

**N.D.A.G. Letter to McLean (Aug. 21, 1989)(2)**

August 21, 1989

Ms. Jeanne McLean  
Attorney at Law  
P.O. Box 26  
Bottineau, ND 58318

Dear Ms. McLean:

Thank you for your August 1, 1989 letter, asking what filing fee should be charged for an assignment of an oil and gas lease. Copies of the assignment were enclosed with your letter.

The filing fee for an assignment of an oil and gas lease is determined by N.D.C.C. § 18-05(1)(b), which states as follows:

11-18-05. Fees of register of deeds. . .

1. . . . .

- b. Instruments satisfying, releasing, assigning, subordinating, continuing, amending, or extending more than one instrument previously recorded in the county in which recording is requested, five dollars for the first page and two dollars for each additional page plus three dollars for each such additional instrument containing a different legal description.

That portion of the statute that requires "five dollars for the first page and two dollars for each additional page" is self-explanatory. The remaining portion of the statute is not as clear. That portion requires "three dollars for each such additional instrument containing a different legal description."

I interpret this provision to apply when pages attached to an instrument do not contain the same legal description. In this case, three dollars must be paid for each page that contains a legal description different than the legal description on the first page of the attachments. Thus, for those papers attached with your letter, an additional three dollar filing fee is due because the legal descriptions on page 3 differ from those on page 2.

If a legal description appears on the first page of a document for which filing is requested and all the attached pages contain legal descriptions different than that on the first page, then an additional three dollars would be required for each of the additional pages.

According to the materials you have sent me, and my inspection of N.D.C.C. § 11-18-05(1)(b), the Bottineau County Register of Deeds correctly charged a \$12 filing fee for the attached papers.

I hope this discussion is helpful to you.

Sincerely,

Nicholas J. Spaeth

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