

SENATE BILL NO. 2191

Introduced by

Senator Holmberg

1 A BILL for an Act to amend and reenact section 32-19-41 of the North Dakota Century Code,
2 relating to the disposal of abandoned personal property.

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

4 **SECTION 1. AMENDMENT.** Section 32-19-41 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **32-19-41. Abandoned personal property - Disposal by record title owner.**

7 The

8 1. If real property is adjudicated to be abandoned by an affidavit under section
9 32-19-23.1 or by a petition under section 32-19-19, the grantee in a sheriff's deed that
10 has been recorded, or after receipt and recording of a deed in lieu of foreclosure, may
11 retain and dispose of, without legal process, any personal property left on the real
12 property.

13 2. If the real property is not adjudicated to be abandoned by an affidavit under section
14 32-19-23.1 or by a petition under section 32-19-19, the grantee may retain and
15 dispose of, without legal process, any personal property left on the real property thirty
16 days after the issuance of a sheriff's deed.

17 3. If the total estimated value of the personal property under subsection 2 is five hundred
18 dollars or more, the record title owner shall make reasonable efforts to notify in writing
19 the mortgagor or person who was entitled to possession of the real property during the
20 redemption period by certified mail at least fifteen days before disposing of the
21 personal property. Service by mail is complete upon mailing.

22 4. The record title owner is entitled to the proceeds from the sale of the personal
23 property, after all costs incidental to removal, storage, disposal, and sale of the
24 property have been deducted.

- 1 5. This section applies only to tracts of land not exceeding forty acres [16.19 hectares].
- 2 6. If the record title owner cannot be located, any remainder from the proceeds of a sale
- 3 must be delivered to the administrator of the state abandoned property office in
- 4 accordance with chapter 47-30.1.