

**OPINION**  
**56-154**

October 1, 1956           (OPINION)

REGISTER OF DEEDS

RE: Recording Land - Description - Judgment

You desire to know whether it is proper to record the whole judgement including the description of lands in other counties than your county of McLean.

It is my opinion that is it proper to record the whole judgment including the description of lands in other counties besides your own McLean County and indeed it is my opinion that it is preferable.

There are several reasons for such an opinion. We find the duty of the register of deeds in section 11-1801 of the North Dakota Revised Code of 1943 and there is no exception made by the statute so as to exclude part of the judgment even though it includes land and real estate in other counties than in McLean County. If there should be change and the law made more plain that should be done by the legislative branch of the government. We find also section 47-1945 of the North Dakota Revised Code of 1943 wherein it states, in part, as follows: "All instruments entitled to record, the record thereof, a duly certified transcript of such record, or copy of such instrument, shall be admissible in evidence in all the courts of this state and may be read in evidence without further proof."

It would be a grave question whether the court would admit the certified copy of said judgment if it left out part of the description of the land even though said description of real property was in other counties. This does not mean that the judgment is void but as you refer to the question of whether or not it is properly recorded, we would say that it is proper and even preferable until the Legislature should see fit by law to change the statutes regarding it.

The opinion written April 5, 1955, regarding this matter is modified to conform to this opinion.

LESLIE R. BURGUM

Attorney General