



ND COUNTY RECORDER'S ASSOCIATION INFORMATION PACKET

(UPDATED 10/14/2021)

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Training for New County Officials

Brochure: https://www.ndaco.org/image/cache/Training_Requirements_Nov_2018.pdf

NDCRA Hour Requirements:

Legislative Process, 1.5 hours

Open Records, 1 hour

Records Management, 1.5 hours

Mentoring

The requirements can be met by attending the ND County Officials Academy and Recorder 101, or independently through classes offered by ILG and time with your mentor.



Institute of Local Government

The Institute of Local Government has been providing quality education services since 1995. ILG has continuously grown to meet the changing needs of local government official, and now offers a large selection of topics for non-government participants as well.

ILG LEVEL AWARDS

It's an achievement to commit to professional development and ALL of your ILG hours are valuable. ILG tracks all of your ILG training. Attendees earn ILG Training Hour(s). ILG acknowledges your training hour achievements by honoring hour level awards at the October NDACo Annual Conference.

Cut-off date is August 31 to receive an ILG Level Hour Award at the October NDACo Annual Conference. Award recipients will receive an official letter in September.

Level I - 30 Hours

Level II - 100 Hours

Level III - 150 Hours

Level IV - 200 Hours

Level V - 300 Hours

Level VI - 400 Hours

****How many hours do you currently have? Check your ILG transcript online now! Go to our homepage, www.ndaco.org, and enter your username & password in the upper right hand corner of the screen. If you need help, please call our office at 701.328.7300.**

MENTOR'S RESPONSIBILITIES TO THE NEW RECORDER

- Make a personal visit to the new Recorder
- Present a "New Recorder's Packet" and review the packet with the Recorder
- Call the new Recorder periodically (once a month)
- Remind the new Recorder of the statutory education and training program as listed on page 1 of the New Recorder's Packet
- Encourage attendance at ILG Classes
- Encourage attendance at Quad Meetings
 - *Good source of information
 - *Networking with other Recorders
- Please notify the Chairman of the Education Committee when the new Recorder has met all of the statutory education and training program requirements. A certificate will be awarded to the Recorder during the North Dakota County Recorder's Association annual conference.

NORTH DAKOTA CENTURY CODE

QUICK REFERENCE GUIDE BY CHAPTER

CHAPTER 11-10 GENERAL PROVISIONS <https://www.legis.nd.gov/cencode/t11c10.pdf>

*Number and election of county officers	11-10-02
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*Salaries of elected county officers	11-10-10
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CHAPTER 11-18 RECORDER <https://www.legis.nd.gov/cencode/t11c18.html>

*Auditor's transfer stamp	11-18-02
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*County Recorder's fee schedule	11-18-05
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*Redacting of social security numbers	11-18-23

CHAPTER 14-03 MARRIAGE CONTRACT <https://www.legis.nd.gov/cencode/t14c03.pdf>

*Lawful age for marriages	14-03-02
*Void marriages	14-03-03
*Who may solemnize marriages	14-03-09
*Marriage license required	14-03-10
*Surname and middle name options	14-03-20.1 & 2
*Marriage license fee	14-03-22

CHAPTER 16.1 ELECTIONS <https://www.legis.nd.gov/cencode/t16-1.html>

*Write-in Votes	16.1-12-02.2
*Wrapping and returning of ballots to Recorder	16.1-15-08
*Receipt to election judges, retention schedule	16.1-15-13
*County canvassing board	16.1-15-15
*Recounts	16.1-16

CHAPTER 30.1-11 CUSTODY AND DEPOSIT OF WILLS <https://www.legis.nd.gov/cencode/t30-1c11.pdf>

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CHAPTER 30.1-32.1 UNIFORM REAL PROPERTY TRANSFER ON DEATH ACT

<https://www.legis.nd.gov/cencode/t30-1c32-1.pdf>

*Transfer on death deed authorized	30.1-32.1-02
*Consideration not required	30.1-32.1-07

CHAPTER 35-03 MORTGAGE OF REAL PROPERTY

<https://www.legis.nd.gov/cencode/t35c03.pdf>

*Address of mortgagee or assignee required	35-03-04
*Satisfaction of mortgage	35-03-16
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CHAPTER 37-01 MILITARY, GENERAL PROVISIONS

<https://www.legis.nd.gov/cencode/t37c01.pdf>

*Recordation of discharge papers	37-01-34
*Certified copy to veteran without charge	37-01-36

CHAPTER 47-19 RECORD TITLE

<https://www.legis.nd.gov/cencode/t47c19.html>

*Instruments entitled to record without acknowledgment	47-19-02
*Prerequisites to recording instruments	47-19-03
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*Address of grantee required	47-19-05
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CHAPTER 47-20.1 SURVEY AND CORNER RECORDATION ACT

