

2025 SENATE STATE AND LOCAL GOVERNMENT

SB 2259

2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee Peace Garden Room ,State Capitol

SB 2259
1/31/2025

Relating to the provision of blanks and records.

9:46 a.m. Chair Roers called the meeting to order.

Members Present: Chairman Roers; Vice Chair Castaneda; Senators: Barta, Braunberger, Lee and Walen.

Discussion Topics:

- Blank legal documents
- Librarian of land records
- Fraudulent activity

9:46 a.m. Senator Lee, District 13, testified in favor.

9:48 a.m. Aaron Burst, Legal Counsel, ND Association of Counties, testified in favor.

9:53 a.m. Carrie Krause, Recorder, Wells County , testified in favor and submitted testimony #32683.

9:56 a.m. Nancy Seefeldt, Recorder, Morton County, testified in favor and submitted testimony #33083.

9:59 a.m. Laurie Good, Recorder, LaMoure County, testified in favor and submitted testimony #32898.

10:02 a.m. Blaine Johnson, Attorney Real Estate section of the State Bar Association, testified in favor.

10:08 a.m. Senator Barta moved a Do Pass.

10:08 a.m. Senator Walen seconded the motion.

Senators	Vote
Senator Kristin Roers	Y
Senator Jose L. Castaneda	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	Y
Senator Judy Lee	Y
Senator Chuck Walen	Y

Motion Passed 6-0-0

Senator Lee will carry the bill.

Additional written testimony:

Deborah Moeller, Recorder, Cass County , submitted testimony in favor #31886.

Katie Paulson, Recorder/Tax Director McKenzie County, submitted testimony in favor #32889.

Carol Fey, Recorder/Clerk of Court McIntosh County, submitted testimony in favor #31901.

Shelly Schwab, Recorder Ransom County, submitted testimony in favor #32528.

Missy Hanson, Recorder, Burleigh County , submitted testimony in favor #32636.

10:10 a.m. Chair Roers closed the hearing.

Susan Helbling, Committee Clerk

REPORT OF STANDING COMMITTEE
SB 2259 ([25.1201.01000](#))

State and Local Government Committee (Sen. Roers, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2259 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

Testimony Prepared for the
Senate State and Local Government Committee
January 31, 2025
By: Deborah A. Moeller, Cass County Recorder

RE: SB2259 Relating to the
provision of blanks and
records

My name is Deb Moeller and I am the Cass County Recorder. Thank you for the opportunity to submit written testimony in support of SB 2259 which would repeal N.D.C.C. 44-04-16 requiring North Dakota county recorders to provide blanks and records necessary for transacting any official business connected with our office.

I support SB 2259 for the following reasons:

1. My office is responsible for recording an average of 29,000 documents per year, the majority of which are binding legal documents. I believe providing blank legal documents subjects recorders to accusations of practicing law without a license. I do not want to expose myself and my office to providing the wrong blank document to individuals with specific legal needs when we are unfamiliar with the facts of their unique situations.
2. Providing blank documents to the public could ultimately cause irreparable harm or cause them to spend more time and resources trying to correct legal work they initiated without seeking professional assistance. Some examples include:
 - a. Disqualification from Medicaid as a result of gifting real property;
 - b. Tax consequences;
 - c. Incomplete/inaccurate transfers of real property; and,
 - d. Title issues.
3. I believe that providing blank legal documents makes it easier for fraudulent activity to occur, particularly with vulnerable populations or those wishing to retaliate against someone. Having blank documents readily available provides an easy tool to commit the fraud.

Currently, when someone inquires about forms to transact business in our office, we refer them to a licensed attorney or a title company for assistance. By repealing N.D.C.C. 44-04-16 a requestor could not compel us to provide a form.

We will continue to accept recordable documents prepared by the public without assistance from legal counsel or a title company. However, the submitter assumes all responsibility and risk related to a document they prepared themselves or obtained in some other manner.

For these reasons I ask for a DO PASS recommendation on SB 2259. Please do not hesitate to contact me if you should have any questions.

