

Introduced by

Senators Traynor, Krebsbach, Thompson

Representative DeKrey

1 A BILL for an Act to amend and reenact section 28-26-04 of the North Dakota Century Code,
2 relating to attorney's fees in actions to collect debts or enforce obligations in commercial loan
3 transactions.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 28-26-04 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **28-26-04. Attorney's fee in instrument void.** Any provision contained in any
8 consumer or agricultural note, bond, mortgage, security agreement, or other evidence of debt
9 for the payment of an attorney's fee in case of default in payment or in proceedings ~~had~~ to
10 collect ~~such a~~ a note, bond, or evidence of debt, or to foreclose such mortgage or security
11 agreement, is against public policy and void. A provision contained in any note, bond,
12 mortgage, security agreement, or other evidence of debt seeking payment of attorney's fees in
13 the event of default in any commercial debt transaction may allow the payment of reasonable
14 attorney's fees.