

**79th ANNUAL
NORTH DAKOTA COUNTY RECORDERS CONVENTION
CASS COUNTY, FARGO NORTH DAKOTA
JUNE 17-19, 2008**

Tuesday June 17th

8:00 – 10:00 am Registration
9:00 – 10:00 am Breakfast on your own
10:00 President Ruth Stevens called the 79th Recorders convention to order, followed by the pledge to the flag and since Ann Johnsrud was absent we did not sing the national anthem. Cass County Recorder, Jewel Spies, welcomed the Recorders to Cass County, and introduced Dennis Walaker, mayor of Fargo. Mr. Walaker, welcomed our group and talked about the issues facing the city of Fargo, and encouraged us to enjoy all Fargo has to offer. Jewel Spies, Cass Co. Recorder then introduced Cass County Commission chairman Ken Pawluk, who welcomed our group and also talked about the issues facing Cass County. President Ruth thanked Jewel, Mr. Walaker, and Mr. Pawluk, for their warm welcome to our group.
Secretary Donnell Walstead, gave Roll call, with 40 counties answering. Treasurer Diane Link, handed out the membership cards for 2008, and each county that brought an exchange gift was able to choose a county gift. We started the roll from the end this year and next year we will begin at A. 2008 dues awards were as follows: Early bird Ann Johnsrud, McKenzie county, middle of the road Cyndy Kolle, Richland county; and slow poke Dewey Oster, McLean county.

Host Jewel Spies introduced the Vendors in the hallway and reminded everyone to stop by and visit with them as time allowed. Vendors are as follows:

Simplifile	Roger Wilson
CSA	Joe Silverthorn
Matheson Printing	Peter Anstead
Tyler	Mike Shelton
Golden Isle Enterp.	Mary Thresher

**Vice President, Sheila Dalen thanked the area leaders for their warm welcome to the Recorders. She expressed our great anticipation for a great convention and gave a big thanks to the host counties. Host counties are as follows:
Cass, Barnes Trail, Griggs, Steele, Richland, Ransom, McIntosh, Sargent, LaMoure, Eddy, Kidder, Foster, Stutsman, Logan, Dickey, and Emmons.**

Kerstin Cochran handed out the new name tags to: Christy Larsen, Dunn county; Jeri Bender, Renville county; Cyndy Kolle, Richland county; Rae Deen Weinberger, Stark county (RaeDeen not present).

Carmen Toman, representative from Nationwide Retirement, associated with NDACO, presented us with information on investments, increased investments as we age, the right mix of investments, and deferred compensation plans.

10:45 **COFFEE BREAK**
11:00 – 12:00 **USER MEETINGS WITH CSA AND TYLER**
12:00 – 1:00 **LUNCH**
1:00 - 4:00 **ILG CLASS/ PUBLIC SPEAKING, facilitated by**
 Christopher Dufault

Evening meal on your own

Fun night **Bus leaves for the Hjemkomst Center**
 Bus also leaves for the Red River Valley Fair

WENDSDAY, JUNE 18TH

8:00 – 10:00AM **Registration**
9:00 – 10:00AM **Breakfast**
10:00 – 10:30 AM **AARON BIRST** from the Association of Counties spoke to us on the issues that will be of interest in the coming legislative session. He gave us a short version of the preservation fee survey. The Association sees the state having serious needs including increased road funding, and income tax reduction. He spoke on electronic filing of documents, meaning electronic recording of documents, and digitized copies or reproduction of records. A company called Car Fax requested the DMV records for cars and they were allowed to receive this information. They were allowed to charge the entire cost of this reproduction and we should be able to do the same if the request for our records is made. He spoke to us about a house bill that would sever the hunting rights from the physical land. The Association of Counties has taken a stand against this issue and would appreciate our support. It was noted that even though it might be a headache for our office, it would not make a difference on how we record the document.

