

**City of Bismarck
Attorney's Opinion of Title
Submittal Requirement for Final Plats**

Section 40-50.1-03 of the North Dakota Century Code requires the submittal of an attorney's opinion of title or a copy of a title insurance policy, running to the benefit of the governing body affected by the plat, stating the name of the owner of record for the purposes of certifying and recording a plat.

Section 14-09-04(b) of the Bismarck Code of Ordinances requires the submittal of a current title insurance policy or a current attorney's opinion of ownership, running to the benefit of the City of Bismarck, in conjunction with the application for final plat approval.

Since January 2004, the Community Development Department has had a policy on what constitutes a current opinion of ownership. The following is what will be accepted by the Community Development Department to fulfill this submittal requirement:

A "current title insurance policy" is a title insurance policy running to the benefit of the City of Bismarck and prepared within the past six months, which clearly states the name of the owner of record and identifies all easement holders.

A "current attorney's opinion of ownership" is an opinion of title, signed by a licensed attorney and prepared within the past six months, which clearly states the name of the owner of record and identifies all easement holders. The easement holders may be described within the opinion or referenced in the opinion with the referenced abstract entries or the appropriate section of a title insurance document attached.