

## ENCUMBRANCES.

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### CHAPTER 89.

[S. B. 74.]

#### THE TERM DEFINED.

AN ACT to Amend Section 3549 of the Revised Codes of North Dakota,  
Relating to Encumbrances.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.] That section 3549 of the Revised Codes of North Dakota be and the same is hereby amended to read as follows:

§ 3549. ENCUMBRANCES DEFINED.] The term "encumbrances" includes taxes, assessments and all liens upon all real property. Whoever conveys real estate by deed or mortgage containing a covenant that it is free from all encumbrances, when an encumbrance appears of record to exist thereon whether known or unknown to him shall be liable in an action of contract, to the grantee, his heirs, executors, administrators, successors, grantees or assigns for all damages sustained in removing the same.

§ 2. EMERGENCY.] Whereas, an emergency exists in that there is now no law enabling a grantee to recover the expense and damage incurred in removing a cloud from his title; therefore, the act shall be in force from and after its passage and approval.

Approved February 21, 1899.