

compensation shall be paid out of the township general fund; in unorganized townships such compensation shall be paid out of the county general fund.

§ 4. REPEAL.] Every act or part of an act in conflict with the provisions of this act is hereby repealed.

Approved March 11, 1909.

FORECLOSURES

CHAPTER 126.

[S. B. No. 10—Steele of Ward]

FORECLOSURE OF MORTGAGES ON REAL PROPERTY.

AN ACT Defining the Duties of the Register of Deeds Relating to Foreclosure of Mortgages on Real Property by Advertisement, and Prescribing the Penalty for Violating the Same.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. DUTY OF REGISTER OF DEEDS.] It shall be the duty of the register of deeds within ten days after the filing of the affidavit of publication of the notice of mortgage foreclosure in foreclosure of real estate mortgages by advertisement, to send by registered mail a copy of such affidavit of publication to the record title owner and to every subsequent mortgagee whose mortgage appears on record, addressed to him at the postoffice given of record in his office. If no postoffice address appears of record or is unknown to the register of deeds, then to the postoffice located nearest the land described in such certificate.

§ 2. AFFIDAVIT OF MAILING.] The register of deeds shall make affidavit setting forth the time and manner of such mailing, the description of such land, the name and postoffice address of the person or persons to whom such affidavit of publication was mailed and attach thereto the registry receipt or receipts, which said affidavit and registry receipt or receipts shall be filed and recorded in his office; provided, the failure of the register of deeds to comply with the provisions of this act shall in no way invalidate the foreclosure proceedings nor affect the title to the property involved.

§ 3. REGISTER OF DEEDS LIABLE FOR DAMAGES.] The failure of the register of deeds to comply with the provisions of this act shall render him liable, in a civil action, to the party entitled to the copy herein described, for any damage sustained by him by reason of such failure.

Approved March 11, 1909.

CHAPTER 127.

[S. B. No. 110—Gronvold]

FORECLOSURE SALE OF PERSONAL PROPERTY.

AN ACT to Amend Section 7508 of the Revised Codes of the State of North Dakota, for the Year 1905, Relating to Places of Sale Upon Foreclosure of Personal Property.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] Section 7508 of the revised codes of North Dakota for the year 1905, be and the same is hereby amended to read as follows:

§ 7508. PLACES OF SALE DESIGNATED.] The boards of county commissioners of the several counties shall at their regular quarterly meeting in April of each year, designate not less than five public places in their respective counties which shall be the only market places for the sale of chattels under the provisions of this article, unless the mortgagor and mortgagee agree upon and designate in writing another place in the county as the place of sale, in which case the sale shall be made at the place so designated; which written agreement or designation shall be attached to and filed with the report of sale. Growing or harvested crops, grain in bulk, lumber, cordwood, buildings, threshing machines, engines, boilers and attachments and other like articles and such other property as by reason of its bulk cannot be conveniently moved, may be sold where situated, under the provisions of this article, without moving the same to one of the market places herein provided for.

Approved March 5, 1909.