

## RECORDING DEEDS.

### CHAPTER 144.

[S. B. 96.]

### RECORDING OF DEEDS.

AN ACT Amending Section 1278 of the Revised Codes of 1899, Relating to "Deed Not to be Recorded Without Auditor's Certificate of Taxes Paid."

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

§ 1. AMENDMENT.] That section 1278 of the Revised Codes of 1899, be amended to read as follows:

§ 1278. DEED NOT TO BE RECORDED WITHOUT AUDITOR'S CERTIFICATE OF TAXES PAID.] When any deed is presented to the county auditor for transfer he shall ascertain from the books and records in his office if there be delinquent taxes due on the lands described therein, or if it has been sold for taxes; and if there are delinquent taxes due he shall certify to the same, and when the receipt of the county treasurer shall be produced for the said delinquent taxes and for any other delinquent taxes that may be in the hands of the county treasurer for collection, the county auditor shall enter on every deed of real property so transferred over his official signature "delinquent taxes paid and transfer entered," or, if the land described has been sold for taxes, "paid by sale of the land described within;" or if it is an instrument entitled to record without regard to taxes "transfer entered," and unless such entry is made upon any deed, the register of deeds shall refuse to receive or record the same. A violation of the provisions of this section by the register of deeds shall be deemed a misdemeanor, and upon conviction thereof he shall be punished by a fine of not less than one hundred dollars and not exceeding one thousand dollars, and he shall be liable to the grantee of any instrument so recorded for the amount of any damages sustained; provided, that sheriff's or referee's certificates of sales on execution, decrees or foreclosures of mortgages and United States patents and certified copies thereof, and deeds which it may be desirable to have recorded solely for the purpose of correcting errors in and perfecting titles and deeds which make no changes in the record title, and final decree of distribution entered in county courts, shall have indorsed thereon auditor's certificate "transfer entered," and may be recorded by the register of deeds without any such certificates from the county auditor. The county auditor shall keep a record of such transfers in a book kept for that purpose showing the

names of the grantor and grantee, a description of the property and the date of transfer and shall receive twenty-five cents for each certificate from the person or persons presenting the same for certification, and said auditor may retain such fee as compensation for making such certificate.

§ 2. REPEAL.] All acts and parts of acts in conflict with this act are hereby repealed.

§ 3. EMERGENCY.] Whereas, an emergency exists whereby the section as it now reads requires a certificate that is misleading, therefore this act shall take effect and be in force on and after its passage and approval.

Approved March 5, 1901.

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## RECORDING INSTRUMENTS.

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### CHAPTER 145.

[H. B. 188.]

#### RECORDED INSTRUMENTS.

AN ACT to Amend Section 3597 of the Revised Codes, of the State of North Dakota, in Regard to the Record of Certain Instruments, and the Admissability in Evidence of Instruments Entitled to Record, Without Further Proof.

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

§ 1. AMENDMENT.] That section 3597 of the Revised Codes of the state of North Dakota, be, and the same is, hereby amended so as to read as follows:

§ 3597. RECORD CONSTRUCTIVE NOTICE. INSTRUMENTS ENTITLED TO RECORD. ADMISSABLE IN EVIDENCE WITHOUT FURTHER PROOF.] The recording and deposit of an instrument proved and certified according to the provisions of sections 3565, 3579, 3580, 3581 and 3582 are constructive notice of the execution of such instrument to all purchasers and incumbrancers subsequent to the recording; and all instruments entitled to record, the record thereof, or a duly certified transcript of such record, or copy of such instrument, shall be admissable in evidence in all the courts of this state, and may be read in evidence without further proof.

§ 2. EMERGENCY.] There being no provision of law whereby a United States patent is admissable in evidence without proof of execution thereof, there exists an emergency, and this act shall take effect and be in force from and after its passage and approval.

Approved March 12, 1901.