<https://www.legis.nd.gov/cencode/t47c20-1.pdf>

*Process to file corner record	47-20.1-06
*No charge for copy to state or federal government	47-20.1-07
*Filing fee	47-20.1-08

CHAPTER 47-29 RECORDING MASTER MORTGAGE

<https://www.legis.nd.gov/cencode/t47c29.pdf>

CHAPTER 57-28 RIGHTS OF COUNTY WHEN LANDS NOT REDEEMED

<https://www.legis.nd.gov/cencode/t57c28.pdf>

*Dates for notice of foreclosure of tax lien	57-28-04 (2)
*Form of notice	57-28-05

*Recorded documents, tax parcel, GIS system	44-04-18.5
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NORTH DAKOTA CENTURY CODE

<https://www.legis.nd.gov/general-information/north-dakota-century-code>

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Sheriff's Deed by decree of court	1-04-11
Supplemental proceedings - Record of orders	28-25-13
Sidewalks - Notice to construct, rebuild, repair	40-29-03

Social Security Numbers	11-18-23
Special Assessment Records	40-22-16
State Highway System	
Abandoned sections - Filing order	24-01-06
Determining damages	24-01-19
Title vests if no appeal taken	24-01-22
State Offices - cannot appoint county official as deputy	44-03-02
Statements of Full Consideration	11-18-02.2
Affidavit of Affixation - Manufactured Home	11-18-02.2(2)
Deed (except minerals)	
Grantee or authorized agent	11-18-02.2(1)
Recorder not to record without statement	11-18-02.2(3)
Deeds Exempted	11-18-02.2(6)
State Board of Equalization to provide forms	11-18-02.2(5)
Subdivisions	
Recording certified copy of resolution	11-33.2-06
Recording plat	11-33.2-14
Surveys (see Plats/Surveys)	
Tax Transfer	
Instruments entitled to record without regards to taxes	11-18-03
Public Utilities	57-06-22
Taxes	
Auditor's duty - Statement of delinquent taxes	57-22-32
Requirements of Recorder/Clerk to Auditor	57-28-04
Sale of personal property for payment of taxes	57-22-16
Term of Office	11-10-05
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Clear lists of original grant lands	15-02-06
Contract of Sale cancellations	15-08-12
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Transfer of School District lands	15.1-12-07

Unsworn Foreign Declarations	31-14-03(2)(d)
Urban Renewal	40-58-09(1)
Utilities	
Conveyance other than right-of-way	49-09-15
Property transfers	49-09-14
Vacating Office	44-02-04
Vacating streets, alleys, public places - Resolutions	40-39-08
Water (see also Irrigation Districts)	
Drainage	
Permit to Drain Water	61-32-03
Permit to Drain Subsurface Water	61-32-03.1
Garrison Diversion	61-24.8-22
State Engineer - Terminating/ Cancelling Water Permits	61-03-21
Water Commission Trust Indentures (filed)	61-02-60
Water Permit recorded	61-04-26
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Deposit	30.1-11-01
Duty of Custodian	30.1-11-02
Wind Energy Facility	49-02-27(2)
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Zoning - Recording certified copy of resolution	11-33-09

ATTORNEY GENERAL OPINIONS

<https://attorneygeneral.nd.gov/attorney-generals-office/legal-opinions/opinion-search>

<u>Topic</u>	<u>Number</u>	<u>Date</u>
County Offices		
Combining of Auditor and Recorder	2004-L-65	10/29/2004
Eliminating	98-F-14	5/12/1998
Hiring of assistants/deputies		
County Commission Duties	93-L-161	5/20/1993
From other departments	96-L-162	10/1/1996
Documents Entitled to Record		
Certificate of Redemption does not go to Auditor	74-327	9/3/1974
Certified copy of death certificate required	2005-L-03	1/17/2005
Effective dates for recording earlier dated document	2005-L-23	9/21/2005
Financing statements-no signature required	2003-L-56	12/1/2003
Legal descriptions	2013-L-05	7/18/2013
Personal Rep Deed/Term of JT or LE	2005-L-23	9/21/2005
Elected Officials		
Nominating petitions in public offices	2010-L-06	3/22/2010
Required time on the job	2002-F-02	1/24/2002
E-Signatures and E-Recording accept/deny	2003-L-35	8/27/2003
Expungement of record court order/motion to clarify	2005-L-42	12/5/2005
Fees for Records		
Charging for several requests of similar subject	2014-O-17	11/5/2014
Charging for time spent locating/redacting	2014-O-18	11/5/2014
Marriage License		
Access to records/redacting SSN	2004-O-23	10/27/2004
Residency in ND not required	94-F-31	11/1/1994
SSN not required	2002-F-10	9/27/2002
Maps, Plats or Surveys as attachments require sig. and seal	2017-L-03	5/12/2017
Notice of Contract for Deed requires Auditors transfer	2000-L-39	3/14/2000
Open Records		
Coroner records	95-L-88	4/3/1995

