

2010 Quad Meeting Minutes

I have decided it is easiest to report to you what was decided in each quad as we discussed the agenda and/or summarize each for you if necessary as stated below each agenda item.

1. **Association Financial Update**
All quads satisfied with financials with Diane reporting we had a balance of \$6720.95; this is before convention registrations and donations that will be coming in. As well we do still have the \$5000.00 CD.
2. **Letters of Intent to run for office**
All present with the exception of 1 had received this from Pam.
3. **DOT deeds without ROW plats attached**
Same discussion in all 4 quads. All understand there will no longer be plats coming with the DOT deeds. These are not finalized plat maps and can not be recorded. Cindy Graph and Lou Ann Gosbee from the NDDOT attended the SE Quad to express their concerns with these plats being recorded in the past and/or deeds not being recorded due to taxes owing or fees being required. Highway deeds are to be recorded at no charge and are exempt from taxes being paid so please do get them recorded. Hopefully all understand how these highway deeds work and if not and you have questions please contact Cindy Graph at DOT with your questions should you receive one for recording.
4. **Signatures on Mortgage Modifications**
Consensus in all quads was to find the definition for Grantor if it exists. In two quads the majority of Recorders are using the names placed on the documents as grantor and in the other two quads the majority are using who has signed and been notarized as the grantor. Since Quads I had Terry T. run a search in the NDCC and he does not find a definition. I have visited with the Leg. Committee through email and I believe we will be looking at defining some things in our section of the century code and Grantor & Grantee will be included in that. The question started out being do you record it no matter who signs it and I can tell you YES the majority of Recorders are recording them with whoever has signed them are as they have been told many times by the banks “that is how we want it.”

5. Requesting a related document # be placed on Assignment of Rents
All Recorders agree you would not require a related doc. number be placed on these to Record.
6. Retention Questions
There were questions as to how long to keep the following; these are not covered in the retention manual.
Marriage License reports from the State – Some are keeping them but most are checking them over to see that everything arrived correctly at the state and if so are throwing them.
Rejections sheets- Most reported they don't keep a copy at all it goes to the customer with the rejected document of filing. Some keep them until the rejected document comes back in for recording and some keep indefinitely.
Monthly reports from Sec. of State are an accounting record so should be kept until after audited.
UCC Searches was mentioned in one quad and should be kept for 2 years.
Vicki also reported she is still working with Sharon Freeman on getting the burial permits etc. put in the retention manual. Sharon tells her these things are still being reviewed by their task force.
7. NDRIN instructional class
All quads were asked if they preferred an NDRIN instructional class be given at the next NDRIN meeting or as an ILG class at convention in June and it was unanimous, all would prefer it be at convention as most will attend that.
8. POA accessing Wills
Sheila shared with everyone an opinion from her States Attorney showing a POA does not have the authority to have access to a will. Sheila also asked Ann to add this to our Administrative Rules for Wills since she drafted them. Ann will be getting this added and updating those and sending them out to all again.
9. Possible Legislative change to address retention of Wills
This was discussed in all quads with two quads not caring and two quads wanting retention put in place. Since it is not unanimous and the two quads very weakly suggesting retention be placed into law. Sheila has decided it is not worth a legislative change at this time.
10. Facsimile Signature & Seals on State Leases
All quads were made aware that there are century codes that allow this to be done by certain agencies. This is found in NDCC 44-08-12, 13 & 14, there are exceptions listed in 47-10-03. Please do not reject documents with these types of signatures and seals from these agencies, they can be recorded.
The state is working on a way to identify their facsimile signatures and seals for state leases, using a colored paper or some other type of identifying mark.

