

## **CHAPTER 47-29 RECORDING MASTER MORTGAGE**

### **47-29-01. Recording master form.**

An instrument containing a form or forms of covenants, conditions, obligations, powers, and other clauses of a mortgage or deed of trust may be recorded in the office of recorder of any county and the recorder of such county, upon the request of any person, on tender of the lawful fees therefor, shall record the same in the recorder's registry. Every such instrument shall be entitled on the face thereof as a "Master form recorded by \_\_\_\_\_ (name of person causing the instrument to be recorded)". Except as otherwise provided for in this chapter, such mortgage or deed of trust instruments shall meet all other requirements for recording.

### **47-29-02. Indexing.**

When any such instrument is recorded, the recorder shall index such instrument under the name of the person causing it to be recorded in the manner provided for miscellaneous instruments relating to real estate.

### **47-29-03. Incorporating master form.**

Thereafter any of the provisions of such master form instrument may be incorporated by reference in any mortgage or deed of trust of real estate situated within this state, if such reference in the mortgage or deed of trust states that the master form instrument was recorded in the county in which the mortgage or deed of trust is offered for record, the date when, the document number, or the book and page or pages where such master form instrument was recorded, and that a copy of such master form instrument was furnished to the person executing the mortgage or deed of trust. The recording of any mortgage or deed of trust which has so incorporated by reference therein any of the provisions of a master form instrument recorded as provided in this section shall have like effect as if such provisions of the master form so incorporated by reference had been set forth fully in the mortgage or deed of trust.

### **47-29-04. Recording instrument incorporating master forms.**

Whenever a mortgage or deed of trust is presented for recording on which is set forth matter purporting to be a copy or reproduction of the master form instrument or of a part of the master form instrument, identified by its title as provided in section 47-29-01 and stating the date when it was recorded and the book and page or document number where it was recorded, preceded by the words "do not record" or "not to be recorded", and plainly separated from the matter to be recorded as a part of the mortgage or deed of trust in a manner that it will not appear upon a photographic reproduction of any page containing any part of the mortgage or deed of trust, the matter may not be recorded by the recorder to whom the instrument is presented for recording. The recorder shall record only the mortgage or deed of trust apart from the matter and is not liable for so doing, notwithstanding any other provision of law.