

# JUDICIAL REMEDIES

## CHAPTER 231

S. B. No. 66

(Mahoney, Chesrown, Thompson)

### WAGES EXEMPT FROM GARNISHMENT

#### AN ACT

To amend and reenact section 32-09-02 of the North Dakota Century Code, relating to certain amounts of wages exempt from garnishment.

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

**§ 1. Amendment.)** Section 32-09-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**32-09-02. What Wages Exempt from Garnishment.)** The wages or salary of any person who is not a head of a family but is a resident of this state, to the amount of thirty-five dollars per week, shall be exempt from garnishment. The wages of any person who is head of a family and a resident of this state shall be exempt to the amount of fifty dollars per week plus five dollars per week for each dependent but not more than twenty-five dollars. Every employer shall pay to such person such exempt wages or salary, not to exceed the amounts exempted by this section, of each week's wages earned by him when due. Upon such wage earner's making and delivering to such employer his affidavit that he is a head of a family and specifying the number of his dependents residing with the family in this state, he shall be entitled to additional exemptions for dependents, notwithstanding the service of a garnishee summons, and the surplus only of his wages above the exemptions shall be held by the employer to abide the event of the garnishment suit.

Approved March 10, 1965.

## CHAPTER 232

S. B. No. 215

(Kautzmann, Chesrown, Forkner, Kjos)

## GARNISHMENT DISCLOSURE FEES

## AN ACT

To amend and reenact sections 32-09-05 and 32-09-10 of the North Dakota Century Code, relating to the witness fees paid to a garnishee.

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

§ 1. **Amendment.)** Section 32-09-05 of the 1963 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

**32-09-05. Service on Department of Accounts and Purchases—Fees.)** Service upon the state of North Dakota, or any institution, department, or agency thereof, as garnishee, may be made upon the director of the department of accounts and purchases in the manner by law provided for such service in garnishment proceedings, except that the fee to be tendered and paid the department of accounts and purchases for making affidavit of disclosure and filing the same shall be ten dollars. Such fees shall be paid into the state treasury.

§ 2. **Amendment.)** Section 32-09-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**32-09-10. Witness Fees.)** In all garnishment proceedings in the district court and county courts of increased jurisdiction the plaintiff, when the garnishment summons is served upon the garnishee, shall tender to the garnishee the sum of ten dollars as his fee for making his affidavit of disclosure and filing the same in the office of the clerk of the court in which such garnishment proceeding is pending. Should the plaintiff take issue on the answer to the garnishee summons and require the garnishee to stand trial, he, at the time issue is taken, shall tender to the garnishee his traveling fees and fees for one day's attendance in court. Such fees shall be the same as witness fees in the district court. When the garnishee is a foreign corporation and service is made upon the secretary of state or commissioner of insurance, it shall not be necessary to tender traveling fees either from the home office of the corporation or from the capital of the state, but in lieu thereof there shall be paid to the secretary of state or to the commis-

sioner of insurance or to the resident agent of the corporation the sum of ten dollars to be remitted to the garnishee.

Approved March 19, 1965.

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## CHAPTER 233

H. B. No. 860  
(Brown)

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### QUIET TITLE ACTION COMPLAINT

#### AN ACT

To amend and reenact section 32-17-04 of the North Dakota Century Code, relating to the requirements of a complaint in an action for the determination of adverse claims, commonly known as quiet title actions.

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

**§ 1. Amendment.)** Section 32-17-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**32-17-04. Complaint Form—Description of Property.)** In an action for the determination of adverse claims, the property must be described in the complaint with such certainty as to enable an officer upon execution to identify it. In other respects the complaint, exclusive of the venue, title, subscription, and verification, may be substantially in the following form, the blanks being properly filled:

The plaintiff for cause of action shows to the court that he has an estate or interest in, or a lien or encumbrance upon, as the case may be, the following described real property, situated in the above named county and state, to wit:.....

That the defendants claim certain estates or interests in, or liens or encumbrances upon, the same, as the case may be, adverse to plaintiff. (Here allege the facts concerning use and occupation and value thereof, and any property wasted or removed and the value thereof, if pertinent. Where the state is named as a party defendant the complaint must state the interest the state or its agencies or departments might have in the property; or in the alternative state that the complainant is not aware of any specific interest that the state might have in the property.)

Wherefore, plaintiff prays: 1. That the defendants be required to set forth all their adverse claims to the property above described, and that the validity, superiority, and priority thereof be determined; 2. That the same be adjudged null and void, and that they be decreed to have no estate or interest in, or lien or encumbrance upon, said property; 3. That this title be quieted as to such claim, and that defendants be forever debarred and enjoined from further asserting the same; 4. That he recover possession of the premises described, if possession is desired; 5. That he recover.....

dollars as the value of the use and occupation and value of property wasted and removed therefrom; 6. That he have such other general relief as may be just, together with costs and disbursements.

Approved February 24, 1965.