

CLAIM AND DELIVERY

CHAPTER 76.

[H. B. No. 455—Converse.]

CLAIM AND DELIVERY.

AN ACT to Amend and Re-enact Section 7520, of the Compiled Laws of North Dakota, 1913, Relating to Exceptions by Defendant to Undertaking in Claim and Delivery Actions.

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

§ 1. That Section 7520 of the Compiled Laws of North Dakota, 1913, is hereby amended to read as follows:

§ 7520. EXCEPTIONS BY DEFENDANT.] The defendant may, within three days after the service of a copy of the affidavit and undertaking, give notice to the Sheriff that he excepts to the sufficiency of the sureties, or the amount of the undertaking. If he fails to do so, he shall be deemed to have waived all objection to them. When the defendant excepts, the sureties shall justify on notice in like manner as bail upon an arrest, and the Sheriff shall be responsible for the sufficiency of the sureties until the objection to them is either waived as above provided, or until they shall justify or new sureties shall be substituted and justify. If the defendant excepts to the sureties, or to the amount of the undertaking, he cannot reclaim the property as provided in the next Section. When the defendant excepts to the amount of the undertaking, the Sheriff shall retain possession of the property for five days after the service of notice of such exception upon the Sheriff. In such case, the defendant may, upon two days' notice to the plaintiff, apply to the judge of the court in which the action is pending for an order requiring the plaintiff to execute an undertaking in such action in a larger amount than that of the undertaking which has been served. The affidavits upon which the defendant bases his application shall be served with the notice. If the application is denied, the order of the court shall direct the Sheriff to forthwith deliver the property to the plaintiff. If the application is granted, the order of the court shall direct the Sheriff to deliver the property to the defendant unless the plaintiff shall, within a time of not more than four days, to be fixed by the court, execute a bond in such sum as the court shall prescribe with sureties to be approved by the Sheriff.

Approved, March 12, 1915.