

**SENATE BILL NO. 2222**

Introduced by

Senator Holmberg

1 A BILL for an Act to amend and reenact sections 28-24-01, 28-24-02, 28-24-03, 28-24-04,  
2 28-24-05, 28-24-06, 28-24-07, 28-24-10, 28-24-13, and 28-24-14 of the North Dakota Century  
3 Code, relating to redemption of property.

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

5 **SECTION 1. AMENDMENT.** Section 28-24-01 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **28-24-01. Who may redeem - Redemptioner.** ~~Property~~ A property sold subject to  
8 redemption, ~~or any part sold separately,~~ may be redeemed ~~in the manner hereinafter as~~  
9 ~~provided; in this chapter~~ by the following ~~persons~~ person or ~~their~~ successors in interest:

- 10 1. The judgment debtor, ~~or the judgment debtor's successors in interest; and or~~  
11 2. A creditor having a lien ~~by judgment, mortgage, or otherwise~~ on the property sold,  
12 or on some ~~share or part thereof~~ of the property, subsequent to that on which the  
13 property was sold, and is designated in this chapter as a redemptioner.

14 ~~The persons described in subsection 2 are in this chapter termed redemptioners.~~

15 **SECTION 2. AMENDMENT.** Section 28-24-02 of the North Dakota Century Code is  
16 amended and reenacted as follows:

17 **28-24-02. Payment on and period of redemption.** The judgment debtor or  
18 redemptioner may redeem the property from the purchaser ~~by~~ during the redemption period on  
19 ~~paying the purchaser amount of the purchase bid~~ with interest at the rate provided in the  
20 original instrument on which the judgment is based, ~~plus the amount of any insurance~~  
21 ~~premiums, assessments, taxes, utilities, or other items paid by the purchaser in protection of~~  
22 ~~the title or the premises, which the purchaser may have paid after the purchase, and interest at~~  
23 ~~the same rate on that amount, and, if.~~ If the purchaser is also a creditor having a lien superior  
24 to that of the redemptioner ~~other than the judgment under which the purchase was made,~~ the

1 amount of that prior lien with interest must be paid to effect a redemption. ~~The period of~~  
2 ~~redemption is six months for a redemption under subsection 1 of section 32-19.1-04 and for all~~  
3 ~~other redemptions the period of redemption is one year. The period of redemption begins at the~~  
4 ~~time of the filing of the summons and complaint in the office of the clerk of district court or at the~~  
5 ~~time of the first publication of the notice before foreclosure by advertisement, unless it is~~  
6 ~~determined by the court that the mortgagee is not entitled to judgment. The final date for~~  
7 ~~redemption may not be earlier than sixty days after the sheriff's sale. Except as provided in~~  
8 section 32-19-18 for redemption from foreclosure sales, the redemption period is one year after  
9 recording the notice of levy.

10 **SECTION 3. AMENDMENT.** Section 28-24-03 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12 **28-24-03. Redemption by redemptioner - Notice to be recorded.** A redemptioner  
13 ~~making redemption~~ shall give a written notice of redemption to the sheriff and at the same time  
14 shall record a duplicate in the office of the county recorder of the county where the land is  
15 situated. The redemptioner ~~shall~~ must state in the notice of redemption an amount that the  
16 redemptioner will credit on the claim ~~against the debtor~~ on making redemption. If the amount  
17 stated in the notice is less than the amount of the lien under which the redemptioner makes  
18 redemption, a later redemptioner having a subordinate lien may redeem from the earlier  
19 redemptioner by paying the amount paid by that redemptioner, ~~together with the amount of any~~  
20 ~~taxes, assessments, utilities, or other items paid by that redemptioner in protection of the title or~~  
21 ~~premises,~~ and interest at the same rate as provided in the original instrument on which the  
22 judgment is based, together with the amount stated by the first redemptioner in the notice. The  
23 amount stated by a redemptioner in the notice must be treated as a payment of that amount on  
24 the indebtedness; and the redemptioner ~~shall~~ immediately shall endorse that on the evidence of  
25 the claim. If the claim is a judgment, the redemptioner shall cause a statement of that amount  
26 to be entered by the clerk of court in the judgment docket. That credit is ~~deemed~~ conditional  
27 ~~only~~ and must be canceled on proof of a further redemption by the debtor or by a redemptioner  
28 having a prior right, without payment of the amount credited.