Electronic records	2008-O-17	7/15/2008
Fee for noncertified copy regardless of format	2008-L-01	2/13/2008
Ownership of records	2008-L-01	2/13/2008
Personal equipment for copying	2008-L-01	2/13/2008
Wills-deposit for safekeeping	2002-L-39	7/12/2002

NORTH DAKOTA MANUFACTURED HOME AFFIDAVIT OF AFFIXATION

Homeowner, being first duly sworn on oath, states as follows:

1. Homeowner owns the manufactured home (“Home”) described as follows:

New/Used	Model Year	Manufacturer’s Name	Make & Model Name	Manufacturer’s Serial Number	Length/Width
----------	------------	---------------------	-------------------	------------------------------	--------------

Homeowner’s information and belief is that the Home was built in compliance with the federal Manufactured Home Construction and Safety Standards Act.

2. If Homeowner is the first retail buyer of the Home, Homeowner has received (i) the HUD installation standards of disclosure, (ii) the manufacturer’s warranty for the Home, (iii) the Consumer Manual for the Home, (iv) the Insulation Disclosure for the Home, and, (v) the formaldehyde health notice for the Home.

3. Homeowner is the owner of the Land described in this affidavit or has possession of the Land described in this affidavit under the terms of a recordable lease that has a term that continues for at least twenty years from this date, in which case, the consent of the lessor is attached to this Affidavit.

4. The Home is or will be located at the following Property Address:

Street or Route	City	County	State	Zip Code
-----------------	------	--------	-------	----------

5. The legal description of the Property Address (“Land”) is:

6. The Home [] is [] will be anchored to the Land by attachment to a permanent foundation, in accordance with applicable federal, state and local building codes and manufacturer’s specifications, and permanently connected to appropriate residential utilities such as water, gas, electricity and sewer. Homeowner intends for the Home to be a permanent improvement to the Land and real property under North Dakota law.

7. As a permanent improvement to the Land, the Home is to be assessed and taxed as real property under North Dakota law.

8. ___ The full consideration paid for the Home before to its affixation to the Land is \$ _____. If no amount is stated, a report of full consideration paid for the Home before its affixation to the Land has been filed with either the North Dakota state board of equalization or the recorder as required by N.D.C.C. 11-18-02.2.

9. If Homeowner is the owner of the Land, any future conveyance or financing of the Home and the Land will be a single transaction.

10. Homeowner has obtained or will obtain all permits and certifications required by governmental authorities.

11. Homeowner is not aware of (i) any claim, lien, encumbrance, affecting the Home, (ii) any facts or information known to the Homeowner that could reasonably affect the validity of the title of the Home or the existence or non-existence of security interests in it, except as follows:

12. ___ The Home is not covered by a certificate of title. The original manufacturer's certificate of origin, issued on _____ manufacturer's serial no. _____ and
Date

duly endorsed to Homeowner is annexed to this Affidavit and will be surrendered to the department of transportation.

___ The Home is not covered by a certificate of title. After diligent search and inquiry, Homeowner is unable to produce the original manufacturer's certificate of origin for the Home. Homeowner will apply to the North Dakota department of transportation for a confirmation of conversion of the Home to real property.

___ The Home is covered by certificate of title no. _____, issued on _____.
Homeowner will surrender the title to the North Dakota department
Date
of transportation.

___ The Home is covered by a certificate of title. After diligent search and inquiry, Homeowner is unable to produce the certificate of title for the Home. Homeowner will apply to the North Dakota department of transportation for confirmation of the conversion of the Home to real property.

IN WITNESS WHEREOF, Homeowner has executed this Affidavit in my presence and in the presence of the undersigned witnesses on this ___ day of _____, 20__.

Homeowner

Witness

Homeowner's Printed Name

Witness's Printed Name

Homeowner

Witness

Homeowner's Printed Name

Witness's Printed Name

STATE OF NORTH DAKOTA)

COUNTY OF _____)

Subscribed and sworn to before me this _____ day of _____, _____

(Notary Seal)

Notary Public

My Commission Expires: _____

ASSOCIATIONS

North Dakota Association of Counties (NDACo) https://www.ndaco.org/programs_and_services/

International Association of Government Officials (iGO)
<https://iaogo.org/>

Property Record Industry Association (PRIA)
<https://www.pria.us/i4a/pages/index.cfm?pageid=1>

County Recorder Election Checklist

Pre-Election Night

- Secure space in the county recorder's vault or other secured storage site to hold all election ballots/absentee envelopes.
- Plan with county auditor the most efficient procedure for ballot receipt/check-in from each polling site.

