

LAND CONTRACTS

CHAPTER 151.

[S. B. No. 9—Martin.]

REDEMPTION LAND CONTRACTS.

An Act to Amend and Re-enact Section 8122 of the Compiled Laws of North Dakota for 1913, as amended by Chapter 180 of the Laws of 1915, Relating to Foreclosure of Land Contracts.

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

§ 1. AMENDMENT.] That Section 8122 of the Laws of North Dakota for the year 1913 as amended by Chapter 180 of the laws of 1915, be amended and re-enacted so as to read as follows:

§ 8122. TIME ALLOWED.] Such vendee, or purchaser, or his assigns shall have six months after the service of such notice upon him in which to perform the conditions or comply with the provisions upon which the default shall have occurred and upon such performance and upon making such payments, together with the cost of service of such notice, such contract or other instrument shall be reinstated and shall remain in full force and effect the same as if no default had occurred therein. If, however, such vendee or purchaser, or his assigns, shall not complete such performance or make such payment within the six months herein provided, then and in that event the contract shall be terminated and shall not be re-instated by any subsequent offer of performance, or tender of payment. No provision in any contract for the purchase of land or an interest in land shall be construed to obviate the necessity of giving the aforesaid notice and no contract shall terminate unless such notice is given, any provision in such contract to the contrary notwithstanding, but the notice herein required shall not be deemed necessary where the contract in question is sought to be terminated by an action at law or in equity brought for that purpose upon failure to perform.

In all cases of cancellation by notice of any such contract which has been recorded in the office of the Register of Deeds, a copy of the notice of cancellation served upon the vendee together with an affidavit of service and an affidavit of vendor or his assigns, that the default of vendee under the terms of the contract were not cured within six months from the date of service of such notice, shall be recorded in the office of the Register of Deeds.

§ 2. Provided, that when it shall be made to appear by affidavit of the vendee or purchaser or his assigns, his agent or attorney, to the satisfaction of a Judge of the District Court of the county where the property is situated, that the vendee or purchaser or

his assigns has a legal counterclaim or any other valid defense against the collection of the whole or any part of the amount claimed to be due on such contract, such judge, may, by an order to that effect, enjoin the vendor or his successor in interest from the cancellation of such contract as herein provided, and direct that all further proceedings for the cancellation be had in the District Court properly having jurisdiction of the subject matter; and for the purpose of carrying out the provisions thereof, service may be made upon the vendor or his assigns or upon his attorney or agent.

§ 3. REPEAL.] All Acts or parts of Acts in conflict with this Act are hereby repealed.

Approved February 10, 1917.

LARCENY

CHAPTER 152.

[H. B. No. 340—Lang.]

LARCENY.

An Act Defining the Crime of Using, with Intent to Defraud Proceeds of Payment Made to a Contractor or Sub-Contractor on Any Improvement to Real Estate for Any Other Purpose than the Payment of Labor, Materials, Machinery or Fixtures, Performed or Furnished for such Improvement while the Same Remains Unpaid for, as Larceny, and Defining the Penalty Therefor.

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

§ 1.] Any contractor or sub-contractor on any improvement to real estate within the meaning of Section 6814 of the Compiled Laws of 1913, with intent to defraud, shall use the proceeds of of any payment to him on account of such improvement by the owner of such real estate, or person having any improvement made, for any other purpose than the payment of labor performed upon, or materials, machinery or fixtures furnished for such improvement, while any such labor performed, or materials, machinery or fixtures furnished for such improvement at the time of such payment, remains unpaid for, shall be guilty of larceny of the proceeds of such payment so used.

§ 2. When payment so used in violation of the preceding section is of an amount exceeding twenty dollars (\$20.00), such person shall upon conviction be punished as provided by law for the crime of grand larceny, and when the amount of such payment so used in violation of the preceding section is of an amount to twenty dollars (\$20.00) or less, such person shall upon conviction be punished for petit larceny.