

# PROPERTY

## CHAPTER 290

S. B. No. 100  
(Duffy)

### RELEASE OF OIL AND MINERAL LEASES

#### AN ACT

To amend and reenact section 1 of chapter 277 of the North Dakota session laws of 1953, being section 47-1636 of the 1953 Supplement to the North Dakota Revised Code of 1943, and declaring an emergency.

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

§ 1. **Amendment.)** Section 1 of chapter 277 of the North Dakota Session Laws of 1953, being section 47-1636 of the 1953 Supplement to the North Dakota Revised Code of 1943, is hereby amended and reenacted to read as follows:

**47-1636. Duty Of Lessee To Have Terminated Or Forfeited Lease Released; Publication Notice: Affidavit To Be Recorded: Notice To Real Property Owner; Remedies.)** When any oil, gas or other mineral lease heretofore or hereafter given on real property situated in any county of North Dakota and recorded therein shall terminate or become forfeited it shall be the duty of the lessee, his successors or assigns within fifteen days after the date of the termination or forfeiture of any such lease, to have such lease surrendered in writing, such surrender to be signed by the party making the same, acknowledged and placed on record in the county where the leased real property is situated without cost to the owner thereof. If the said lessee, his successors or assigns, shall fail or neglect to execute and record such surrender within the time provided for, then the owner of said real property may serve upon said lessee, his successors or assigns of record, in person or by registered letter, at his last known address, or if the post office address is not shown of record then by publication for three consecutive weeks in a newspaper of general circulation in the county where the real property is situated, a notice in writing in substantially the following form:

To.....: I, the undersigned, owner of the following described land situated in..... county, North Dakota, to-wit: (description of land) upon which

a lease, dated.....day of.....19.....,  
 was given to.....do hereby notify  
 you that such lease has terminated or become forfeited by  
 breach of the terms thereof, that I hereby elect to declare and  
 do declare the said lease forfeited and void and that, unless  
 you do, within twenty days from this date, notify the register  
 of deeds of said county as provided by law that said lease has  
 not been forfeited, I will file with the said register of deeds  
 affidavit of forfeiture as provided by law, and I hereby demand  
 that you execute or have executed a proper surrender of said  
 lease and that you put the same of record in the office of the  
 register of deeds of said county within twenty days from this  
 date.

Dated this.....day of.....19.....

The owner of said real property may after twenty days  
 from the date of service, registration, or first publication of  
 said notice, file with the register of deeds of the county where  
 said real property is situated an affidavit setting forth, that  
 the affiant is the owner of said real property, that the lease  
 has terminated or that the lessee, or his successors or assigns  
 has failed and neglected to comply with the terms of said  
 lease, reciting the facts constituting such failure and that the  
 same has been forfeited and is void, and setting out in said  
 affidavit a copy of the notice served, as above provided and  
 the manner and time of the service thereof. If the lessee, his  
 successors or assigns, shall within such twenty days after  
 service, give notice in writing to the register of deeds of the  
 county where said real property is located that said lease has  
 not been forfeited and that said lessee, his successors or  
 assigns, still claim that said lease is in full force and effect,  
 then the said affidavit shall not be recorded but the register  
 of deeds shall notify the owner of the real property of the  
 action of the lessee, his successors or assigns, and the owner  
 of the real property shall be entitled to the remedies now  
 provided by law for the cancellation of such disputed lease.  
 If the lessee, his successors or assigns, shall not notify the  
 register of deeds, as above provided, then the register of deeds  
 shall record said affidavit, and thereafter the record of the  
 said lease shall not be notice to the public of the existence of  
 said lease or of any interest therein or rights thereunder, and  
 said record shall not be received in evidence in any court of  
 the state on behalf of the lessee, his successors or assigns,  
 against the lessor, his successors or assigns.

**§ 2. Emergency.)** This Act is hereby declared to be an  
 emergency measure and shall be in full force and effect from  
 and after its passage and approval.

Approved March 1, 1955.

## CHAPTER 291

S. B. No. 217  
(Judiciary Committee)

---

HOMESTEAD; CONVEYANCE IN CASE OF INSANITY

AN ACT

To amend and reenact section 47-1822 of the North Dakota Revised Code of 1943, relating to the conveyance of homesteads in case of insanity.

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

§ 1. **Amendment.**) Section 47-1822 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**47-1822. Conveyance In Case of Insanity.)** If either the husband or wife of the owner of a homestead shall become insane, the county court of the county in which the homestead is situated may make an order, upon application of such owner, or if said owner is deceased, the administrator or executor or legal representative of said owner, and upon due proof of such insanity, permitting the owner, or if said owner is deceased, the administrator or executor or legal representative of said owner, to sell and convey or mortgage the homestead.

Approved March 2, 1955.