Election Night

- Be present in the county courthouse at/prior to poll closings.
- Receive all ballots/absentee envelopes returned from each polling site.
 - Voted Ballots
 - Spoiled Ballots (voter's ballots with errors)
 - Voided Ballots (polling site display or sample ballots)
 - Ballots with Write-In Votes
 - Absentee Ballots (if not tabulated centrally)
 - Unvoted Ballots
 - Absentee Ballot Envelopes (both open and unopened)
- Secure and store all ballots/absentee envelopes in county recorder's vault or other secured storage site.

Post-Election Night

- IF** you receive a demand pursuant to NDCC § 16.1-12-02.2(1)(d), bring ballots with write-in votes to county canvassing board meeting.
- Ballots must be securely retained by the county recorder for:
 - 45 days if the ballots do not contain federal offices, and
 - 22 months if the ballots do contain federal offices.
- Ballots may not be opened or inspected, except upon court order in a contested election, when it is necessary to produce them at a trial, or to permit election officials to perform their duties. The exception is the ballots that contain the lawful write-in votes that may be counted at the canvassing board meeting.
(NDCC § 16.1-15-13) *Note* You will want to develop your own check-out and check-in process for any situation in which you legally release ballots during the retention period and you will want to keep a history of these releases.
- After completion of the required retention period determined above, and upon determination by the county recorder that no contest is pending, the ballots must be destroyed.

Polling Site Sign-Off Sheet

County: _____

Polling Site: _____

- Voted Ballots
- Ballots with Write-in Votes
- Spoiled Ballots
- Voided Ballots
- Absentee Ballots
- Unvoted Ballots

If Applicable:

- Opened Absentee Ballot Envelopes
- Unopened (Rejected) Absentee Ballot Envelopes

Date: _____

Time: _____

Signature
Election Inspector or Appointed Judge

Signature
County Recorder

FULL CONSIDERATION / EXEMPT STATEMENT REQUIREMENTS

Required:

Administrator's Deed
Amended Contract for Deed
Assignment of Contract for Deed
Assignment of Vendor's Interest in Land Contract
Auditor's Tax Deed
Contract for Deed
Conservator's Deed
County Deed
Deed
Executor's Deed
Grant Deed
Guardian Deed
Limited Warranty Deed
Marshal's Deed
Patent
Personal Representative's Deed
Personal Representative's Deed of Distribution
Quit Claim Deed
Sheriff's Deed
Special Warranty Deed
Tax Deed
Trustee's Deed
Warranty Deed

Not required:

Notice of Contract for Deed
Transfer on Death Deed

MARRIAGE LICENSE INFORMATION

NDCC 14-03

- Marriage certificate is good for 60 days from the day it is issued.
- Fee is \$65.00.
- Both parties need to be present to complete application (unless using absent applicant form). Make sure they understand that they are signing under OATH.
- If either party is divorced, a CERTIFIED COPY of the Divorce Decree is required and must stay on file with the application. Certified copies of Divorce Decree's can be obtained from the Clerk of Court in the county where they were divorced.
- ID (preferably photo ID) verifying date of birth is required.
- License can be issued and used in any county in North Dakota; license must be returned to the county it was obtained from.
- A certified copy of a marriage license is \$5.00 for the 1st page \$2.00 for additional page.
- If the County Recorder officiate ceremonies and couple is getting married on premises during business hour, the ceremony fee is \$30.00.
- If the County Recorder is performing the ceremony off premises after hours, the Recorder will set the fee.
- On June 26, 2015 the Supreme Court granted the right to marry to same-sex couples and an order was issued by Ralph R. Erickson, Chief District Judge of the United State District Court in North Dakota granting motion to lift stay. (see next page)

***REFER TO NDCC 14-03-01

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHEASTERN DIVISION

Ron Ramsay, Peter Vandervort, Celeste
Carlson Allebach, Amber Carlson
Allebach, Brock Dahl, Austin Lang,
Michele Harmon, Joy Haarstick, Bernie
Erickson, David Hamilton, Matthew
Lee Elmore, Beau Thomas Downey,
Stephanie Bock, and Siana Bock,

Plaintiffs,

v.

Jack Dalrymple, in his official capacity
as Governor of North Dakota, Wayne
Stenehjem, in his official capacity as
Attorney General of North Dakota,
Ryan Rauschenberger, in his official
capacity as Tax Commissioner of North
Dakota, Terry Dwelle in his official
capacity as State Health Officer, and
Charlotte Sandvik in her official
capacity as Cass County Treasurer,

Defendants.

**AMENDED ORDER GRANTING
MOTION TO LIFT STAY,
GRANTING MOTION FOR
SUMMARY JUDGMENT, AND
DENYING MOTION TO DISMISS
FOR FAILURE TO STATE A
CLAIM**

Case No. 3:14-cv-57

Before the court is the plaintiffs' unopposed Motion to Lift Stay and Enter Judgment in Favor of the Plaintiffs.¹ The plaintiffs seek an order requiring the State of North Dakota to recognize and license the marriages of same-sex couples on the same terms as those of opposite-sex couples.²

On June 26, 2015, the Supreme Court held in Obergefell v. Hodges that "the right to marry is a fundamental right inherent in the liberty of the person, and under the Due

¹ Doc. #59, Mot. to Lift Stay and Enter Judgment; Docs. ## 61, 62, Response.