29 **SECTION 4. AMENDMENT.** Section 28-24-04 of the North Dakota Century Code is  
30 amended and reenacted as follows:

1           **28-24-04. Successive redemptions - Time.** If property is redeemed by a  
2 redemptioner, another redemptioner, even after the expiration of ~~one year from the day of sale~~  
3 redemption period, may redeem from the last redemption if the redemption is made within sixty  
4 days after ~~such last~~ recording of the notice of redemption. This sixty-day limitation does not  
5 apply to any redemption made within ~~one year after the sale by whomsoever or from~~  
6 ~~whomsoever such redemption is made~~ period, but all persons entitled to redeem in all cases  
7 must have the entire statutory redemption period ~~of one year from the day of sale~~ in which to  
8 redeem. The property, as often as a redemptioner is so disposed, may be redeemed again  
9 from any previous redemptioner within sixty days after the recording of the last notice of  
10 redemption.

11           **SECTION 5. AMENDMENT.** Section 28-24-05 of the North Dakota Century Code is  
12 amended and reenacted as follows:

13           **28-24-05. Redemptioner shall produce production of requisite papers.** A  
14 redemptioner shall produce to the officer or person from whom the redemptioner seeks to  
15 redeem and shall serve with the redemptioner's notice to the sheriff:

- 16           1. A copy of the docket of the judgment under which the redemptioner claims the right  
17           to redeem, certified by the clerk of the district court of the county where the  
18           judgment is docketed, or, if the redemptioner redeems upon a mortgage or other  
19           lien, a note of the record ~~thereof~~ of the mortgage or lien certified by the county  
20           recorder;
- 21           2. A copy of the assignment necessary to establish the redemptioner's claim, verified  
22           by the affidavit of the redemptioner or of a subscribing witness ~~thereto~~ to the  
23           assignment; and
- 24           3. An affidavit by the redemptioner or the redemptioner's agent showing the amount  
25           then actually due on the lien.

26           **SECTION 6. AMENDMENT.** Section 28-24-06 of the North Dakota Century Code is  
27 amended and reenacted as follows:

28           **28-24-06. Redemption by debtor - Recording certificate - Rights of redemption.**  
29 The debtor may not be required to pay more to effect a redemption than the purchase price,  
30 with interest from the day of sale, at the same rate as provided in the original instrument on  
31 which the judgment is based, ~~and all taxes and other items paid under sections 28-24-02 and~~

1 ~~28-24-07 with interest on those items from the date of payment, at the same rate as provided in~~  
2 ~~the original instrument on which the judgment is based,~~ despite the fact that the debtor seeks to  
3 redeem from a redemptioner. If the debtor redeems, the effect of the sale is terminated and the  
4 debtor is restored to the estate. On a redemption by the debtor, the person to whom the  
5 payment is made shall execute and deliver to the debtor a certificate of redemption  
6 acknowledged or proved before an officer authorized to take acknowledgments of conveyances  
7 of real property. The certificate must be recorded in the office of the county recorder of the  
8 county in which the property is situated and the county recorder shall note that record in the  
9 margin of the record of the certificate of sale. If the debtor redeems from a redemptioner who,  
10 to effect redemption, has paid liens on the property other than for taxes or assessments, the  
11 redemptioner is subrogated to all the rights of the former holders of those liens, and the  
12 recording of written notice of that redemption is notice of the rights of that redemptioner in and  
13 to all the liens the redemptioner holds as equitable assignee as fully as if formal written  
14 assignments had been recorded.

