

Introduced by

Senators Kreun, Elkin, Larson

Representatives Heinert, Klemin, O'Brien

1 A BILL for an Act to amend and reenact sections 11-15-07 and 11-15-08 of the North Dakota
2 Century Code, relating to civil process fees and commissions on collections.

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

4 **SECTION 1. AMENDMENT.** Section 11-15-07 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **11-15-07. County fees.**

7 The sheriff shall charge and collect the following fees on behalf of the county:

- 8 1. For serving a summons, writ of attachment, writ of execution, subpoena, notice of
9 motion, or other notice or order of the court, order of replevin, injunctive order,
10 citation, or any other mesne process and making a return thereon, in addition to the
11 actual incurred costs of postage and long-distance telephone calls a total of ~~twenty~~fifty
12 dollars for each person served.
- 13 2. For making a return of not-found, ~~twenty~~fifty dollars.
- 14 3. For taking and filing a bond in claim and delivery or any other undertaking to be
15 furnished and approved by the sheriff, twenty dollars.
- 16 4. For making a copy of any process, bond, or paper, other than as is herein provided,
17 two dollars per page.
- 18 5. For levying or executing any writ, ~~forty~~eighty dollars.
- 19 6. For calling an inquest to appraise any goods and chattels that the sheriff may be
20 required to have appraised, twenty-five dollars, and each appraiser is entitled to
21 receive one hundred dollars to be taxed as costs.
- 22 7. For advertising a sale by means of a sheriff's notice of sale, in addition to any
23 publishing fees, twenty dollars.
- 24 8. For making a deed to land sold on execution or under an order of sale, twenty dollars.

- 1 9. For issuing a certificate of redemption when property has been redeemed from a sale
- 2 under execution or upon the foreclosure of a mortgage, twenty dollars.
- 3 10. For selling real or personal property under foreclosure of any lien or mortgage,
- 4 seventy-five dollars.
- 5 11. For boarding prisoners, a sum to be determined by the board of county
- 6 commissioners, by resolution in advance, which sum must be per meal for meals
- 7 actually served, and may not be less than two dollars for breakfast, two dollars and
- 8 fifty cents for dinner, and three dollars and fifty cents for supper.

9 **SECTION 2. AMENDMENT.** Section 11-15-08 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **11-15-08. Commissions collected by sheriff.**

- 12 1. Except as provided in section 11-15-09, the sheriff is entitled to collect commissions
- 13 on behalf of the county on all moneys received and disbursed by the sheriff on an
- 14 execution, order of sale, order of attachment, requisition in claim and delivery, or
- 15 decree for the sale of real or personal property as follows:
- 16 a. On the first one thousand dollars, seventy-five dollars.
- 17 b. On all moneys in excess of one thousand dollars, ~~one~~three percent.
- 18 2. Except as provided in subsection 3, if no sale is held under subsection 1, the sheriff
- 19 may not collect a commission.
- 20 3. If personal property is taken by the sheriff on an execution, under a requisition in claim
- 21 and delivery, or under a writ of attachment and applied in satisfaction of the debt
- 22 without sale, the sheriff is entitled to collect the commission specified in subsection 1
- 23 based upon the appraised value of the property. The sheriff shall deliver the
- 24 commissions to the county treasurer under section 11-15-14.