

HOUSE BILL NO. 1192

Introduced by

Representative Klemin

1 A BILL for an Act to amend and reenact sections 35-33-05 and 35-33-06 of the North Dakota
2 Century Code, relating to self-service storage facility liens.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 35-33-05 of the 1999 Supplement to the North
5 Dakota Century Code is amended and reenacted as follows:

6 **35-33-05. Notice of proceedings.** Before conducting a sale, the owner shall:

- 7 1. Deliver in person or send by certified mail a notice of default to prior lienholders
8 and to the occupant at the occupant's last-known address. A notice under this
9 section is presumed delivered if it is deposited with the United States postal service
10 and properly addressed with postage prepaid. The notice must include:
- 11 a. A statement that the contents of the occupant's leased space are subject to
12 the ~~operator's~~ owner's lien and that the occupant is denied access to the
13 property until the owner's claim is satisfied;
- 14 b. The address of the self-service storage facility, the number of the space
15 where the personal property is located, and the name of the occupant;
- 16 c. A statement of the charges due, the date of default, and a demand for
17 payment of the charges due within a specified time, not less than ten days
18 after the date of notice;
- 19 d. A statement in bold type providing that, unless the claim is paid within the time
20 stated, the contents of the occupant's leased space will be sold; and
- 21 e. The name, address, and telephone number of the owner or a designated
22 agent whom the occupant may contact to respond to the notice.
- 23 2. Publish, once a week for two consecutive weeks, with the first publication not more
24 than ~~fifteen~~ thirty days before the sale and the last publication at least seven days

1 before the sale, the time, place, and terms of the sale in a newspaper of general
2 circulation in the county where the self-service storage facility is located.

3 **SECTION 2. AMENDMENT.** Section 35-33-06 of the 1999 Supplement to the North
4 Dakota Century Code is amended and reenacted as follows:

5 **35-33-06. Sale of property - Application of proceeds.** At any time before the sale,
6 the occupant may pay the amount necessary to satisfy the lien and redeem the occupant's
7 property. If a sale is held, the owner shall satisfy the lien from the proceeds of the sale and
8 hold the balance, if any, for delivery on demand to the occupant or any other recorded
9 lienholder for a period of ~~two years~~ six months from the date of sale. The owner may retain any
10 balance unclaimed after the ~~two-year~~ six-month period.