

# THE LAWS

## ABSTRACTORS

### CHAPTER I

(H. B. No. 96—Morton)

#### ABSTRACTORS.

An Act Relating to Abstracting, Providing for the Licensing and Bonding of such Abstractors, and the Examination and Registration Thereof and to Repeal Sections 3090, 3091, 3092, 3093, 3094, 3095, 3097, and 3098, Compiled Laws of 1913, and All Acts and Parts of Acts in Conflict Herewith.

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

§ 1. ABSTRACT RECORDS REQUIRED.] Any person, firm or corporation desiring to engage in or continue the business of making and compiling abstracts of title to real estate within the State of North Dakota, shall have for use in such business a complete set of abstract books or records of all instruments of record in the office of the Register of Deeds in and for the County in which such person, firm or corporation has his place of business, or shall have been in good faith engaged in the preparation for not less than three months of such books or records, and shall first obtain a Certificate of Registration and file the bond required in this article, save as may be hereinafter expressly provided.

§ 2. BOARD OF EXAMINERS.] There is hereby created a Board of Examiners to be known as the Abstractors Board of Examiners, to carry out the purposes and enforce the provisions of this article; said Board shall consist of three members to be appointed by the Governor of the State of North Dakota, one of whom shall be an abstractor, recommended by the North Dakota Title Association, such recommendation to be made within ten days after this law takes effect; the first members of said Board shall be appointed, one for two years, one for four years and the other for six years, and thereafter appointments shall be made for the term of six years; each member of said Board shall qualify by taking the oath provided by law for public officers; vacancies on said Board caused by death, resignation or otherwise shall be filled by appointment by the Governor.

§ 3. ORGANIZATION OF BOARD.] Said Board shall organize by the election of a President, and Secretary-Treasurer; the Secretary-

Treasurer shall not be a member of said Board but shall be a practical abstracter engaged in that business; the Board shall have a Seal, and the President and Secretary-Treasurer shall have power to administer oaths; said Board shall make such rules and regulations as shall be necessary to carry out the purposes of this act; each member of said Board shall receive a compensation of Five Dollars per day for actual services and 10c per mile for each mile actually traveled in attending the meetings of said Board and the sum of Five Dollars per day for expenses while absent from home upon business connected with the Board, which amount shall be paid upon verified vouchers, after allowance by said Board, out of any moneys in the hands of the Treasurer of said Board, provided that no part thereof shall in any event be paid out of the State Treasury.

§ 4. REPORTS OF BOARD.] Said Board shall make a biennial report to the Governor, which report shall contain a full statement of its receipts and disbursements for the preceding biennial term; also a full statement of its doings and proceedings and such recommendations as to it may seem proper for the better carrying out of the intents and purposes of this act, which said report shall not be printed except at the expense of the fund herein provided for. Any moneys in the hands of the Treasurer of said Board at the time of making such report shall be kept by him for the future maintenance and operation of the Board, or turned over to his successor to be disbursed on warrants signed by the President and the Secretary of the Board.

§ 5. CERTIFICATE OF REGISTRATION.] Any person, firm or corporation desiring to obtain a certificate of registration under this article shall make application to said Board therefor and shall pay to the Treasurer of said Board, an examination fee of \$25.00; such application shall be upon a form to be prepared by said Board and to contain such information as may be desired by it; thereupon said Board shall fix a date and place for the examination of such applicant, of which notice shall be given to the applicant by mail, who shall present himself at such meeting; whereupon said Board shall proceed to examine such applicant or applicants under such rules and regulations as may be by said Board prescribed; if the application is made by a firm or corporation, one of the members or managing officials thereof shall take such examination; provided, however, that every person, firm or corporation who is, upon the date this law goes into effect, engaged in the occupation or profession of an abstracter of title and who shall, within thirty days after this law takes effect, file with the Secretary of said Board, an affidavit setting forth his name, residence and length of time during which and the place where he has practiced such occupation or profession and that he has a complete set of abstract books or records of all instruments of record in the office of the Register of Deeds in and

for the County in which his office or place of business is maintained or that in good faith he had been engaged, prior to the time this law took effect, in the preparation of such books or records for not less than three months, and shall pay the registration fee hereinafter provided, then such Board shall make an order that, upon compliance with the other provisions of this law, a certificate of registration shall be issued to such applicant without further examination, and no examination fee shall be required.

§ 6. RECORDS OF BOARD.] Said Board shall keep a register wherein it shall enter the name of all applicants for registration with their place of residence and such other information as may be deemed appropriate, including the action taken by said Board thereon, and the date upon which the certificate of registration was issued, if one is issued; certificates of registration shall be issued upon payment of \$25.00 fee and shall be valid for five years from the date thereof but shall be renewed by said Board upon application within thirty days prior to the expiration thereof upon a payment of \$25.00 to the Treasurer of said Board, which application shall be accompanied by an affidavit that the applicant has for use in his, its or their business, a complete set of abstract books or record of all instruments of record in the office of the Register of Deeds in and for the County in which said applicant has his office or place of business, or that he has such set of abstract books or records in process of completion for at least three months before such application is made.