10:30 – 11:00AM **Mary Thresher** of Golden Isle Enterprises held her vendor drawing for the flags. **Pam Kuk** of McHenry County won the United States flag, and **Donna Adams**, of Billings County, won the North Dakota flag.

Next was **Mr. Grant Shaft** Attorney, Executive member of the State Bar Association, Attorney in Grand Forks Title Company, member of the Title Standards Bar Association- and Real Estate property standards. Mr. Shaft would like to thank us for our continued dialog between the Recorders and the Attorneys and encourages us to contact the State Bar Association for answers to our questions. He asked if it would be possible not to reject a document for the wrong calculation of fees. Would it be possible to call first before returning a document for the wrong fees. We will take this into consideration but sometimes when we call our calls are not returned. The question of transferring or not transferring a MEMO of Contract For Deed was asked. Mr. Shaft stated that a Memo of Contract for Deed does not transfer property and should not be transferred, but should be recorded as any Misc. document. We asked that the attorney's please send a cover letter attached to their documents with an address and a phone number so we don't have to find the information. Mr. Shaft will pass the information along to the Association. The Bar Association is also contemplating a standard form for sending documents like the page that Minnesota uses for recording. This form also includes the order that the documents should be recorded. If there isn't a list included in the group of documents please record as they are stacked in the envelope. All recorders agreed that is

how they would handle multiple documents from one envelope. We asked if it is altering a Death Certificate, or Letters, by adding a legal description? Mr. Shaft stated that it is not an alteration unless we are changing the substance, or intent of the document. We asked about documents from on line vendors and he stated that www.sband.org has quality conveyance documents on line. We also discussed the “Memorandum of Lease, and Memorandum of Easements” that are being sent to our offices. Mr. Shaft stated that they qualify as notice of easement or lease and he would look for them in the deed index as he would a regular easement or lease. He asked us to feel free to contact the State Bar Association with our questions and if at any time we need assistance with legislation we could call on their group for help with lobbying in Bismarck.

Mr. Shaft also stated that yes the public can get the consideration amount from the state board of equalization, if requested.

11:00 a.m. COFFEE BREAK

11:00 – 11:30 Karl Olson from the North Dakota Surveyors Association
Mr. Olson asked about the (prepared by) information on a document, it was also stated that when a description is taken from a previously recorded document it would be easier for the surveyors if that number could be included on the document. We asked that the surveyors be more precise in their descriptions on plats. (ie.) When a plat is in the NE1/4 of the NW1/4 instead of stating the N1/2. When the corner monuments are included on the NDRIN site they would like to see them listed by Section – Township – and Range, so they can check all surrounding corners. Mr. Olson stated that in some states it is a requirement to include the corner monument document numbers in the description.

11:30 – 12:00 Joe Roger with Simplifile
Mr. Roger is with Simplifile, a company that provides software for E-RECORDING. Simplifile is based out of Utah. Their company has been working with CSA for three years. Twenty-five states now have E-recording. He stated that the cost for submitting the digital image to the county is nothing. The submitter pays for the document recording on line and also the fee for their service. Simplifile currently works with Tyler and CSA but not File Flow programs. President Ruth, asked Aaron Birst to check on the laws that would need to be changed in order for the recorders to accept this type of recording across the state.

No Jam session was held in the morning.

12:00 – 1:00 LUNCH

1:00 – 2:30 North Dakota Secretary of State Al Jaeger/Tracy Filbrandt
Secretary Jaeger announced that the new program the state had intended to purchase for the UCC Department would not work for our purposes. The North Carolina partner thought the program would still work with an additional \$770,000 added to the project. The North Dakota technology department said it had too many issues. Secretary Jaeger also informed us of the bids and pitches they will be receiving next week to improve the Sate Programs. When they have decided what program will be best they will let us know. Secretary Jaeger spoke to us about notary’s and asked that we report non compliance with the law to his office. He stated that there are 12,000 commissioned notary’s in the state.

When asked about digital notaries he said that the state is not there yet and it is not in the works at this time. We are lucky to have two people on the National Committee that work on the Uniform state laws.