Thank you for your time and consideration.

Senate State and Local Government Committee

Date

By: Carol Fey, McIntosh County Recorder and Clerk of Court

RE: SB2259 – Relating to the provisions of blanks and records

Chairwoman Roers and Committee Members

I am Carol Fey and I am the McIntosh County Recorder and Clerk of Court and I am speaking today in support of Senate Bill No. 2259

As a clerk of court, we are trained to recognize and practice the difference between what is giving legal advice and what is legal information. Even though we tell customers that we cannot give legal advice, nine times out of ten, their questions continue to be on the line of legal advice. And even though on the courts self-help site it specifically states that clerks cannot help them, it does not deter them from asking.

In the recorder's office, it is no different, we are often asked questions or asked to perform a task that is above our scope as a recorder.

Considering how many different documents that we record it would be difficult to have a stack of blank documents and hand one to a customer and say, "yes this is the form you need for your situation". Most times the customer themselves do not even know what their ownership situation is. For this reason, we highly suggest that they talk to an attorney

Just as the courts offer self-help forms, I can imagine similar frustrations for recorders, of having to explain why we cannot give legal advice, nor that we are not all knowing of every form put out on public sites.

For these reasons and the fear of being sued for giving the wrong advice or form, I ask a green vote on SB 2259.

Thank you for your time and consideration.

Senate State and Local Government Committee
January 31, 2025
By: Shelly Schwab, Ransom County Recorder

RE: SB2259 Relating to
the provision of blanks
and records

For the record, I am Shelly Schwab, Ransom County Recorder. I am writing to you today in support SB2259 and would appreciate a DO PASS recommendation.

I support the SB2259 for the following reasons:

- Providing blank legal documents subjects recorders to accusations of practicing law without a license and exposing the office to providing the wrong blank documents to individuals.
- Providing blank legal documents could cause an individual to deed incorrect legal descriptions which than could cause them to spend more time and resources on correcting the legal work that would not have happened if they had sought professional assistance.
- And lastly; providing blank legal documents makes it easier for fraudulent activity to occur.

For these reasons I ask for a DO PASS recommendation on SB2259.

Thank you again for your time and consideration.

Testimony Prepared for the
Senate State and Local Government Committee
January 31, 2025
By: Missy Hanson, Burleigh County Recorder

RE: SB2259 Relating to the
provision of blanks and records

My name is Missy Hanson, and I am the Burleigh County Recorder. Thank you for the opportunity to submit written testimony in support of SB2259. This bill would repeal N.D.C.C. 44-04-16 which requires North Dakota County Recorders to provide blank documents and records necessary for transacting official business associated with our offices.

Current Code reads as follows:

44-04-16. Officer to provide blanks and records for office. Each county, city, township, or school district officer shall provide, at the expense of the county, city, township, or school district, as the case may be, such blanks and records as are necessary for making proper records and for transacting any official business connected with the office.

I support SB2259 for following reasons:

In Burleigh County in the last ten years, we have recorded an average of 17,350 documents a year. In my office we are also responsible for issuing Marriage Licenses as well as being acceptance agents for Passport applications. We are required to hold forms for both services in our office if needed, but those forms are very specific to those services needed.

With being the sole office in the County for recording Real Estate transactions as well as transferring land and or minerals, it would be very difficult to determine exactly what form would qualify for the transaction that the individual would be wanting to do. With recording a multitude of documents yearly, it would require a law degree to decipher the correct document to use in each individual situation. There are many types of not only Deeds, but also Mortgages, Assignments, and Contracts that do many different things. This could potentially cause a hardship not only to our constituents, but to the County as a whole.

Providing blank forms could potentially hold the Recorder's Office liable for an incorrect transaction and could ultimately cause the customer or individual incomplete or incorrect transfers in real property and issues with the title.

