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NoraV Borja

IN THE
SUPREME COURT
OF THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

IN RE THE NORTHERN MARIANA ISLANDS JUDICIARY
RULES OF ELECTRONIC RECORDATION

Supreme Court No. 2021-ADM-0007-RUL

ORDER

¶ 1 On April 16, 2021, the attached proposed *Northern Mariana Islands Judiciary Rules of Electronic Recordation* were submitted to the Twenty-Second Northern Marianas Commonwealth Legislature for approval. Sixty (60) days have elapsed since submission and neither house of the Legislature has disapproved the proposed rules.

¶ 2 IT IS HEREBY ORDERED that the *Northern Mariana Islands Judiciary Rules of Electronic Recordation* are adopted as permanent pursuant to Article 4, § 9 of the NMI Constitution. These Rules became effective on June 15, 2021.

SO ORDERED this 16th day of June, 2021.

/s/

ALEXANDRO C. CASTRO
Chief Justice

/s/

JOHN A. MANGLONA
Associate Justice

/s/

PERRY B. INOS
Associate Justice



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NORTHERN MARIANA ISLANDS JUDICIARY

RULES OF ELECTRONIC RECORDATION

Effective June 15, 2021

EXHIBIT A

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Rule 1. Title and Authority.

- (a) **Title.** These rules shall be known as the Northern Mariana Islands Rules of Electronic Recordation.
- (b) **Authority.** These rules are promulgated pursuant to Article IV, Section 9(a) of the NMI Constitution and 1 CMC § 3701(b), Commonwealth Recorders Act of 2020.

Rule 2. Scope.

These rules establish duties and responsibilities of the Commonwealth Recorder's Office and govern procedures of recordation.

Rule 3. Definitions.

- (a) **"Document"** means:
 - (1) any instrument affecting interest in land, including deeds, mortgages, leases, agreements to lease, cancellations or terminations of leases, assignments of interests, assignments of mortgage, satisfaction, or release;
 - (2) any judgments affecting property or lis pendens;
 - (3) maps, plats, charts, notices, surveys, instruments;
 - (4) marriage certificates or divorce decrees;
 - (5) financing statements filed under NMI UCC, or other related papers; or
 - (6) information that is:
 - (A) inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form; and
 - (B) eligible to be recorded with the Commonwealth Recorder's Office.
- (b) **"Electronic"** means relating to technology having digital, magnetic, wireless, optical, electromagnetic, or similar properties.
- (c) **"Electronic document"** means a document that is received by the Commonwealth Recorder in an electronic form.
- (d) **"Electronic signature"** means an electronic symbol or process attached to or logically associated with a document and executed or adopted by a person with the intent to sign the document.

- (e) **“Person”** means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.
- (f) **“Paper document”** means sheet(s) of paper with information written or printed on it.
- (g) **“Service fee” or “service charge”** includes credit card, subscription fee, e-recording service fee, and other fees as established by the Judiciary or electronic service provider.

Rule 4. Commonwealth Recorder’s Duties.

The Commonwealth Recorder shall:

- (a) promptly record documents presented for recordation;
- (b) maintain, index, update, and retain electronic copies of the official land registration certificates and other real estate, Uniform Commercial Code, and personal property documents of the Commonwealth;
- (c) maintain, index, update, and retain electronic copies of marriage records;
- (d) convert existing recorded paper documents into electronic format; and
- (e) provide access to the search and retrieval of documents and information by electronic means.

Rule 5. Electronic Recording.

Upon order of the Supreme Court, all documents presented for recordation must be in electronic form. The Commonwealth Recorder’s Office may provide a public access for electronic recording.

Rule 6. Quality of Instrument.

- (a) Documents must be sufficiently legible when converted or presented in electronic format.
- (b) Documents affecting interest in land shall include:
 - (1) a legal description; and
 - (2) legible notary information when required.

Rule 7. Validity of Electronic Documents.

- (a) The recording requirements that a document be an original, be on paper or another tangible medium, or be in writing, are satisfied by an electronic document satisfying this rule.

- (b) The recording requirement that a document be signed is satisfied by an electronic signature as permitted by this rule.
- (c) A requirement that a document or a signature associated with a document be notarized, acknowledged, verified, witnessed, or made under oath is satisfied if the electronic signature of the person authorized to perform that act, and all other information required to be included, is attached to or logically associated with the document or signature as permitted by law. A physical or electronic image of a stamp, impression, or seal need not accompany an electronic signature.

Rule 8. Document Recordation.

- (a) The document is deemed recorded upon receiving an official file number. The document shall be marked with the book and page number in which it is recorded, except that the book and page number may be replaced or omitted to conform with electronic recordation. The document should provide sufficient space for the recorder's file stamp.
- (b) The person recording shall receive a copy of the recorded document.

Rule 9. Rejection.

- (a) The Commonwealth Recorder may reject:
 - (1) land documents containing insufficient legal description, grantor or grantee information;
 - (2) non-payment of fees according to the fee schedule;
 - (3) legible notary information when required; or
 - (4) documents that do not conform with these rules.
- (b) In the event a document is rejected for failure to conform with the requirements of these rules or other applicable law, the person who filed the document shall be notified promptly, and the document shall not be deemed recorded until such day and time as a conforming document is filed and given an official file number in accordance with these rules.

Rule 10. Acceptance of Documents During Internet Service Interruptions.

If a person is unable to access the electronic service provider during periods of internet service interruption or natural disaster, the Commonwealth Recorder's Office may continue to accept, record, and index paper documents. Once internet services have been restored, the

Commonwealth Recorder's Office shall record and index chronologically—as if there was no internet service interruption.

Rule 11. Correcting Index Errors.

The Commonwealth Recorder shall correct index entry errors promptly upon receiving sufficient proof of the entry error. The corrected index entry shall reflect both the error and correction and that it has been corrected.

Rule 12. Forms.

The Commonwealth Recorder's Office may prescribe forms, tables, references, or other materials deemed appropriate under these rules. The Supreme Court may add, amend, or update the forms necessary to implement these rules.

Rule 13. Procedures and Policies; Suspension of Rules.

The Supreme Court, for good cause, may implement internal operating procedures and policies, supplement, or suspend these rules, or issue general orders to effectuate their intent.