² Doc. #60, Mem. in Support of Mot. to Lift Stay and Enter Judgment.

Process and Equal Protection Clauses of the Fourteenth Amendment couples of the same-sex may not be deprived of that right and that liberty” and that full faith and credit extends to marriages validly performed in another state.³

The Motion to Lift Stay and Enter Judgment is **GRANTED**. The plaintiffs’ Motion for Summary Judgment is **GRANTED**. The N.D. Constitution Art. XI § 28, and North Dakota Century Code §§ 14-03-01 and 14-03-08 are declared unconstitutional and invalid as applied to same sex marriages, and the defendants are ordered to issue marriage licenses to same-sex couples, subject to the same restrictions and limitations applicable to opposite-sex couples. The defendants’ Motions to Dismiss for Failure to State a Claim is **DENIED**.

IT IS SO ORDERED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated this 29th day of June, 2015.

/s/ Ralph R. Erickson
Ralph R. Erickson, Chief District Judge
United States District Court

³ Obergefell v. Hodges, 576 U.S. ____, slip op. at pp. 22, 28 (2015).

_____ County Marriage License
(Office Use Only)
QUESTIONNAIRE FOR APPLICATION

APPLICANT 1:

Full Name: _____
 First *Middle* *Last*
Address: _____
 Street *City* *State* *Zip Code*
County: _____ Phone #: _____ (Optional)
Birth Date: _____ Age: _____ SS#: _____

Marital Status: _____ Gender: M____ F____
____ Single/Never Married
____ Single/Spouse Deceased
____ Divorced – *Certified Copy of Decree Must Be Attached*
Are you related to your Fiancée? No____ Yes____ If yes, state relationship

New Surname Name: _____ New Middle: _____
 (Enter Last Name Only) (Enter Middle Name Only)

Identification presented _____
.....

APPLICANT 2:

Full Name: _____
 First *Middle* *Last*
Address: _____
 Street *City* *State* *Zip Code*
County: _____ Phone #: _____ (Optional)
Birth Date: _____ Age: _____ SS#: _____

Marital Status: _____ Gender: M____ F____
____ Single/Never Married
____ Single/Spouse Deceased
____ Divorced – *Certified Copy of Decree Must Be Attached*
Are you related to your Fiancée? No____ Yes____ If yes, state relationship

New Surname Name: _____ New Middle: _____
 (Enter Last Name Only) (Enter Middle Name Only)

Identification presented _____
.....

OATH

By signing this form you are put under oath to swear to tell the truth and provide accurate information on the application for a marriage license. Any falsifying of information could result in charges of a Class A Misdemeanor punishable by up to one (1) year in prison or a \$3000 fine or both. These applicants state that they were placed under oath prior to providing the above information and that they were aware of the penalties for providing false information.

Applicant Sign Name

Applicant Sign Name

Applicant Print Name

Applicant Print Name

Date of Wedding: _____

Ceremony Location: _____

Officiant: _____

NOTICE: Marriage license must be used within 60 days.

Application Number: _____

APPLICATION FOR MARRIAGE LICENSE

Absent applicant
 Ramsey County, State of North Dakota

APPLICANT 1			Gender <u>M</u> <u>F</u> APPLICANT 2			Gender <u>M</u> <u>F</u>		
First	Middle	Last	First	Middle	Last	First	Middle	Last
Address			Address					
City	State	Zip Code	City	State	Zip Code			
Date of Birth	Social Security #	Age	Date of Birth	Social Security#	Age			
New middle name and surname:			New middle name and new surname					
Marital Status: <input type="checkbox"/> Single/Never Married <input type="checkbox"/> Single/ Spouse Deceased <input type="checkbox"/> Divorced - Certified copy of decree MUST be attached Are you related to your fiancée? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, explain relationship: _____			Marital Status: <input type="checkbox"/> Single/Never Married <input type="checkbox"/> Single/ Spouse Deceased <input type="checkbox"/> Divorced - Certified copy of decree MUST be attached Are you related to your fiancée? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, explain relationship: _____					
OATH								
By signing this form you are put under oath to swear to tell the truth and provide accurate information on the Application for Marriage License. Any falsifying of information could result in charges of a Class A Misdemeanor punishable by up to one (1) year in prison or a \$3000 fine or both. These applicants state that they were placed under oath prior to providing the above information and that they were aware of the penalties for providing false information under oath.								
Signature of Applicant			Signature of Applicant					

Print Name _____ Print Name _____

Date of Wedding: _____

Location: _____

Officiant: _____

Subscribed and sworn to before me on this ____ day of _____ 20__

 Signature of County Official (seal)

Absent applicant is under oath when signing this instrument and must provide proper identification to notary before signing.

