

June 2007

TITLE 28

Judicial Procedure, Civil

Summary of Bills Enacted by 2007 Legislative Assembly

This memorandum summarizes 2007 legislation primarily affecting North Dakota Century Code (NDCC) Title 28. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1128 exempts the Industrial Commission, with respect to the activities of the North Dakota Pipeline Authority, from the definition of administrative agency.

House Bill No. 1501 authorizes the court to award the prevailing nonagency party reasonable attorney's fees and costs in a civil judicial proceeding involving adverse parties to an appeal or enforcement action involving an environmental permit. The bill also directs the court to award reasonable attorney's fees and costs if the court determines that the nonprevailing nonagency party's claims or allegations are frivolous.

Senate Bill No. 2170 provides that the amount payable to a sheriff by a depository institution or credit union that has been served with a notice of levy is limited to the lesser of the amount necessary to satisfy the execution or the deposit account balance of the debtor at the time the notice of levy is served.

Senate Bill No. 2221 addresses the effect of bankruptcy on a judgment lien. The bill provides that if a judgment lien appears on a judgment debtor's real property and the debtor is later the subject of bankruptcy proceedings in which the judgment lien is avoided or set aside, the judgment lien may be terminated of record by filing a certified copy of the bankruptcy court lien avoidance judgment. The bill also repeals NDCC Sections 28-20-30, 28-20-31, and 28-20-32, which relate to the cancellation of judgment against bankrupts, service in bankruptcy proceedings, and affidavits in bankruptcy proceedings.

Senate Bill No. 2222 clarifies and makes miscellaneous changes with respect to the procedure for the redemption of property. The bill provides that except for redemption from foreclosure sales, the redemption period for property is one year from the date of the sheriff's sale.

Senate Bill No. 2277 clarifies and makes miscellaneous changes with respect to the procedure for the collection of a judgment by the selling of real or personal property. The bill sets forth different procedures for the sale of real property and the sale of personal property. The bill also changes where the notice of sale is to be published. The bill permits the sale of several lots or parcels of real property to be combined if the lots or parcels constitute one parcel upon which improvements have been constructed.

Senate Bill No. 2284 relates to exemptions from process for proceeds of a wrongful death or personal bodily injury recovery. The bill increases the amount that is exempt from this source from \$7,500 to \$15,000.