Tracy Filbrandt, who is the head of the UCC division for the Secretary of States office spoke to us next. She asked that we replace the pages in our UCC manuals as they are mailed to us to insure that our manuals are kept up to date. Tracy e-mailed us a list for the clean up of miscellaneous liens that need attention. It was noted that some of us may not have received the list and she will e-mail this list again as soon as she gets back to Bismarck. Our offices should still mail in the disks that we have made of our digitized UCC records. Tracy will look into the ability to put letters under civil case numbers. The state is looking into a program that will redact all Social Security numbers on the UCC's on file. It was noted that the new forms for State Liens and Ag Liens will come out after the new programming has been implemented and a place for the Organization information should be included on the new forms. Please fax all bogus filings to Tracy, and all billing, error, or direct filings can be e-mailed to her as well. We asked that the canvas rules be put on paper for our offices and Mr. Jaeger suggested that we try to relax somewhat on the new rules for our offices. The mail-in voting went great in the state and the November election should be easier than the June primary.

Karen Johner from the North Dakota Land Title Company spoke to us on the great job that we do and asked us to keep the lines of communication open like we have been.

2:30 – 3:00 COFFEE BREAK

3:00 – 4:00 ILG CLASS/OPEN RECORDS BY MARY KAY KELSCH

4:00 – 5:00 START BUSINESS MEETING

President Ruth Stevens, started the business meeting with the Minutes from last year's annual meeting. Jewel Spies, Cass County, made a motion to accept the minutes as written and Carrie Krause, Wells County 2nd the motion. Minutes are accepted as written. Treasurers Report: Vicki Kubat, Cavalier County made a motion to accept the Treasurers report and Lisa Jacobsen, Steele County 2nd the motion. The Treasurers report is accepted as written.

Committee reports are as follows:

Awards committee by Kerstin Cochran of Barnes County. They have been collecting the used years of service tags for our plaques and getting the new tags made every four years. They also purchased one retirement clock this year that will be given out at the banquet this year.

Legislative committee by Sheila Dalen, of Ward County. Aaron Birst of Association of Counties covered a lot of concerns and Mary Kelsch covered areas as well. Please let Ruth or Sheila know if you see anything in the bills that the Recorders Associaton should be keeping an eye on.

Education Committee by Deb Kroshus of Burleigh County. Ann Johnsrud has prepared a sheet informing us of their activities this year and it has been included in the packet. We had great attendance in classes this year for the Recorders. Please let the committee know what classes you would like to see given, or have an interest in attending.

President Ruth asked about the new Recorders handbook and Sheila Dalen, reported that it is not a handbook but instead a packet of information about finding places to look and

useful information to the new recorders. Jewel Spies of Cass County asked if we could have a current file of AG opinions. It was decided that we should try to have a class on looking up AG opinions on line instead of keeping a file of our own. Donna Adams would like to have forms and instructions on the keeping of wills in the packet. Everyone in the association would appreciate a handbook on wills. President Ruth asked the Education Committee to distribute the Recorders Information packet to all the new Recorders.

Record Preservation committee by Vicki Kubat of Cavalier County

Nothing new to report. She asked if everyone received Terry Traynors e-mail about the conclusion of the Preservation Fee survey. Make sure everyone reads this report, it is important.

NDACO Report by Vicki Kubat of Cavalier County

Vicki stated that Aaron Birst already reported everything she had written down. If you have anything that you would like to bring to the Association of Counties please contact her and she will get the message across.

UCC Report by Carol Schaner of Morton County

Nothing new to report for this year.

Chronicle committee by Lynelle Lyman Hoppe of Foster County

Nothing new to report for this year.

President Ruth asked our voting delegates to the Association of Counties meeting if they have anything to report on last years meeting. Carrie Krause asked the recorders to E-mail them their opinions before they attend the convention about the issues they will be voting on. Our convention delegates are Carrie Krause, Wells County and Joyce Stern, Grant County.

