposed to this bill in entirety, I am looking for clarification to be added on line 17 of page 6.

In the proposed bill on page 6 lines 17-19 it states:

59-22-11. (209) Certification of paper copy.

An individual may create a certified paper copy of an electronic nontestamentary estate planning document by affirming under penalty of perjury that the paper copy is a complete and accurate copy of the document.

As a recorder we will receive these documents to be recorded in our land records. Part of our duties is to make sure every document is an original document, or in this case a valid certified copy. Above it says “An Individual may create a certified copy”, we are wondering who specifically “an individual” is.

When we receive documents that come from the court, we have to look for a stamp and seal from the Clerk of Courts office stating that it was a true copy of the original document they have stored in their office. Only clerk employees can apply this certification to the document.

If we issue a certified copy of a marriage certificate in the Recorders office we have to stamp, seal and sign stating that it is a true copy of the original document stored in our office. Only Recorder employees or another county office appointed by their commissioners can apply this certification.

In this bill for the electronic nontestamentary estate planning documents, it is not clarified as to whom can certify these documents, therefore we won't know how to determine if the document given to us, is a valid certification.

Thank you for your time and consideration.

I would appreciate clarification being added on the portion of the bill located on page 6 lines 16-19 for SB 2127.