

HOUSE BILL NO. 1243

Introduced by

Representatives Louser, Fisher, Lefor, Vetter

Senators D. Larson, Meyer

1 A BILL for an Act to amend and reenact sections 47-10-11, 47-19-01, and 47-19-46 of the North
2 Dakota Century Code, relating to recording of easements.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 47-10-11 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **47-10-11. Easements - Pass by transfer of property to which attached.**

7 A transfer of real property passes all recorded easements attached thereto and creates in
8 favor thereof an easement to use other real property of the person whose estate is transferred
9 in the same manner and to the same extent as ~~such~~the property obviously and permanently
10 was used by the person whose estate is transferred, for the benefit thereof, at the time when
11 the transfer was agreed upon or completed.

12 **SECTION 2. AMENDMENT.** Section 47-19-01 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **47-19-01. Instruments entitled to record - Exception.**

15 Any

16 1. Except as provided in subsection 2, any instrument affecting the title to or possession
17 of real property may be recorded as provided in this chapter.

18 2. An easement, as defined in section 47-05-01, must be recorded within one hundred
19 eighty days of creation of the easement to be valid.

20 **SECTION 3. AMENDMENT.** Section 47-19-46 of the North Dakota Century Code is
21 amended and reenacted as follows:

1 **47-19-46. Unrecorded instrument valid between parties - Exception - Knowledge of**
2 **instruments out of chain of title.**

3 An unrecorded instrument is valid as between the parties ~~theretoto~~ the instrument and
4 those who have notice ~~thereof~~ of the instrument, except an easement, as defined in section
5 47-05-01, which must be recorded within one hundred eighty days of creation of the easement
6 to be valid. Knowledge of the record of an instrument out of the chain of title does not constitute
7 such notice, provided, however, that the record of a mortgage, deed, or other conveyance prior
8 to the recording of a deed or other conveyance vesting title of record in the mortgagor or grantor
9 shall not be considered out of the chain of title after the recording of a deed or other
10 conveyance vesting title in the mortgagor or grantor in such first recorded mortgage, deed, or
11 other conveyance.