



Commonwealth of the Northern Mariana Islands
Office of the Governor

Saipan, Mariana Islands 96950

Cable Address:
Gov. NMI Saipan



The Honorable Benigno R. Fitial
Speaker, House of Representatives
Third Northern Marianas Commonwealth
Legislature
Saipan, CM 96950

and

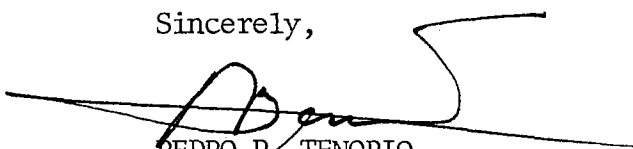
The Honorable Olympio T. Borja
President of the Senate
Third Northern Marianas Commonwealth
Legislature
Saipan, CM 96950

Dear Mr. Speaker and Mr. President:

This is to inform you that I have signed into law Senate Bill No. 3-86, S.D.2, H.D.1, C.D.1, entitled "An Act establishing a Statute of Frauds requiring certain transactions to be in writing and requiring registration of transactions in real property, and for other purposes.", which was passed by the Third Northern Marianas Commonwealth Legislature.

This legislation becomes Public Law No. 3-81. Copies bearing my signature are forwarded for your ready reference.

Sincerely,



PEDRO P. TENORIO
Governor

CC: Special Assistant for Programs and Legislative Review

PUBLIC LAW NO. 3-81

S.B. NO. 3-86, S.D.2, H.D.1, C.D.1

THIRD NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

FOURTH REGULAR SESSION, 1983

AN ACT

Establishing a Statute of Frauds requiring certain transactions to be in writing and requiring registration of transactions in real property and for other purposes.

Offered by Senator Ponciano C. Rasa

Date: January 4, 1983

SENATE ACTION

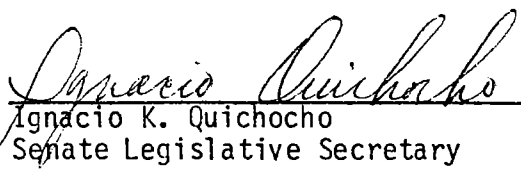
Referred to: Committee on Resources, Economic Development and Program
Standing Committee Report No. 3-205
First Reading: March 9, 1983
Second Reading: June 8, 1983

Conference Committee Report No. 3-10
Final Reading: September 21, 1983

HOUSE ACTION

Referred to: Committee on Resources and Development
Standing Committee Report No. 3-150
First Reading: August 2, 1983
Second Reading: August 3, 1983

Conference Committee Report No. 3-10
Final Reading: September 13, 1983


Ignacio K. Quichocho
Senate Legislative Secretary

SECOND REGULAR SESSION, 1983

AN ACT

Establishing a Statute of Frauds requiring certain transactions to be in writing and requiring registration of transactions in real property and for other purposes.

BE IT ENACTED BY THE NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 Section 1. Legislative Findings. The Legislature recognizes that
2 there exists no Statute of Frauds in the Commonwealth. The Legislature
3 finds that there exists a current need to identify and record the many
4 types of interest and estates in real property evolving within the
5 Commonwealth. The economic development goals of the Commonwealth may
6 best be served by a diversity of interests in real property and the
7 structures, and fixtures thereon. Significant interests in leases,
8 condominiums, and other interests in real property in the Commonwealth
9 are developing in foreign countries and among foreign investors. The
10 protection of individual interests and the public welfare require that
11 all real property interests of whatever kind be written, identified and
12 recorded. Further, the Legislature finds a need for contracts and other
13 agreements to be in writing.

14 Section 2. Interests in Real Property: Writing Required. No
15 estate or interest in real property other than for leases for a term
16 not exceeding one year, nor any trust or power in any manner relating
17 thereto, can be created, granted, assigned, surrendered, declared or
18 otherwise transferred except by operation of law, or by written
19 conveyance or other written instrument subscribed by the party creating,
20 granting, assigning, surrendering, declaring, or transferring the same,
21 or by his lawful agent authorized in writing.

1 Section 3. Interests in Real Property: Recording and
2 Certification.

3 (a) Any conveyance or other transfer of real property
4 required to be in writing by Section 2 of this Act shall be
5 recorded with the Commonwealth Trial Court Recorder's Office
6 by the subscribing party creating, assigning, granting,
7 surrendering, declaring or transferring the interest or estate.
8 In the event that the writing required by Section 2 fails to
9 disclose the underlying amount and terms of payment, if any,
10 the subscribing party shall file sufficient documentation to
11 disclose such facts.

