

Fifty-fifth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1345

Introduced by

Representatives Stenehjem, DeKrey, Delmore

Senators C. Nelson, W. Stenehjem, Watne

1 A BILL for an Act to amend and reenact section 33-06-02 of the North Dakota Century Code,
2 relating to service of process in eviction actions.

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

4 **SECTION 1. AMENDMENT.** Section 33-06-02 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **33-06-02. Appearance - Notice of intention to evict - When required - When and**
7 **how served.** In any action for eviction the time specified in the summons for the appearance of
8 the defendant may not be less than three nor more than fifteen days from the date on which it is
9 issued. If the person cannot be found in the county, of which the return of the sheriff or process
10 server is prima facie proof, and service has been attempted at least once between the hours of
11 6:00 p.m. and 10:00 p.m. upon the filing of an affidavit of the plaintiff or the plaintiff's attorney
12 stating that the defendant cannot be found or on belief that the defendant is not in this state and
13 a copy of the summons has been mailed to the defendant at the defendant's last known
14 address if any is known to the plaintiff, service of the summons may be made upon the
15 defendant by the sheriff or process server posting the summons upon the door of the residential
16 unit. In all cases arising under subsections 4, 5, 6, and 8 of section 33-06-01, three days'
17 written notice of intention to evict must be given to the lessee, subtenant, or party in
18 possession, before proceedings can be instituted. The notice may be served and returned as a
19 summons is served and returned or, if the party cannot be found, then by the sheriff of the
20 county or a process server posting the notice conspicuously upon the premises. Service by
21 delivery of a copy of the summons to the defendant in person within the county must be made
22 at least three days before the time fixed for the appearance of the defendant. Service
23 elsewhere or personal service in any other mode must be made at least seven days before the
24 time fixed for the appearance of the defendant.