Our current practice when a customer comes in to request a form is, we refer them to a licensed attorney, a title company, or possibly their bank to assist them with this matter. They generally have some rebuttal with this, but when we explain all the issues that can come with doing their own legal work, they agree and contact the others. We will record documents that constituents draw up themselves, and will continue to do so, however by repealing N.D.C.C.44-04-16 this would take any liability away from the Recorder's Office at all cost. With this, the submitter of the documents would assume all the liabilities associated with preparing the documents themselves.

For these reasons I ask for and recommend a DO PASS recommendation on SB 2259.

Thank you again for your time and consideration.

Senate State and Local Government Committee

January 31, 2025

By: Carrie K. Krause, Wells County Recorder

RE: SB 2259 Relating to the
provisions of blanks and
records

Good Morning Chairwoman Roers and Committee Members.

For the record I am Carrie Krause, Wells County Recorder. Thank you for allowing me to stand before you today to speak in support of SB 2259

SB 2259 is a repeal of section 44-04-16.

Not until last spring did the Recorders even know this section existed. I had a gentleman come into my office and ask for a deed form. I explained to him that I didn't hold any of these types of forms in my office. Also, that I had no idea even what deed form he would need as there are many different types of deeds. He advised me on section **44-04-16** which states

44-04-16. Officer to provide blanks and records for office.

Each county, city, township, or school district officer shall provide, at the expense of the county, city, township, or school district, as the case may be, such blanks and records as are necessary for making proper records and for transacting any official business connected with the office.

It would almost be impossible for the Recorders to have every type of form necessary to make proper records for our office as our main task for transacting official business is to record real estate documents. I alone in my office have well over 200 document types that I record in my real estate records.

We are not attorneys and cannot give out legal advice and by telling them which form to use for the type of document they need to record would be giving them legal advice. Giving out the wrong type of deed form or any form for that matter may cause unintended consequences such as them having to clean up title, the document didn't do what they intended it to do or even property fraud. This is why we suggest to our customers they seek legal advice on what type of document they need for their situation.

For these reasons I ask for a DO PASS recommendation on SB 2259

Thank you again for your time and consideration.

With that I will stand for any questions.

To: Chairwoman Roers & Senate State & Local Government Committee

Re: SB 2259 Relating to the provision of blanks and records

From: Katie Paulson McKenzie County Recorder/Tax Director

January 31, 2025

Chairwoman Roers & Committee Members:

My name is Katie Paulson, and I currently serve as the McKenzie County Recorder. I am asking for your support in repealing **44-04-16. Officer to provide blanks and records for office. Each county, city, township, or school district officer shall provide, at the expense of the county, city, township, or school district, as the case may be, such blanks and records as are necessary for making proper records and for transacting any official business connected with the office.**

I have worked in this office since 2010. The primary duty of the county recorder is to keep and maintain the permanent records in relation to land in the county. We follow the standards set forth in NDCC 11-18 which details what we are expected to handle our office. We determine if a document meets recording requirements, assess the proper fees associated with the filing, and process each document as presented.

Over the years in McKenzie County, especially following the oil boom that we have experienced, we answer phone calls from all over the country from mineral owners who have been contacted by oil companies about potential ownership of mineral rights. In many instances there are older title issues and ownership that has never officially been transferred from deceased relatives or companies that are no longer in business. These situations will need legal counsel to advise the customer, navigate any legal processes, and prepare the proper legal documents to transfer ownership. County recorders are not qualified to advise or help the public in this way. We normally suggest that the customer seeks help

from attorneys, title companies, or other qualified professionals to draft the documents that are required. Having to provide blank forms for private transactions that are kept in our office would be a liability for North Dakota counties. There are hundreds of different types of documents that are on record in McKenzie County, and as recorder, I wouldn't be able to recommend which form would apply to the customer's need. The county should not assume any liability or responsibility for private transactions. Our only responsibility is to file, preserve, catalog, provide access, and maintain the land records for the county.

The counties will continue offer applications and the forms that are required for services that the county provides for their citizens. As the official that is assigned to offer marriage licenses, I do have a blank application form that couples fill out when applying for a marriage license. There is information that is required in order to issue a marriage license. We are trained and qualified to offer the required form and make the determination if we can issue the license. I believe that would be the same for building permits, zoning applications, or other services offered by the county. When the county has an active role in the service, there would be no question that required forms would be provided to the public. We just need the law to support that the county is not responsible for providing blank forms for transactions that are private.