12 (b) Upon compliance with such rules as to form, copies,
13 and fees, as the Commonwealth Trial Court may reasonably
14 establish, or as may be required in law, the court shall
15 provide copies certified as recorded to any person upon
16 request.

17 Section 4. Other contracts and transactions that must be in
18 writing. The following contracts are invalid unless the same, or some
19 note or memorandum thereof, is in writing and subscribed by the party
20 to be charged or by his agent.

21 (a) An agreement that by its terms is not to be performed
22 within a year from the making thereof;

23 (b) A special promise to answer for the debt, default, or
24 miscarriage of another;

25

1 (c) An agreement made upon consideration of marriage other
2 than a mutual promise to marry;

3 (d) An agreement authorizing or employing an agent, broker,
4 or any other person to purchase or sell real estate for a longer
5 period than one year, or to procure, introduce or find a
6 purchaser or seller of real estate or a lessor or lessee of real
7 estate where such lease is for a longer period than one year for
8 compensation or commission;

9 (e) An agreement which by its terms is not to be performed
10 during the lifetime of the promisor, or an agreement to devise
11 or bequeath any property, or to make any provision for any person
12 by will;

13 (f) An agreement by a purchaser of real property to pay an
14 indebtedness secured by a mortgage or deed of trust upon the
15 property purchased unless assumption of the indebtedness by the
16 purchaser is specifically provided for in the conveyance of such
17 property.

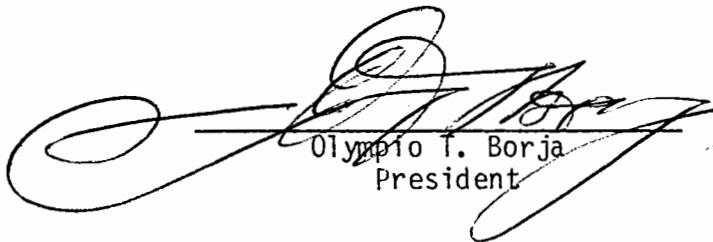
18 Section 5. Applicability and Civil Penalty.

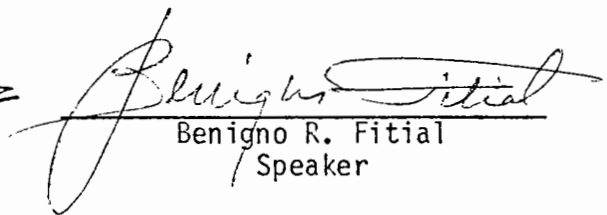
19 (a) This Act shall apply to all transactions involving
20 real property located in the Commonwealth and to all persons,
21 businesses, corporations, partnerships, and entities, domestic
22 or foreign, resident or alien.

23 (b) A person who knowingly and willfully violates Section 3
24 of this Act shall be guilty of a civil offense and upon conviction
25 shall be fined not more than \$10,000.

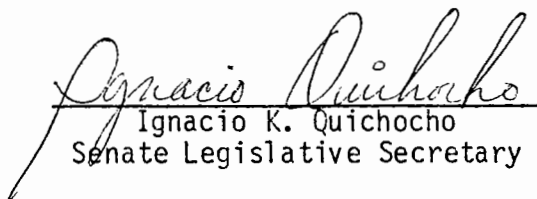
1 Section 6. Exception for Local Custom. This Act shall not
2 apply to a Partida performed pursuant to custom of the Northern Mariana
3 Islands.

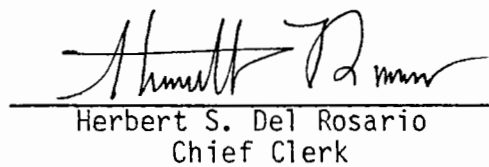
4 Section 7. Effective Date. This Act shall take effect upon its
5 approval by the Governor, or upon its becoming law without such approval.


Olympio T. Borja
President

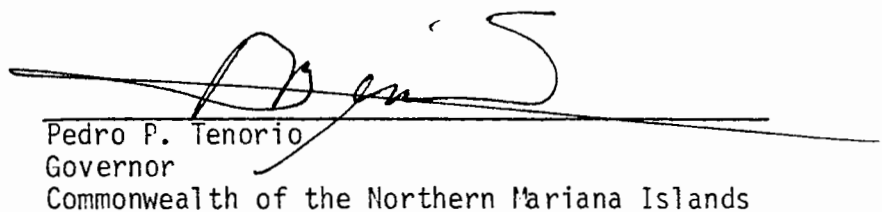

Benigno R. Fitial
Speaker

ATTEST:


Ignacio K. Quichocho
Senate Legislative Secretary


Herbert S. Del Rosario
Chief Clerk

October 28, 1983.


Pedro P. Tenorio
Governor
Commonwealth of the Northern Mariana Islands