This concludes today's meeting.

Joe Silverthorn of CSA drew for the door prize of a digital camera and Donnell Walstead of LaMoure County was the winner.

6:00 p.m. Banquet

Cyndy Kolle hostess gave welcome and Kerstin Cochran and Tiffany Busby gave out the awards. Level one awards went to Brenda Cook Mercer County, Cyndy Kolle Richland County. Level two awards went to Anita Ibach Emmons County, Jolene Hoffert Towner County, Carrie Krause, Wells County. Level Four award went to Vicki Kubat Cavalier County. A retirement clock was presented to Carol Beckert, of Stark County. RaeDeen Weinberger is the new Recorder for Stark County. Entertainment was by the Dixie Cups, a singing comedy group that kept us all laughing and tapping along to the music.

THURSDAY JUNE 19, 2008

8:00 – 9:00 Breakfast

9:00 am Business meeting resumes

President Stevens commended Jewel for an excellent convention, and a big thank-you to all the host counties for all their work. Thank-you to the various oil companies and land men that donated to our convention even though the convention is not being held in oil territory. Ann Johnsrud solicited the oil companies for donations to our convention.

President Ruth announced that we have one of our own running for Senate this year.

Donnell Walstead is running for the Senate position in her district and we want to wish her

the best of luck. When Nell wins her Senate race we will lose her on our Recorders board as she will no longer be able to serve on a state board.

The National Recorders Convention is coming up and Sheila Dalen and Ann Johnsrud are going. The National Convention is being held in Kansas this year. President Ruth has opted not to go this year as she has a conflicting event scheduled. She wants to encourage everyone to put the convention in their budget if possible.

The cost would be about \$1,500.00 for your budgets.

Our next scheduled meeting will be the NDRIN meeting in Bismarck, July 24th , 10am at the Association of Counties Building. Everyone should please try to attend.

Old Business: Recording Highway Plats with the Condemnation of Highway land right of way. Ginger Dangerud of Adams County has submitted a question for our approval but upon reading the content of the question it was decided that we should not submit this question but we should do some additional research.

Question: If the department of transportation acquires property through condemnation, and the real estate taxes thereon are delinquent. Can the county recorder record the plat upon being furnished the ND DOT receipt from the Clerk of Court and without a resolution requesting recording.

What we would like to know is if the receipt from the Clerk of Court is the transfer of property for our records and should be transferred without regard to taxes due? Some counties are transferring the receipt and others are waiting for the Highway plat to come. 11-18-03.5 11-18-02 President Ruth asked that the Legislative committee work on preparing the proper question.

New Business: Changes in the retention schedule. We need to make some changes in regards to the ballots, ucc's, and burial permits. Burial permits need to be moved from Clerks schedule to Recorders. Recorders would like to make them a permanent record, weather paper, digital and to dispose of paper copies by shredding because they are confidential. The old permits have Social Security numbers but the new ones do not have the SSN's. The UCC's should be shredded because of the SSN'S, at the time we can dispose of the paper copy. We must submit the proper forms to Record Management in order to make these changes. The Record Preservation committee should fill out the proper forms and submit them to make the changes. Records Preservation Committee is Nell Walstead as Secretary, Ann Johnsrud, Carol Shaner, Pam Kuk, and Debbie Kroshus. The UCC disposal says land fill and because of the SSN's it should say shredded. Forms are on the Records management web site.

Elections were covered by SOS Al Jaeger. Kerstin Cochran, would like to know how to handle a recount and who is responsible for the ballots? We are to keep the ballots for 22 months when there are Federal elections. Forty five days for a regular election, and the disposal says by landfill.

Digital image copies: Some counties are now charging .10 an image and some are still charging .04. Oil counties should try to charge the same amount. Marguerit (Mugsy) Schatz, from Slope County made a motion to charge .10 per digital image, by August 1st and Jewel Spies of Cass County second the motion. Discussion followed and Sheila Dalen, Ward County amended the motion to say image, not digital image, and Susan Froemke, second the motion. There was no discussion and all were in favor.