Having good land records is something that I have listened to landmen over the years boast for North Dakota. I am a big supporter of referring folks to the professionals that are qualified to prepare the documents that are kept in our records. I fear that if we are required to provide forms, we will see more title issues and problems in our land records that are an unintended consequence.

Thank you for your time and consideration, I urge you to vote "Do Pass" on SB 2259

Sincerely,

Katie Paulson McKenzie County Recorder/Tax Director

Senate State and Local Government Committee
January 31, 2025
By: Laurie Good, LaMoure County Recorder

RE: SB 2259 Relating to the provisions of blanks and records

Good morning, Chairwoman Roers and Committee Members.

Thank you for allowing me to provide testimony before you today and to speak in support of SB 2259. For the record my name is Laurie Good, LaMoure County Recorder.

SB 2259 seeks to repeal of ND Century Code 44-04-16.

Much to our surprise, this code opened our eyes for sure. Many years ago, it may have been a common practice for there to be blank fillable deed forms and other types of forms supplied to the public in the Auditor's and Recorder's offices. Providing such forms are not in our best interest nor in our scope of daily work.

Living in a small community my constituents know that I have been in the real estate world for 30+ years and press me hard to help them with their legal work. I tell them my job is to record the document they bring me not create the document to be recorded.

As the code currently stands it states we should have "such blanks and records as are necessary for making proper records and for transacting any official business connected with the office." Customers could potentially rely on us for instructions as to which document to use. In our opinion that would be providing legal advice. There is not a cut and dried one document fits all for each case.

Could the impact of having these forms available open up potential legal issues for us? Might they argue that what we provided them wasn't the correct form and now they have a cloud on the chain of title because of what we recorded. Preparing legal documents should be left to the professionals who are properly trained in this area. Leaving this code in place sets our office, the county or ourselves personally for a potential lawsuit for incorrect legal advice given.

For these reasons I urge you to please give SB 2259 a DO PASS recommendation. I would greatly appreciate your support.

I thank you for your time and consideration on this bill.

Thank you again for your time and I will stand for any questions

Senate State and Local Government Committee

Date: 01/31/2025

Nancy Seefeldt - Morton County Recorder

RE: SB 2259 Relating to the provision of blanks and records

Chairwoman Roers and Committee Members:

My name is Nancy Seefeldt, I am the Recorder in Morton County. I am providing testimony asking for support of SB 2259.

I have included the verbiage of the current NDCC we are wanting to be repealed.

44-04-16. Officer to provide blanks and records for office. Each county, city, township, or school district officer shall provide, at the expense of the county, city, township, or school district, as the case may be, such blanks and records as are necessary for making proper records and for transacting any official business connected with the office.

The Recorder's office records many legal documents that are associated with land. Some of those documents are deeds, mortgages, plats and liens. When these documents are sent to our office, our duty is to record these documents (if they meet our requirements) and also the safekeeping of these documents. I am afraid this century code could put our office in a difficult situation. We don't hand out blank forms for the documents listed above. These are legally binding documents and we do not have the legal background as to what will be the adequate form this person may need.

For ex. Each person/business purchasing property may have a unique situation and therefore there are different types of deeds and different versions of verbiage (as little as two words) that can change the final outcome of the deed. There is not one standard form that can be used by all.

Each recorder's office has their own set of services they provide. My office accepts passport applications and issues marriage licenses. We do have those applications available to customers if they should need them. Those are straight forward applications. where everyone is asked the same questions.

If repealed, the business we currently do will not be affected. But, we will avoid the possibility of someone finding this legislation and expecting us to provide forms for (as stated in the century code), "any official business connected with our offices".

Thank you for your time and consideration on this bill, I would appreciate your support and to please give SB 2259 a DO PASS Recommendation.

