

FORECLOSURE

CHAPTER 65.

(S. B. No. 153—Church.)

FORECLOSURE OF 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 and as amended by Chapter 151 of the Laws of 1917, 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 and as amended by Chapter 151 of the Laws of 1917, be amended and re-enacted so as to read as follows:

§ 8122. TIME ALLOWED.] Such vendee, or purchaser or his assigns shall have one year 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 one year herein provided, then and in that event the contract shall be terminated and shall not be reinstated 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 one year 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 counter-claim or any other valid defence 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 March 11, 1921.

CHAPTER 66.

(S. B. No. 148—Hagen.)

FORECLOSURE OF REAL ESTATE MORTGAGES.

AN ACT to Amend Chapter 131 of the Session Laws of 1919, Enacted by the Sixteenth Session of the Legislative Assembly, pertaining to the Giving of Notices of Intention to Foreclose Real Estate Mortgages.

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

§ 1. AMENDMENT.] That Chapter 131 of the Laws of North Dakota for the year 1919 is hereby amended and re-enacted to read as follows:

§ 1. Before any action or proceeding shall be commenced to foreclose a mortgage on real property, a written notice describing the land, the date and amount of the mortgage, the sum due for principal, interest and taxes respectively, and stating that if the same be not paid within thirty days from the date of the notice, proceedings will be commenced to foreclose the mortgage, shall be served more than thirty days prior to the commencement of such action or proceedings by registered mail addressed to the title owner according to the records in the Register of Deeds office at his or their post office address as shown by the records in the Register of Deeds office and if not shown, then addressed to said owner at the post office nearest the land. An affidavit of proof of such service of notice shall be filed with the Clerk of the Court at the time of filing complaint in any action for foreclosure and shall be filed and recorded with the notice and certificate of sale in all other cases. Provided, however, that if said owner shall, before the expiration of thirty days

from the service of such notice, perform the conditions or comply with the provisions upon which the default shall have occurred, such mortgage shall be reinstated and shall remain in full force and effect the same as if no default had occurred therein.

Provided, further, that if an action or proceeding to foreclose is not begun within ninety days after the date of the notice herein provided for, then all proceedings hereunder shall be deemed to be discontinued.

Approved March 11, 1921.

GAME AND FISH

CHAPTER 67.

(H. B. No. 160—Game and Fish Committee.)

BAG LIMIT.

AN ACT to amend and Re-enact Section 52 of Chapter 161 of the Session Laws of North Dakota for the year 1915 as amended by Section 52 of Chapter 122 of the Session Laws for the year 1917, relating to bag limit of game birds.

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

§ 52. AMENDMENT. BIG LIMIT FOR GAME BIRDS.] No person shall in any one day, take, catch, kill or destroy, to exceed five pinnated grouse (prairie chicken), sharptailed grouse (white breasted), grouse, turtle dove, plover of any variety or five of the same combined, or have in possession at any one time, to exceed ten of each of all combined, nor more than eight each of wild geese of any variety, fifteen each of wild ducks of any variety, quail, woodcock or snipe of any variety, or of the same combined; or have in possession at any one time to exceed the limit of two days' bag of each or all of the same combined.

Any person violating any provisions of this section, shall upon conviction, be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00), for each and every bird and cost of prosecution, or be imprisoned in the County jail for not less than twenty days or more than thirty days, or by both such fine and imprisonment in the discretion of the Court, for each and every bird so killed or destroyed or had in possession contrary to the provisions of this section.

Approved March 9, 1921.