

Fifty-ninth  
Legislative Assembly  
of North Dakota

DATE

Introduced by

1 A BILL for an Act to amend and reenact sections 15-08-19, 57-20-26, 57-28-01, and 57-45-11  
2 of the North Dakota Century Code, relating to the period of property tax delinquency before  
3 foreclosure of a tax lien; and to provide an effective date.

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

5 **SECTION 1. AMENDMENT.** Section 15-08-19 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **15-08-19. Taxation of and foreclosure of tax lien on property sold by state on**  
8 **deferred payment contract.** Property contracted to be sold by the state is subject to taxation  
9 from the date of the contract, and the taxes assessed thereon must be collected and enforced  
10 in the same manner as taxes against other property. If the contract is not canceled or if the  
11 contract has been canceled and the period of redemption has not yet run, the property upon  
12 which taxes are delinquent is subject to foreclosure of tax lien. After four years from the date  
13 the tax became due, and after notice of foreclosure has been given as required in title 57, on  
14 the date of foreclosure, the county shall acquire such rights and interests as belonged to the  
15 holder and owner of the contract issued under the provisions of this chapter and only such  
16 rights. The county may assign its rights and interest at any time, and the assignee shall have  
17 the rights given by this section to the county. No tax deed may be issued upon any tax sale  
18 certificate while the legal title to the lands remains in the state of North Dakota.

19 **SECTION 2. AMENDMENT.** Section 57-20-26 of the North Dakota Century Code is  
20 amended and reenacted as follows:

21 **57-20-26. Treasurer to give notice of tax lien by mail.** Between the first and fifteenth  
22 of November of each year, the county treasurer shall mail to each owner of any lot or tract of  
23 land for which taxes are delinquent a notice giving the legal description of that lot or tract and  
24 stating that the taxes are delinquent and constitute a lien against the property. The notice must

1 advise the owner that unless the delinquent taxes and special assessments with penalty, simple  
2 interest at the rate of twelve percent per annum from and after January first following the year in  
3 which the taxes become due and payable, and costs established under subsection 5 of section  
4 57-28-04 are paid by October first of the fourth year following the year in which the taxes  
5 became delinquent, the county auditor will foreclose on the tax lien and issue a tax deed to the  
6 county.

7 **SECTION 3. AMENDMENT.** Section 57-28-01 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9 **57-28-01. Notice of foreclosure of tax lien to be given.** On or before June first in  
10 each year, the county auditor shall give notice of foreclosure of tax lien for all property for which  
11 four or more years have passed since the tax became due.

12 **SECTION 4. AMENDMENT.** Section 57-45-11 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14 **57-45-11. Limitation of action against tax deed.** Any person having or claiming title  
15 to or a lien or encumbrance upon any land, whether in that person's possession or the  
16 possession of another, or vacant or unoccupied, may commence and maintain an action  
17 against any person, county, or state claiming any title to or interest in the land, or a lien upon  
18 the land, adversely to the person by or through any tax deed, to test the validity of the tax deed,  
19 or to quiet the title to the land as against the claims of the adverse claimant, or to remove the  
20 cloud from the title arising from the tax deed. An action or defense based upon the invalidity of  
21 a tax deed may not be commenced or interposed after three years from the issuance of a tax  
22 deed unless the tax deed is void by reason of jurisdictional defects. The holder of a tax deed  
23 may maintain an action to establish the validity of the tax deed or to quiet title to the land and  
24 may demand the possession of the land.

25 **SECTION 5. EFFECTIVE DATE.** This Act is effective for taxable years beginning after  
26 December 31, 2004. Property tax proceedings relating to property taxes due or delinquent for  
27 any taxable year prior to 2005 are subject to provisions of law that were effect December 31,  
28 2004.