Thank you for your time and I will stand for any questions

2025 HOUSE POLITICAL SUBDIVISIONS

SB 2259

2025 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Room JW327B, State Capitol

SB 2259
3/20/2025

A BILL for an Act to repeal section 44-04-16 of the North Dakota Century Code, relating to the provision of blanks and records.

9:44 a.m. Chairman Longmuir opened the hearing.

Members Present: Chairman Longmuir, Vice-Chairman Fegley, Vice-Chairman Jonas, Representatives Bolinske, Hager, Hatlestad, Heilman, Klemin, Motschenbacher, Ostlie, Toman, Warrey

Members Absent: Representative Davis

Discussion Topics:

- Deeds and certificates distributed by county recorders
- Duties of county recorders

9:45 a.m. Carrie Krause, Wells County Recorder, testified in favor and provided testimony #42986.

9:49 a.m. Laurie Good, County Recorder for LaMoure County, testified in favor and provided testimony #42886.

9:52 a.m. Nancy Seefeldt, Morton County Recorder, testified in favor and provided testimony #42995.

9:55 a.m. Aaron Birst, North Dakota Association of Counties, testified in favor.

9:56 a.m. Representative Bolinske moved a Do Pass.

9:56 a.m. Representative Ostlie seconded the motion.

Representatives	Vote
Representative Donald W. Longmuir	Y
Representative Clayton Fegley	Y
Representative Jim Jonas	Y
Representative Macy Bolinske	Y
Representative Jayme Davis	A
Representative LaurieBeth Hager	Y
Representative Patrick R. Hatlestad	Y
Representative Matthew Heilman	Y
Representative Lawrence R. Klemin	Y
Representative Mike Motschenbacher	Y

Representative Mitch Ostlie	Y
Representative Nathan Toman	Y
Representative Jonathan Warrey	Y

9:57 a.m. Motion passed 12-0-1.

9:57 a.m. Unanimous decision to be placed on the Consent Calendar.

9:57 a.m. Representative Bolinske will carry the bill.

Additional written testimony:

Carol Fey, Recorder and Clerk of Court in McIntosh County, submitted testimony in favor #41643.

Missy Hanson, Burleigh County Recorder, submitted testimony in favor #42505.

Deborah Moeller, Cass County Recorder, submitted testimony in favor #42857.

Shelly Schwab, Ransom County Recorder, submitted testimony in favor #42547.

Melissa Vachal, Mountrail County Recorder, submitted testimony in favor #43166.

9:58 a.m. Chairman Longmuir closed the hearing.

Wyatt Armstrong, Committee Clerk

REPORT OF STANDING COMMITTEE
SB 2259 ([25.1201.01000](#))

Political Subdivisions Committee (Rep. Longmuir, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (12 YEAS, 0 NAYS, 1 ABSENT OR EXCUSED AND NOT VOTING). SB 2259 was placed on the Tenth order on the calendar.

Senate State and Local Government Committee

Date

By: Carol Fey, McIntosh County Recorder and Clerk of Court

RE: SB2259 – Relating to the provisions of blanks and records

Chairwoman Roers and Committee Members

I am Carol Fey and I am the McIntosh County Recorder and Clerk of Court and I am speaking today in support of Senate Bill No. 2259

As a clerk of court, we are trained to recognize and practice the difference between what is giving legal advice and what is legal information. Even though we tell customers that we cannot give legal advice, nine times out of ten, their questions continue to be on the line of legal advice. And even though on the courts self-help site it specifically states that clerks cannot help them, it does not deter them from asking.

In the recorder's office, it is no different, we are often asked questions or asked to perform a task that is above our scope as a recorder.

Considering how many different documents that we record it would be difficult to have a stack of blank documents and hand one to a customer and say, "yes this is the form you need for your situation". Most times the customer themselves do not even know what their ownership situation is. For this reason, we highly suggest that they talk to an attorney

Just as the courts offer self-help forms, I can imagine similar frustrations for recorders, of having to explain why we cannot give legal advice, nor that we are not all knowing of every form put out on public sites.