The foregoing instrument was acknowledged before me this ____ day of _____, 20__ by _____, applicant for marriage license.

STATE OF: _____)
) SS
 COUNTY OF: _____)

 Signature of Notary (seal)



North Dakota Recorders Information Network

Welcome to the world of NDRIN....the North Dakota Recorders Information Network. A group of North Dakota counties have joined together to extend the application of the 1999 disaster-proofing FEMA grant and provide access to real estate records via the Internet. These records have previously been available only through books and microfilm in the Recorder's offices in the county courthouses.

Our mission is to preserve and protect North Dakota Land Records for future generations.

NDRIN welcomes all users, from real estate brokers to attorneys, bankers, oil and gas/coal industry personnel, abstractors and others. As in the previous 100 plus years, the North Dakota Recorders have been dedicated to the people of North Dakota in preserving, protecting and providing access to the county real estate records. NDRIN hopes to continue to serve the public into the 21st century and beyond. With new methods and techniques, modern technology is moving Recorders forward as progressive players in the world of e-commerce.

The counties of Burleigh, Cass, Dunn, McLean, Stark, Ward and Williams started the pilot project.

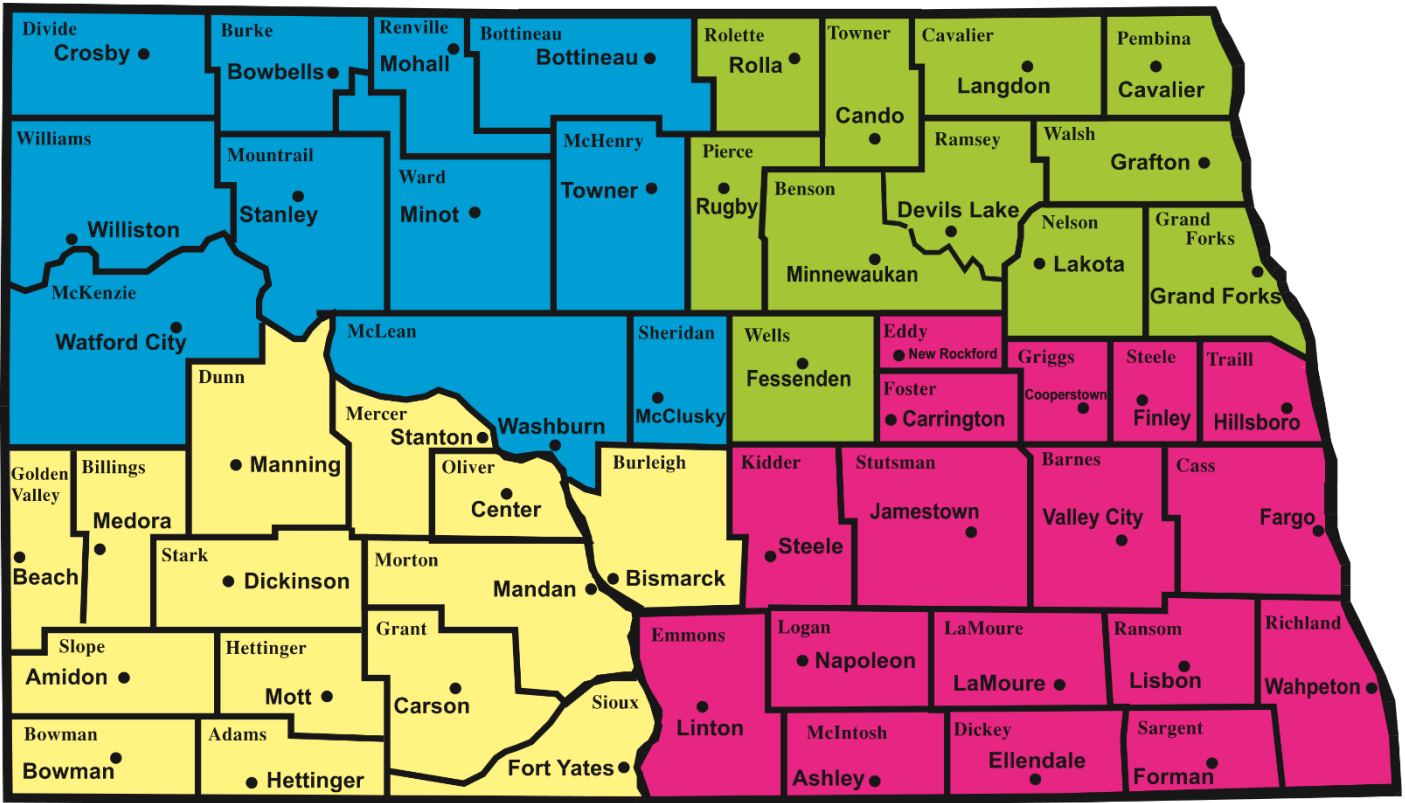
PERPETUAL CARE CEMETERY LICENSES

NDCC 23-21.1

Recorder's Responsibilities in Issuing Perpetual Care Licenses in accordance with NDCC 23-21.1