§ 7. BONDS REQUIRED.] Before a certificate of registration shall be issued the applicant shall file with the Board a bond to be approved by it, running to The State of North Dakota, in the penal sum of at least Ten Thousand Dollars, and in counties having a population of over ten thousand, the penal sum of Ten Thousand Dollars shall be required for each ten thousand inhabitants, or major part of that number residing within the county where the applicant has his office, as shown by the official Federal or State census last taken prior to the filing of such bond; provided, that a bond in excess of the penal sum of Twenty-five Thousand Dollars shall not be required; such bond shall be conditioned for the payment by such abstractor of any and all damages that may be sustained by or accrue to any person by reason or on account of any error, deficiency or mistake in any abstract or certificate of title or continuation thereof made and issued by such person, firm or corporation, provided, that if a personal bond is given there shall be at least three sureties, none of whom shall be officers or stockholders or interested in such business, and each of whom shall justify for the full amount of the bond, and which bond shall be by said Board filed in the office of the County Auditor of the County in which said applicant has his place of business; provided, that the sureties on such bonds shall

re-justify at the end of each five-year period, at least, and whenever required by said Board.

§ 8. CERTIFICATE OF AUTHORITY.] A certificate issued by said Board under the provisions hereof, shall, among other things, recite that such bond has been duly filed and approved, and such certificate shall authorize the person, firm or corporation named in it, to engage in and carry on the business of an abstracter of real estate titles in the County of the State of North Dakota in which said person, firm or corporation has his place of business, and for that purpose to have access to any of the offices of any of said counties or of the State, and to make such memoranda or notation from the records thereof as may be necessary for the purposes of making such abstracts, such access to be during the ordinary office hours; and it shall be the duty of any person, firm or corporation holding such certificate, to furnish or continue an abstract of the title to any tract of land in such County, when requested to do so, on payment of the fees hereinafter provided.

§ 9. FEES.] For making and certifying to abstracts under the provisions of this article, a reasonable fee shall be allowed, and in no case shall such fee exceed the following: For the first entry on any one abstract, or continuation thereof, One Dollar; for each subsequent entry, Fifty Cents; for a complete certification covering the records of the several county offices, Two Dollars, and for each name searched for judgments and personal property taxes, Twenty-five Cents; For all miscellaneous instruments, Fifty Cents for the first one hundred words, and Fifteen Cents for each additional hundred words or fractional part thereof.

§ 10. REGULATION AND APPEAL.] The Board may at any time, require any person, firm or corporation, holding a certificate under the provisions hereof, upon thirty days notice, to furnish such additional bonds as to the Board seems proper and to show cause why any bonds should not be held and declared insufficient and invalid or such certificate should not be recalled and annulled, provided, however, that no certificate shall be recalled or annulled save for a violation of the provisions of this Act or upon conviction of the holder of such certificate of crime under the laws of the State of North Dakota or unless the Board shall find such holder to be guilty of habitual carelessness or inattention to business or intoxication or the use of drugs to such an extent as to incapacitate him for business, or of fraudulent practices; if the certificate be held by a firm or corporation, then the provisions hereof shall be applicable to the managing members, or officers thereof; upon the cancellation of any certificate the holder thereof may have an appeal to the District Court from the decision of the Board. Such appeal to be taken

within thirty days by the service of a Notice of Appeal with a bond in the sum of \$250.00, upon the Secretary of the Board, such appeal to come on for hearing before the District Court of the County in which such certificate holder shall have his place of business at the next regular term of said Court.

§ 11. SEAL.] Any person, firm or corporation furnishing abstracts of title to real property under the provisions hereof shall first provide a seal, which seal shall have stamped thereon the name and location of such firm, person or corporation, and shall deposit with the Secretary of said Board an impression of such seal before the certificate of registration shall issue, which seal shall be affixed to every abstract or certificate of title issued by such person, firm or corporation.

§ 12. PENALTY.] Any person, firm or corporation making, compiling or certifying to abstracts of title to real property in this state, without having complied with the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding One Hundred Dollars nor less than Twenty-five Dollars for each offense.

§ 13. REPEAL.] All laws and parts of laws in conflict herewith and particularly Sections 3090, 3091, 3092, 3093, 3094, 3095, 3097 and 3098, Compiled Laws of 1913, are hereby expressly repealed.

§ 14. EMERGENCY.] An Emergency exists in this, that the present law does not properly cover the making of abstracts of title to real property, therefore an emergency is hereby declared, and this law shall be in effect from and after the 1st day of April, 1925.

Approved February 19, 1925.

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## ACCOUNTANCY

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### CHAPTER 2

(H. B. No. 149—Freeman.)

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#### BOARD OF ACCOUNTANCY

An Act to Create a State Board of Accountancy and Prescribing its Duties and Powers; to Provide for the Examinations of and Issuance of Certificates to, Qualified Accountants, with the Designation of Certified Public Accountants; to Provide the Penalty for Violations of the Provisions Thereof; and to Repeal Sections 549, 550, 551, 552, 553, 554, 555, 556 and 557 of the Compiled Laws of North Dakota for the year 1913 and all other Acts or Parts of Acts in Conflict Therewith.

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