For these reasons and the fear of being sued for giving the wrong advice or form, I ask a green vote on SB 2259.

Thank you for your time and consideration.

Testimony Prepared for the
House Political Subdivision Committee
March 20, 2025
By: Missy Hanson, Burleigh County Recorder

RE: SB2259 Relating to the
provision of blanks and records

Representative Longmuir and Representatives, for the record my name is Missy Hanson, and I am the Burleigh County Recorder. Thank you for the opportunity to submit written testimony in support of SB2259. This bill would repeal N.D.C.C. 44-04-16 which requires North Dakota County Recorders to provide blank documents and records necessary for transacting official business associated with our offices.

Current Code reads as follows:

44-04-16. Officer to provide blanks and records for office. Each county, city, township, or school district officer shall provide, at the expense of the county, city, township, or school district, as the case may be, such blanks and records as are necessary for making proper records and for transacting any official business connected with the office.

I strongly support SB2259 for following reasons:

In Burleigh County in the last ten years, we have recorded an average of 17,350 documents a year. In my office we are also responsible for issuing Marriage Licenses as well as being acceptance agents for Passport applications. We are required to hold forms for both services in our office if needed, but those forms are very specific to those services needed.

With being the sole office in the County for recording Real Estate transactions as well as transferring land and or minerals, it would be very difficult to determine exactly what form would qualify for the transaction that the individual would be wanting to do. With recording a multitude of documents yearly, it would require a law degree to decipher the correct document to use in each individual situation. There are many types of not only Deeds, but also Mortgages, Assignments, and Contracts that do many different things. This could potentially cause a hardship not only to our constituents, but to the County as a whole.

Providing blank forms could potentially hold the Recorder's Office liable for an incorrect transaction and could ultimately cause the customer or individual incomplete or incorrect transfers in real property and issues with the title.

Our current practice when a customer comes in to request a form is, we refer them to a licensed attorney, a title company, or possibly their bank to assist them with this matter. They generally have some rebuttal with this, but when we explain all the issues that can come with doing their own legal work, they agree and contact the others. We will record documents that constituents draw up themselves, and will continue to do so, however by repealing N.D.C.C.44-04-16 this would take any liability away from the Recorder's Office at all costs. With this, the submitter of the documents would assume all the liabilities associated with preparing the documents themselves.

For these reasons I ask for and recommend a DO PASS recommendation on SB 2259.

Thank you again for your time and consideration.

Chairman Longmuir
House Political Subdivision Committee
March 20, 2025

RE: SB2259 Relating to the provision
of blanks and records

By: Shelly Schwab, Ransom County Recorder

For the record, I am Shelly Schwab, Ransom County Recorder. I am writing to you today in support SB2259 and would appreciate a DO PASS recommendation.

I support the SB2259 for the following reasons:

- Providing blank legal documents subjects recorders to accusations of practicing law without a license and exposing the office to providing the wrong blank documents to individuals.
- Providing blank legal documents could cause an individual to deed incorrect legal descriptions which than could cause them to spend more time and resources on correcting the legal work that would not have happened if they had sought professional assistance.
- And lastly; providing blank legal documents makes it easier for fraudulent activity to occur.

For these reasons I ask for a DO PASS recommendation on SB2259.

Thank you again for your time and consideration.

Testimony Prepared for the
House Political Subdivision Committee
March 18, 2025
By: Deborah A. Moeller, Cass County Recorder

RE: SB2259 Relating to the
provision of blanks and
records

My name is Deb Moeller and I am the Cass County Recorder. Thank you, Chairman Longmuir and the House Political Subdivision Committee, for the opportunity to submit written testimony in support of SB 2259 which would repeal N.D.C.C. 44-04-16 requiring North Dakota county recorders to provide blanks and records necessary for transacting any official business connected with our office.

