

Fifty-fifth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1343

Introduced by

Representatives Stenehjem, DeKrey, Delmore

Senators Grindberg, C. Nelson, Watne

1 A BILL for an Act to amend and reenact section 33-06-04 of the North Dakota Century Code,
2 relating to eviction actions.

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

4 **SECTION 1. AMENDMENT.** Section 33-06-04 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **33-06-04. Eviction actions not joinable with other actions - Exception - When**
7 **counterclaims only interposable.** An action of eviction cannot be brought in a district court in
8 connection with any other action, except for rents and profits accrued or for damages arising by
9 reason of the defendant's possession. No counterclaim can be interposed in such action,
10 except as a setoff to a demand made for damages or for rents and profits. If the court finds for
11 the plaintiff in the action, the court shall enter judgment that the plaintiff have immediate
12 restitution of the premises. Upon a showing by the defendant that immediate restitution of the
13 premises would work a substantial hardship on the defendant or the defendant's family, except
14 in cases in which the eviction judgment is based in whole or in part on a disturbance of the
15 peace, the court may stay the special execution for a reasonable period, not to exceed five
16 days.