

2008 Quad Meeting Minutes

41 of the 53 counties were represented at the quad meetings held in 4 locations around the state the week of April 21, 2008.

AG OPINION 2008-L-01:

- 1) Public is prevented from using back-up records for duplication
- 2) Private entity may not assert control over records in the possession of a public entity
- 3) Recorders have authority to develop procedures to promote orderly duplication of the records
- 4) May charge up to \$1 per page – no matter what type of copy

Discussion took place on the above items. NW Quad members were very familiar with all of this, dealing with land men/women on a daily basis, and bringing in a good amount of revenue from copies! There are 5 companies wanting Dunn County records at this time – and each will pay \$100,00 to purchase them.

AG OPINION regarding Auditor's Transfer on land transfers through condemnation proceedings:

We have heard nothing from the Walsh County State's Attorney, and do not even know if the question has been submitted to the Attorney General.

Most Recorders feel that Ginger from Adams County should probably pursue this with her State's Attorney, since she is directly affected by it right now, with the help of Pat Krieger of the NDDOT, so we ask the question(s) in the right way.

(Note: Ginger is working with her State's Attorney and Pat Krieger now – May 2008) We can expect more discussion on this at convention.

AFFIDAVIT OF LOST DOCUMENT was discussed at the SE Quad. Most are recording this as a miscellaneous document. Tom Strand of Dickey County noted that he stamps "copy" on all pages that are recorded as a copy.

BURIAL PERMITS:

- 1) To be filed where disposition takes place (burial or cremation)
- 2) If cremation takes place, a copy of the burial permit may be filed where cremated remains are buried – but is not required.
- 3) Funeral Directors are responsible for properly completing the permit. (Name of cemetery should be entered, at least – sometimes may be hard to obtain lot #)
- 4) Vital Records is designing a report for each county, which will list the dispositions in your county by month. If you would like a report for your county now, contact them.
- 5) Retention period.

The filing of burial permits seems to be going fine. We are anticipating that more will be filed now with spring burials taking place.

Ruth will contact Sharon Freeman about changes to the retention schedule – moving it from a Clerk's responsibility to the Recorder's, making it a permanent record in any media or format, with disposal by shredding if the paper record is to be destroyed.

DEATH CERTIFICATES: The face of the seal is on the back side of the certificate.

Some Recorders are darkening it on the front side and scanning only that side. If the back side is darkened, a 2nd-page fee should be charged. This is usually not a problem, when a legal description has been entered on the back side also.

ELECTIONS: Election procedures were discussed. Many were handling the ballots as clerks, and others will look to their auditor for direction, as well as instructions from the SOS office. This first election will be a time to “feel it out” and we’ll go from there. Ruth will discuss the retention schedule of ballots with Sharon Freeman. It was noted at the SW Quad that the County Commissioners appoint a replacement for you on the canvassing board (if your name is on the ballot, etc), and that the Recorder must be present to receive the ballots from the precincts.

Digital Images: We are all over the board here, of course! Some counties went to 10 cents/image, while others decided they want to stay at 4 cents. Fees for images and data were also discussed. Amounts varied from 2 cents/field to 5 cents/field. Some felt a flat fee would be easier to work with. As more counties start offering this service, more discussion will take place.

Recording Requirements: Several counties have checklists they use when entering documents. Several counties also have a sheet they use when counting sections in a document. A committee will look in to this a little further. The recording requirements should be listed on our NDRIN website.

Indexing Government Lots: Recorders cannot require documents to specify the quarter/quarter – they are government lots because they are either more or less than 40 acres, and the correct legal description is Government Lot 1, etc.

Paper Weight of Documents: We cannot refuse to file or record any document because of the paper weight. At the time the ND State Board of Registration for Professional Engineers and Land Surveyors adopted the revised form for use in filing official surveys, they recommended that 60# paper should be used if surveyors were reproducing the form themselves.

UCC: Scanning of UCC filings is to be completed by September of 2008. Because of a technical glitch, the SOS office is looking for a different program, so there will be no training this summer.

Social Security numbers must be redacted, but TIN numbers do not have to be.

UCC-CNS Release needs to have the Debtors signature to release machinery if it is on a CNS form.

A Processor’s Lien must be 2 pages as it must include the proof of mailing.

Passport Training: The on-line training site is down, but eventually all who accept applications, will have to complete that training.

Corner Monuments: Suveyors would like these records accessible on-line. A committee will discuss this further with the surveyor’s association. Most counties felt it is not a priority item right now.

E-Mail: The problems the state is having with e-mailing were discussed. At this time, a message for all Recorders needs to be sent through the NDACo. The state hopes to have this issue resolved soon.

Legislative Issues: Font size used on recording documents was brought up – but most felt that we are covered by 11-18-05(2), which requires the printed, written or typed words be considered “legible” by the Recorder.

There is a bill on splitting of hunting rights from owner’s rights on land that is to go in to effect July of 2009. Recorders do not want to allow this – so will be watching this closely. More discussion will take place at convention.

ILG Classes: Please let the education committee know of classes you need to fill your requirements, or any classes that you are interested in.

Convention: June 17, 18 & 19, 2008 at Holiday Inn in Fargo. See you there!