

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, 11-15-08, and 14-08.1-04 of the
2 North Dakota Century Code, relating to civil process fees and commissions on collections and
3 to sheriff's fees from the child support agency.

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

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

7 **11-15-07. County fees.**

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

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

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

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

12 **11-15-08. Commissions collected by sheriff.**

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

27 **SECTION 3. AMENDMENT.** Section 14-08.1-04 of the North Dakota Century Code is
28 amended and reenacted as follows:

29 **14-08.1-04. Duty of child support agency - Sheriff's fees.**

30 The child support agency shall commence any appropriate action or proceeding under
31 sections 14-08.1-02 and 14-08.1-03. Except for public assistance cases as determined by the

Sixty-seventh
Legislative Assembly

- 1 child support agency, a sheriff may charge and collect from the child support agency service of
- 2 process fees ~~consistent with section 11-15-07~~of twenty dollars.