

FACT SHEET

Lance D. Gaebe, Commissioner

WHO OWNS THE FENCES ON SCHOOL TRUST LAND

In almost all cases, the lessee of school trust land owns the fences and other nonpermanent improvements on the land under paragraph 3 of the lease which reads as follows:

“LESSEE may place nonpermanent improvements, (e.g. fences, corrals, water tanks and feed bunks) on the land and must remove them within 120 days after the lease expires. Any nonpermanent improvements not removed within 120 days shall become the property of the next LESSEE. The Commissioner, upon written application from the LESSEE before the end of the 120 day period may, for cause, extend the period of time for removing nonpermanent improvements.”

What this means is that if you are a school trust land lessee, and you lose the lease at public auction, or you decide that you no longer want to lease the school trust land, you have 120 days after your lease expires to either remove the fence or sell it to the new lessee. **If you decide to remove the fence, you must removal ALL of the fence.** Abandoning an unserviceable fence is the same as leaving trash behind, and could result in your loss of school trust land leasing privileges in the future.

Fence ownership disputes are a civil matter and cannot be settled by the Land Department. For more information regarding this topic, contact Jerry Saude at jsaude@nd.gov or call (701) 328-1919.

