

**CHAPTER 28-02.1-13**  
**DOCUMENTS USED TO CONVEY REAL PROPERTY OR ANY INTEREST**  
**THEREIN**

Section

28-02.1-13-01 Survey Requirements for Preparation of Legal Descriptions and Conveyance of Property

**28-02.1-13-01. Survey requirements for preparation of legal descriptions and conveyance of property.** Any registrant preparing a description, including without limitation a legal, property, or boundary description for or assisting in the filing of a document that will, or may, be used to convey real property or any interest therein, other than easements, including without limitation an auditor's plat, outlot, deed, or conveyance of ~~easements or rights~~ of ways, must conduct a survey of the property being conveyed and comply with all the requirements related thereto contained in North Dakota Century Code section 40-50.1-01 and 40-50.1-02, ~~provided that descriptions used in the conveyance of right of ways or easements may be prepared if the right of ways or easements are temporary.~~ In addition,

~~d~~Descriptions used in conveyances of rights of ways in which possession of title is obtained and easements may also be prepared without the setting of all exterior monuments if all four of the following requirements are met:

1. The rights of ways or easements are retraceable by using established monuments;
2. Exterior monuments are set wherever there is a change of width to the rights of ways or easements;
3. Exterior monuments are set wherever there is a change in direction of the rights of ways or easements other than changes of direction at section corners; and
4. Monuments are set at intersections of rights of ways or easements with section lines.

Descriptions used in the conveyance of easements must be retraceable in each section of land over which they cross by using established subdivision or public land survey system monuments.

**History:** Effective October 1, 2004

**General Authority:** NDCC 43-19.1-08

**Law Implemented:** NDCC 43-19.1-01, 43-19.1-08