11. U1A's & U3A's
This was discussed in all quads and agreed you would record in the real estate even if they are not wanting on the UCC side. Many reasons such as already terminated, so we would still accept and record only if that is what they request. It was also discussed that there was a cheat sheet distributed at one time by Dewey and could we get that? Pam appearing for Mr. Dewey in the NW Quad brought it with her and it will be attached to these minutes for you.
12. Charging for Data and Images
All are aware there is no uniformity in how we are charging for data, 3 quads would like to see it done legislatively the 4th would also like to see it explored. The consensus was go for up to 50 cents per document for data. The legislative committee will look into it and report at convention. I can tell you there is a task force being formed by the AG's office to look at this as well so we may want to try and be part of that task force and accomplish this with their help.
13. Passport Issues
Sheila thanked all for following Dennis' lead and complaining about the fee increases not including our fees. Sheila also stated National Organizations such as NACRC and PRIA are drafting resolutions as well to present to their leadership in Washington.
14. Abstracting & Modernization Meeting Mar. 30th
Sheila wanted to know how Recorders felt about being part of process and helping this group achieve what they are after to avoid it being done to us. All felt we should be proactive and work with this group.
15. ILG Awards Changes
Quads were all made aware there will no longer be ILG Awards at our Annual Conferences as they are all being presented at the NDACo Conference in Oct. from now on.
16. NACRC State Coordinator
This item was pulled from the agenda as Ann had decided she could remain on as our State Coordinator.
17. Recorders need for a Purchasing Consultant
Sheila had been approached by a gentleman to poll our Recorders to see if anyone had a need for this. No one displayed an interest in that, so she will let him know we do not have a need for this at this time.

18. Reception Book in Book Form
Some are still printing the book, some are still writing in the book and some are just providing it on computer. The majority are in agreement that 11-18-01.1 allows us to keep a reception book in “proper books or other storage media.”
19. Warranty Easement Deeds for Wetlands Reserve Program
There was confusion as to whether these are Deeds or Easements with the way they are drafted. All quads agree they should be recorded as easements. We have a couple counties treating as a deed to get the taxes paid first so taking for a tax transfer and then recording as an easement. Another county is requiring a tax transfer and a statement of full consideration. The consensus is These documents are easements and should be recorded as such without the requirements for deeds.

The following discussions were added as I moved around the Quads. I discussed them with the quads as I moved on.

NE-

Vicki suggested updating the Recorders Pamphlet; it is not in the NDACo budget for this year. She will work with them, combining all positions into one folder was discussed. All quads agreed that would be fine.

SE-

Please remember to charge the margin fee on docs. even if it was a Recorder that used up the inch.

This is the quad where the UCC cheat sheet came up. It is attached for you. Ruth inquired as to if anyone had bought a camera to digitize their own records, if you have please email her.

Someone stated that the Corner Records are very much appreciated up on NDRIN.

Affid. Of Affixations came up as to requiring a Social Security Number on these before recording. All quads agree that is NOT something we should require before recording.

SW-

It was asked if we could get the Death Certificate forms changed to include the 1 inch. This was looked into when the form came out and Darin told us it cannot be done, it is a Federal Form on Security paper of their design. Note: There is nothing stopping you from adding a strip on the bottom to avoid charging the margin fee.

State Tax Lien Reports- Are you printing them and how long do you keep them? Some print and some don't. A few a keeping them forever like they do everything else.

Judgments and Divorce Decrees- Do they need a transfer and do taxes need to be paid? They do need to go over for a transfer entered stamp but taxes do not need to be paid. Judgments from the court are exempt.

Certificates of Survey- Do they need to be notarized and can the Surveyor use his initials instead of his signature across his seal?

Per NDCC They do not need to be notarized and SB2234 resulting in the changes to this code 47-19-02, under 47-10-02.6 it states: A plat **signed** by a land surveyor registered in this state.

How far back do you go on these tax foreclosures? The consensus was all the way back and yes you should be checking for State & Federal Tax Liens for these.

Affid. Of Affixations as to if they leave #8 blank do you still require them to add a statement of consideration stamp. Per Marcy at the state, she says no, they will contact them if it is not reported. We are to assume they sent it in as the wording in number 8 suggests on these.

Where to go to get Plats scanned? Kadrmas, Lee and Jackson in Dickinson do these for the Stark County Recorder and Toman Engineering does it for Bismarck.

NW-

By the time I reached this quad, the agenda was full and we really had nothing more to add.