

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.