

SB 368 – Proposed Conceptual Amendment
Proposed by Senator Harris
April 4, 2023

Revise the procedure for redacting a restriction or prohibition prescribed by section 1 of the bill in the following ways:

- Remove any requirements concerning redacting an original written instrument.
- Revise the requirements prescribed by subsection 6 of section 1 of the bill to instead require a district court that determines that a restriction or prohibition is void and unenforceable to issue an order directing the county recorder of the county in which the real property is located to: (1) record, at no fee, a Restrictive Covenant Modification form; and (2) redact the restriction or prohibition from all future versions of the written instrument.
- Require an interested person to file a Restrictive Covenant Modification form along with a certified copy of the court order with the office of the county recorder of the county in which the real property is located.

Additionally:

- Prescribe certain requirements relating to the Restrictive Covenant Modification form, including, without limitation, a requirement that the county recorder make the form available at no cost.
- Require the county recorder to maintain the original instrument as a public record.