- The license is issued once a year. It is the responsibility of the cemetery to make this application to you. We are not responsible for ensuring it gets done. However, if you do know of one that has been obtaining a license from you and fails to comply with the application process each year, it is your responsibility to revoke that license as described in NDCC 23-21.1-02.2. (If you see you have not heard from that cemetery, a courtesy call may be in order prior to revoking the license.)
- Once you receive an application, you will need to check with District Court to see that the applicant has complied with the statute by filing the necessary papers in their office. A list of expenses and a bond must be on file or you cannot issue the license.
- The application is provided to them by the North Dakota Department of Health. The bottom portion of the application will be completed by you. A copy is then mailed to the ND Department of Health. You can then remove the bottom portion of the form and return it to the cemetery making the application.
- The filing fee is set by law at \$5.00.
- Keep a copy of the entire application and license and the top portion of the original application they filled out; along with a copy of the documents they filed in District Court.

QUAD MAP



ND County Recorder's Association Quads

WILLS

ADMINISTRATIVE RULES FOR WILLS

NDCC 30.1-11.1

Deposit of will in testator's lifetime:

The testator or the testator's agent may deposit a will with a Recorder for safekeeping. The will must be sealed and kept confidential. During the testator's lifetime, a deposited will must be delivered only to the testator or to a person authorized in a writing signed by the testator to receive the will. A conservator may be allowed to examine a deposited will of a protected testator under procedures designed to maintain the confidential character of the document to the extent possible, and to ensure that it will be resealed and kept on deposit after the examination. Upon being informed of the testator's death, the recorder shall notify any person designated to receive the will and deliver it to that person on request; or the Recorder may deliver the will to the appropriate court.

Depositing a will:

The testator or the testator's agent may deposit a will.

A "Certificate of Deposit of Last Will and Testament" will be filled out as receipt of the will and a testator may provide a list of persons designated by testator to receive the will after the death of the testator.

The will must be sealed and kept confidential.

Safekeeping, examination and withdrawal of a will during Testator's lifetime:

The County Recorder may disclose the fact that the testator has deposited a will for safekeeping to members of the general public who request the information, as this is public information, but may not disclose the contents of the will.

A Recorder may, at the request of the testator or the person designated in writing by the testator, deliver to the testator the deposited will and permit the testator to review the will in a private part of the Recorder's office. The testator may return the will under seal to the Recorder for deposit without the will leaving the Recorder's office.

If the testator or person designated in writing by the testator requests to withdraw their will, leaves the Recorder's office with the will and wishes to redeposit the will later, a filing fee of \$10.00 will be charged to refile the will.

A Personal Representative named in the will may not receive the will without specific written authorization from the testator during testator's lifetime. The will may not be the source of information naming the personal representative.

A conservator may be allowed to examine the deposited will of a protected testator after providing the Recorder with a copy of the conservator's order for appointment or letters of conservatorship. These orders or letters will be examined by the Recorder to determine whether there are restrictions

on the powers of the conservator because these restrictions are effective regarding third persons such as the Recorder.

Requiring proof of identification from persons claiming to be authorized to examine the will and requiring the person examining the will to sign a receipt not only reasonably protects the Recorder's office but also helps to provide proof for a prosecution if the person is acting falsely.

During the testator's lifetime, a deposited will must be delivered only to the testator or to a person authorized in writing signed by the testator to receive the will.

A testator may withdraw their will from deposit at any time upon signing a receipt.

Releasing will after death of testator:

Upon being informed of the testator's death and upon request, the Recorder shall notify any person designated to receive the will and deliver it to that person or the Recorder may deliver the will to the appropriate court.

Proof of death must also be established prior to release of a will. This can be done by providing a copy of the death certificate or an obituary.

The "Certificate of Deposit of Last Will and Testament" may list the persons who can receive the will after the death of the testator, or the testator may have left a designation in writing with another person.

The Recorder may permit a person who is authorized in a writing signed by the testator to receive the will or to examine the will. If there is no designation in writing regarding delivery to a person after death, the will may only be delivered to the appropriate court.

If an attorney requests the will a letter indicating they are representing the family, date of death of the testator and copy of the death certificate should be provided.

Requiring proof of identification from persons claiming to be authorized to receive the will and requiring the person receiving the will to sign a receipt not only reasonably protects the Recorder's office but also helps to provide proof for a prosecution if the person is acting falsely.

