

Fees and Disbursements.

CHAPTER 56.

AN ACT to Amend Section Six Hundred and Fifteen of the Code of Civil Procedure.

Be it Enacted by the Legislative Assembly of the Territory of Dakota :

§ 1. PARTY FORECLOSING ENTITLED TO COSTS.] That section six hundred and fifteen of the Code of Civil Procedure, be and hereby is amended to read as follows :

Section six hundred and fifteen (615): The party foreclosing a mortgage by advertisement shall be entitled to his costs and disbursements out of the proceeds of the sale, and shall also be entitled, in addition to any attorney fee agreed upon in the mortgage, upon the making by the attorney, or if more than one, by one of the attorneys employed to foreclose, and filing with the register of deeds at or prior to the time of sale, of an affidavit to the effect that such attorney or attorneys have been in good faith employed to foreclose; that the full amount of such fee enures to his or their benefit; that no agreement or understanding for any division thereof has been made with any other person, and that no part thereof is or has been agreed to be paid to the party foreclosing.

§ 2. That all acts and parts of acts inconsistent herewith are hereby repealed.

§ 3. That this act shall take effect from and after its passage and approval by the Governor.

Approved, February 13, 1883.