

TITLE 1: GOVERNMENT
DIVISION 3: JUDICIAL BRANCH

§ 3701. Commonwealth Recorder's Office.

(a) There is established within the CNMI Judiciary a Commonwealth Recorder's Office. The Commonwealth Recorder under the general supervision of the Chief Justice, shall oversee the duties and responsibilities of the Commonwealth Recorder's Office.

(b) The Judiciary shall promulgate rules establishing duties and responsibilities of the Commonwealth Recorder's Office and procedures of recordation, including electronic recordation.

Source: PL 3-64, § 1; amended by PL 6-25, § 4; repealed and re-enacted by PL 21-39, § 3 (Jan. 19, 2021), modified.

Commission Comment: PL 3-64 took effect October 1, 1983. PL 3-64, § 7 repealed 57 TTC § 11201 (later renumbered as 57 TTC § 301) and 67 TTC §§ 118, 119 and 120.

In addition to severability and savings clause provisions, PL 21-39 included the following Short Title and Findings and Purposes sections:

Section 1. Short Title. This Act shall be known as the Commonwealth Recorder's Act of 2020.

Section 2. Findings and Purposes. This Act authorizes the Commonwealth Recorder's Office to electronically record and file instruments. Current recordation statutes do not authorize electronic recording and only allow for manual, in-person recordation. As technology develops, electronic communications make it possible for old transactions to take new form.

This Act aligns the recordation process with current technological developments by equating electronic documents and signatures with original paper documents and manual signatures. This permits acceptance and maintenance of electronic real estate transaction documents and electronic recordation of all documents, no matter the original form. Electronic storage and recordation will increase the efficiency of the recordation process by decreasing the time and resources needed to index, store, and retrieve records and promote easier public access to records.

This Act authorizes the real estate and commercial transactions, including those under Division 9 of the NMI Uniform Commercial Code, to be recorded in electronic form, storage of electronic records, and the setup of search and retrieval systems for land records. In addition to real estate documents, this Act authorizes the transition to electronic recordation of marriage records. The current statute requires married persons to send a copy of the marriage certificate to the Superior Court Clerk of Court to be recorded in the marriage register with the Commonwealth Recorder. This Act allows the Commonwealth Recorder to accept electronic records of marriage certificates.

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The purpose of this Act is to allow for the transitioning to electronic recordation to provide the public with a quick recordation process and access to records. To accomplish such task, this Act requires the CNMI Judiciary to promulgate rules to establish duties and responsibilities of the Commonwealth Recorder's Office in conformance with this Act.

The Commission removed a period after "Commonwealth Recorder" in (a) to correct a manifest error, pursuant to 1 CMC § 3806(g).