15 **SECTION 7. AMENDMENT.** Section 28-24-07 of the North Dakota Century Code is  
16 amended and reenacted as follows:

17 **28-24-07. Protection of premises purchaser during period of redemption.** If a sale  
18 of real estate is made under execution or upon mortgage foreclosure, the purchaser at the sale  
19 or the purchaser's ~~successors~~ successor in interest, in case of the expiration during the period  
20 of redemption of any insurance policy on the premises sold, may pay the premium necessary to  
21 procure a renewal of that policy, and, if any taxes or assessments become delinquent, or if any  
22 installment of interest or principal on any prior or superior mortgage becomes due during that  
23 period of redemption, and any utilities or other items to be paid by the purchaser in protection of  
24 the title or premises, the purchaser may pay those charges. The amount ~~se~~ paid, with interest  
25 at the same rate as provided in the original instrument on which the judgment is based, is part  
26 of the sum necessary to be paid for the redemption from the sale. The payments ~~may~~ must be  
27 proved by a written notice of additional lien verified by affidavit of the purchaser, ~~or~~ the  
28 purchaser's agent or attorney, stating the items and describing the premises. That notice ~~may~~  
29 must be recorded in the office of the county recorder and a copy of the notice served on the  
30 sheriff of the county. After that service the sheriff, ~~before permitting a redemption,~~ shall collect  
31 the full amount specified in the notice in addition to the amount which would otherwise be due in

1 redemption from the sale, and shall pay over that amount to the purchaser at the sale, or the  
2 purchaser's assignee. If the notice is not served on the sheriff and recorded within five days  
3 after payment, redemption may be made without paying those amounts.

4 **SECTION 8. AMENDMENT.** Section 28-24-10 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **28-24-10. Notice of additional lien.** If any taxes, assessments, insurance premiums,  
7 utility charges, or other items are paid by the purchaser or by a redemptioner, or if the  
8 purchaser or redemptioner has or ~~acquires~~ acquired any lien other than that on which the sale  
9 or redemption was made, written notice of that item must be given to the sheriff and if that  
10 notice is not given to the sheriff, the property may be redeemed without paying ~~that tax,~~  
11 ~~assessment,~~ the amount shown in the notice of additional lien, utility, or other item.

12 **SECTION 9. AMENDMENT.** Section 28-24-13 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14 **28-24-13. Sheriff shall execute deed.** If the property is not redeemed according to  
15 law, ~~the purchaser or the purchaser's assignee or the redemptioner, as the case may be, is~~  
16 ~~entitled to a sheriff's deed of the property, and~~ the sheriff shall execute and deliver such a  
17 sheriff's deed for the property immediately after the time for redemption ~~in each case~~ has  
18 expired to the purchaser, purchaser's assignee, or the redemptioner.

19 **SECTION 10. AMENDMENT.** Section 28-24-14 of the North Dakota Century Code is  
20 amended and reenacted as follows:

21 **28-24-14. Effect of sheriff's deed - Contents.** The sheriff's deed is sufficient  
22 evidence of the legality of the sale and the proceedings ~~therein contained in the certificate,~~ until  
23 the contrary is proved, and vests in the grantee ~~as good and perfect a title in~~ to the premises  
24 ~~therein mentioned and described as was vested in the debtor at or after the time when such the~~  
25 real property became liable to the satisfaction of the judgment. ~~Such~~ The deed must recite the  
26 execution ~~or executions,~~ or the substance ~~thereof~~ of the execution, and the names of the  
27 parties, the amount and date of rendition of the judgment by ~~virtue whereof~~ which the said real  
28 property was sold, and must be executed, ~~acknowledged, or proved~~ and recorded as ~~may be~~  
29 ~~provided by law to perfect the~~ a conveyance of real property in other cases.