I support SB 2259 for the following reasons:

1. My office is responsible for recording an average of 29,000 documents per year, the majority of which are binding legal documents. I believe providing blank legal documents subjects recorders to accusations of practicing law without a license. I do not want to expose myself and my office to providing the wrong blank document to individuals with specific legal needs when we are unfamiliar with the facts of their unique situations.
2. Providing blank documents to the public could ultimately cause irreparable harm or cause them to spend more time and resources trying to correct legal work they initiated themselves without seeking professional assistance. Some examples include:
 - a. disqualification from Medicaid as a result of gifting real property;
 - b. tax consequences;
 - c. incomplete/inaccurate transfers of real property; or,
 - d. title issues.
3. I believe that providing blank legal documents makes it easier for fraudulent activity to occur, particularly with vulnerable populations or those wishing to retaliate against someone. Having blank documents readily available provides an easy tool to commit fraud.

Currently, when someone inquires about forms to transact business in our office, we refer them to a licensed attorney or a title company for assistance. By repealing N.D.C.C. 44-04-16 a requestor could not compel us to provide a form.

We will continue to accept recordable documents prepared by the public without assistance from legal counsel or a title company. However, the submitter assumes all responsibility and risk related to a document they prepared themselves or obtained in some other manner.

For these reasons I ask for a DO PASS recommendation on SB 2259.

Thank you for your time and consideration.

House Political Subdivisions Committee
March 20, 2025
By: Laurie Good, LaMoure County Recorder

RE: SB 2259 Relating to the provisions of blanks and records

Good morning, Chairman Longmuir and Committee Members.

My name for the record is Laurie Good and I am the LaMoure County Recorder. Thank you for allowing me to provide testimony before you today and to speak in support of SB 2259.

SB 2259 seeks to repeal of ND Century Code 44-04-16.

How could this code have slipped by for so many years! Upon hearing of such a code, this really opened our eyes. In days long ago it was common practice for there to be blank fillable deed forms and other types of forms supplied to the public in the Auditor's and Recorder's offices. Providing such forms are not in our best interest nor in our scope of daily work.

The code states we should have "such blanks and records as are necessary for making proper records and for transacting any official business connected with the office." This opens the door for customers to potentially rely on us for instructions as to which document to use. It is our belief that would be providing legal advice and worse yet there is not a cut and dried one document fits all for each transaction.

So, I live in a small community and my constituents know me personally and that I have been in the real estate world for 30+ years, as an abstractor for 25 years, currently a realtor for 19 years and now in my 15th year as a County Recorder. They press me hard to help them with their legal work. I get a lot of the "Well I know you know so why can't you just help me." I tell them my job is to record the legal document they bring me if it meets all our requirements and not to create the document to be recorded.

My question is, could the impact of having these forms available open up potential legal issues for us? Might they argue that what we provided them wasn't the correct form and now they have a cloud on the chain of title because of what we recorded. Preparing legal documents should be left to the professionals who are properly trained in this area. Leaving this code in place sets our office, the county or ourselves personally for a potential lawsuit for incorrect legal advice given.

For these reasons I urge you to please give SB 2259 a DO PASS recommendation. I would greatly appreciate your support.

I thank you for your time and consideration on this bill.

At this time, I will stand for any questions.

House Political Subdivisions Committee

March 20, 2025

By: Carrie K. Krause, Wells County Recorder

RE: SB 2259 Relating to the provisions of
blanks and records

Good Morning Chairman Longmuir and Committee Members.

For the record I am Carrie Krause, Wells County Recorder. Thank you for allowing me to stand before you today to speak in support of SB 2259

SB 2259 is a repeal of section 44-04-16.

Not until last spring did the Recorders even know this section existed. I had a gentleman come into my office and ask for a deed form. I explained to him that I didn't hold any of these types of forms in my office. Also, that I had no idea even what deed form he would need as there are many different types of deeds. He advised me on section **44-04-16** which states

44-04-16. Officer to provide blanks and records for office.

Each county, city, township, or school district officer shall provide, at the expense of the county, city, township, or school district, as the case may be, such blanks and records as are necessary for making proper records and for transacting any official business connected with the office.

It would almost be impossible for the Recorders hold every type of form necessary to make proper records for our office as our main task for transacting official business is to record real estate documents. I alone in my office have well over 200 document types that I record in my real estate records.