Motion carried and it was decided to charge .10 per image, by August 1st.

We want a uniform recording information sheet for out of state attorneys and it would be best if they could access this on line through NDRIN. Carrie Krause, and Pam Kuk volunteered to make this document. They will make the requested changes and e-mail the sheets to our office.

Charges for additional descriptions of land. Some counties are charging for all over the separate sections of land and some are charging for anything over 5 entries of land. Century Code states 5 separate sections. President Ruth will E-mail us the work sheet for this task.

Corner Monuments: Surveyors would like to see all corner monuments on line. President Ruth spoke with Dan Fischer, president of the Surveyors Association on Monday and he would like to come into our offices and scan our records and give us \$1.00 per record. They would do the work and then set up a web site to store the records for the Surveyors. President Ruth will send out a form and survey to see how many corner records are filed in the state. Can this be on the NDRIN site?

Surveyors suggested the Water Commission web site. These are just suggestions.

Is there any further discussion on the severing of hunting rights with the title of the land. It was decided that this issue is not up to our office. Sylvia Gion, is concerned about this issue. How would we track hunting rights, minerals etc?

How do we police the filing of burial permits? We are not responsible for this. The Dept. of Vital records can compile a report of deaths that we could compare to the permits and vital records would be responsible for this issue. In the case of a cremation, the permit should be filed in the County where the cremation has taken place. A few counties are filing the permits for free in the county where the urn is buried. If you have any further questions contact Darin Meschke with vital records.

There was a discussion about giving the retirement clocks at the actual retirement party for the retirees. The executive board or representative of the board could go to the county of the retiree and present the clock at the party. Susan Froemke make a motion we should present the retirement clocks at the county party of the retiree, And Carrie Krause second the motion.

We decided to keep our convention in June for next year and the northeast quad will host the convention in Grand Forks County. It is easier to get hotels for Tuesday Wednesday , Thursday. Garlyn Helmoski, of Grand Forks County will contact the hotels and let us know the dates for next year. Tentatively June 16, 17, 18.

Carol Bertsch, Ramsey County, made a motion to keep Vicki Kubat of Cavalier County our representative on the Association of Counties board. Doris Randle second the motion. There was no discussion and the motion carried.

Jewel Spies, Cass County nominated Ann Johnsrud, McKenzie County of be our representative at the NACRC convention. Deb Kroshus, Burleigh second the motion and

all are in favor. Motion carried and Ann Johnsrud will be our representative at the convention. Sheila Dalen, Vice President will attend in President Ruth Stevens place.

NDACO convention is Oct. 12-15, at the Ramkota, in Bismarck, this year and the theme is Bully for Counties and it was suggested that we dress as rough riders and wear cowboy hats, boots and carry a stick horse.

Tiffany Busby from the Association of Counties would like to see the qualifications for the Recorders changed to reflect more hours. Recorders 4 hours mentoring, 4 hours County Officials training Academy, and 2-4 hours of ILG classes. She gave us the requirements for the other member associations. Nell spoke of the origins of these requirements and why they were implemented. We should have them attend our conference. We should have them attend a century code class. Ruth would like the to see these requirements easier to find. Should we change county official's academy to County Recorders convention? Think about what changes we would like to see and contact the Education committee. Tiffany would like to see the Century Code class this fall at the conference. The executive board will help with the class this fall. What months work better for classes? No consensus. Please remember you can take classes online, or on DVD's, or IVAN at a location near you.

The education committee should work on the additional requirements and get back to us at the fall meeting in October.

The traveling trophy went to Denice Pieterick Pierce County.

Karen Samek made a motion to adjourn the meeting and there was a 2nd. President Ruth Stevens adjourned the meeting.

Respectfully Submitted

July 23, 2008

Donnell Walstead

Secretary of the North Dakota Recorders Association