

**Sixty-sixth Legislative Assembly of North Dakota
In Regular Session Commencing Thursday, January 3, 2019**

HOUSE BILL NO. 1271
(Representatives Klemin, Roers Jones)
(Senator Dwyer)

AN ACT to amend and reenact subsection 6 of section 11-18-02.2 and section 30.1-32.1-06 of the North Dakota Century Code, relating to statements of full consideration being filed with the county recorder and transfer on death deed requirements.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 6 of section 11-18-02.2 of the North Dakota Century Code is amended and reenacted as follows:

6. This section does not apply to deeds transferring title to the following types of property, or to deeds relating to the following transactions:
 - a. Property owned or used by public utilities.
 - b. Property classified as personal property.
 - c. A sale when the grantor and the grantee are of the same family or corporate affiliate, if known.
 - d. A sale that resulted as a settlement of an estate.
 - e. All forced sales, mortgage foreclosures, and tax sales.
 - f. All sales to or from religious, charitable, or nonprofit organizations.
 - g. All sales when there is an indicated change of use by the new owners.
 - h. All transfer of ownership of property for which is given a quitclaim deed.
 - i. Sales of property not assessable by law.
 - j. Agricultural lands of less than eighty acres [32.37 hectares].
 - k. A transfer that is pursuant to a judgment.
 - l. ~~A transfer on death deed or revocation instrument authorized under chapter 30.1-32.1.~~

SECTION 2. AMENDMENT. Section 30.1-32.1-06 of the North Dakota Century Code is amended and reenacted as follows:

30.1-32.1-06. Requirements.

1. A transfer on death deed except as otherwise provided in subsection 2 must contain the essential elements and formalities of a properly recordable inter vivos deed.
2. A transfer on death deed must state that the transfer to the designated beneficiary is to occur at the transferor's death.
3. A transfer on death deed must use the phrase "transfer on death deed" or the abbreviation "TOD" in the title of the deed.

4. A transfer on death deed must be recorded before the transferor's death in the public records in the office of the county recorder of the county where the property is located.
5. An auditor's certificate of transfer under section 11-18-02 and a statement of full consideration under section 11-18-02.2 are not required to record a transfer on death deed or a revocation instrument.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-sixth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1271.

House Vote: Yeas 91 Nays 0 Absent 3

Senate Vote: Yeas 45 Nays 0 Absent 1

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2019.

Approved at _____ M. on _____, 2019.

Governor

Filed in this office this _____ day of _____, 2019,

at _____ o'clock _____ M.

Secretary of State