We are not attorneys and cannot give out legal advice and by telling them which form to use for the type of document they need to record would be giving them legal advice. Giving out the wrong type of deed form or any form for that matter may cause unintended consequences such as them having to clean up title, as the document didn't do what they intended it to do or may even be a product of property fraud. This is why we suggest to our customers they seek legal advice on what type of document they need for their situation.

This will not interfere with applications for marriage licenses as we need that application information in order to issue those licenses. Also, some Recorders accept passport applications and we have to have those in office in order to complete and send them in.

I have had questions on how birth certificates or death certificates, will they be affected in our office by this bill – we do not issue those documents as only the ND Department of Health and Human Services State Registrar of Vital Statistics can issue those certificates.

For these reasons I ask for a DO PASS recommendation on SB 2259

Thank you again for your time and consideration.

With that I will stand for any questions.

House Political Subdivisions Committee

Date: 03/20/2025

Nancy Seefeldt - Morton County Recorder

RE: SB 2259 Relating to the provision of blanks and records

Chairman Longmuir and Committee Members:

My name is Nancy Seefeldt, I am the Recorder in Morton County. I am providing testimony asking for support of SB 2259.

I have included the verbiage of the current NDCC we are wanting to be repealed.

44-04-16. Officer to provide blanks and records for office. Each county, city, township, or school district officer shall provide, at the expense of the county, city, township, or school district, as the case may be, such blanks and records as are necessary for making proper records and for transacting any official business connected with the office.

This code was brought to the Recorder's attention this last year and is very concerning to us.

As recorders our duties are:

- 1) To make sure the documents meet our recording requirements.
- 2) The safekeeping of the documents we put on record.

We are not responsible for making sure a document is drafted to meet the customers legal needs.

Every individual or family has a different reality they are living in and there are many types of deeds that can be used for a transaction that affects the ownership of their property. The type of deed or group of documents used for their transfer all depends on what the individual(s) end goal would be.

A couple of words can change what a deed does and there is not a "one form fits all", when it comes to conveying property.

As a recorder, I am wanting the types of documents used for property transactions to be left up to our Attorneys discretion, so that we can focus on our recording standards.

Thank you for your time and consideration on this bill, I would appreciate your support and to please give SB 2259 a DO PASS Recommendation.

Thank you for your time and I will stand for any questions

House Politicaical Subdivisions Committee

Date: 03/20/2025

Melissa Vachal – Mountrail County Recorder

RE: SB 2259 Relating to the provision of blanks and records

Chairman Longmuir and Committee Members:

My name is Melissa Vachal, I am the Recorder in Mountrail County. I am providing testimony asking for support of SB 2259.

I have included the verbiage of the current NDCC we are wanting to be repealed.

44-04-16. Officer to provide blanks and records for office. Each county, city, township, or school district officer shall provide, at the expense of the county, city, township, or school district, as the case may be, such blanks and records as are necessary for making proper records and for transacting any official business connected with the office.

As it currently stands NDCC 44-04-16 could bring liability not only to the Recorders Office but also to all the political subdivisions that is being required to provide forms. In Mountrail County Recorder's office, we deal with not only surface documents but also very large mineral documents. We right now in our system have over 150 plus document types. In my 18 years of being the Mountrail County Recorder, it has always been known that we can NOT give legal advice on what anyone would need to record. Each family has a different legal story that would need to be addressed and as Recorders we are only to accept a document that meets recording requirements per NDCC. Needing to be the one to determine what type of document someone would need really could become an issue.

When it comes to the legalities of providing forms for legal recording documents, particularly in the context of public records, its important to understand the legal framework that governs how these forms are created, provided and used. The process varies depending on the type of document. North Dakota Recorders DO NOT have a legal background and should not be required to be giving legal advice.

Thank you for your time and consideration on this bill, I would appreciate a DO PASS Recommendation on SB 2259.

Thank you for your time and I appreciate your consideration of this bill and I am available if you have any questions.

Melissa Vachal

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