(see forms on following pages)

STATE OF NORTH DAKOTA
COUNTY OF _____

CERTIFICATE OF DEPOSIT OF LAST WILL AND TESTAMENT

This hereby certifies that _____ has this day deposited with
the County Recorder, _____ County, State of North Dakota, his/her **Last Will and Testament** sealed in
an envelope:

The above-named Testator has designated:

Name

Address

or

Name

Address

to receive the will upon the testator's death. Upon proof of the testator's death and upon request, the Recorder shall notify the above designee to receive the will and deliver it to that person.

Testator

Date

Dated this _____ day of _____, 20____, at _____, North Dakota.

County Recorder

By Deputy Recorder

STATE OF NORTH DAKOTA

COUNTY OF _____

EXAMINATION OF WILL

This is to certify, that I, _____, am the

- _____ Testator
- _____ Person authorized in writing by the Testator
- _____ Conservator

and that I am, this day, requesting to examine the LAST WILL AND TESTAMENT of
_____ and that I am authorized to do so.

Dated this _____ day of _____, 20_____.

- _____ Testator
- _____ Person authorized in writing by Testator
- _____ Conservator

_____ County Recorder

By Deputy Recorder

_____ COUNTY RECORDER

RECEIPT OF WILL FILING

LAST WILL AND TESTAMENT OF _____

I, _____ do hereby acknowledge that I have filed the
above Last Will and Testament in the _____ County Recorders Office, Courthouse,
_____, North Dakota, 58301.

Dated this _____ day of _____, _____.

Name

Address

City, State, Zip Code

County Recoder

By Deputy

STATE OF NORTH DAKOTA

COUNTY OF _____

WITHDRAWAL OF WILL BY DESIGNEE

This is to certify, that I, _____, being the person designated in a writing by the Testator to receive the will, have this day withdrawn from deposit with the County Recorder of _____ County, State of North the LAST WILL AND TESTAMENT of _____.

Dated this _____ day of _____, 20_____.

Designee

County Recorder

By Deputy Recorder

STATE OF NORTH DAKOTA

COUNTY OF _____

WITHDRAWAL OF WILL BY TESTATOR

This is to certify, that I, _____, have this day withdrawn from deposit with the County Recorder of _____ County, State of North Dakota, the LAST WILL AND TESTAMENT of which I am the Testator.

Dated this _____ day of _____, 20____.

Testator

County Recorder

By Deputy Recorder

REQUEST TO PROTECT INFORMATION

North Dakota Century Code §44-04-18.3 protects the home address and phone number from release for the following individuals (choose one of the following):

- | | | |
|--|--|---|
| <input type="checkbox"/> Prosecutor | <input type="checkbox"/> Judicial Referee | <input type="checkbox"/> Employee of a Law Enforcement Agency |
| <input type="checkbox"/> Supreme Court Justice | <input type="checkbox"/> Juvenile Court Director | <input type="checkbox"/> Employee of a State or Local Correctional Facility |
| <input type="checkbox"/> District Court Judge | <input type="checkbox"/> Probation Officer | <input type="checkbox"/> Employee of Department of Corrections and Rehabilitation |

As a protected individual, you must annually request your information be made confidential in the following systems:

- * A geographic information system (GIS)
- * A property title record
- * A tax parcel data system

****This form is for homeowners only. If you rent, personal information is not contained in GIS, title record, or tax parcel data systems. Written requests need to be made annually and expire at the end of each calendar year.***

Name	Employer
Physical Home Address (Owned Property Only)	City
County	Personal Phone #

Check Information you would like removed *
<input type="checkbox"/> County Recorder - Recorded Documents (Deeds, Mortgages, Misc. Recorded Documents)
<input type="checkbox"/> County Director of Tax Equalization - Tax Roll Information / Geographic Information System (GIS)
<input type="checkbox"/> County Treasurer/Auditor - Tax Roll Information
<input type="checkbox"/> County GIS - Geographic Information System (GIS) *if the county has a separate GIS department from the Director of Tax
<input type="checkbox"/> City Tax - Tax Roll Information / Geographic Information System (GIS)

****By requesting this information to be removed, you may be inconvenienced if there is a need for a 3rd party to access the records for the following examples: abstracts, insurance claims/adjustor, mortgage changes, appraisals, titling, etc.***

I elect to make the information available to the following individuals/companies upon request:

Initial all that apply	Service	Company and/or Name
	Abstract Service	
	Insurance Adjustor or Company	
	Mortgage Lender or Company	
	Real Estate Appraiser of Company	
	Title Company/Representative	
	Other	
Signature	Date	

Submit completed form to your County Recorder and where applicable City Tax Office.

This form (when completed) contains confidential information and cannot be released to any individual except for those officials whose responsibility is to ensure the protection of data contained in GIS, property title record, or tax parcel data record. NDCC §44-04-18.3.