11.8210.01000

Sixty-second
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1388

Introduced by

Representatives Klemin, Kretschmar

Senators Olafson, Nelson

1 A BILL for an Act to amend and reenact section 28-05-07 of the North Dakota Century Code,

2 relating to filing of a notice of lis pendens.

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

4   **SECTION 1. AMENDMENT.** Section 28-05-07 of the North Dakota Century Code is

5 amended and reenacted as follows:

6   **28-05-07. Lis pendens - Effect.**

7   In a civil or criminal action in a ~~district~~ court affecting the title to real property, the plaintiff, at

8 the time of filing the complaint or criminal information or indictment or at any time afterwards, or

9 the defendant, when the defendant sets up in the defendant's answer an affirmative claim for

10 relief affecting the title to real property and demands substantive relief, at the time of filing the

11 defendant's answer or at any time afterwards, may file for record with the recorder of each

12 county in which the real property is situated a notice of the pendency of the action, containing

13 the names of the parties, the object of the action, and a description of the real property affected.

14 From the time of filing only shall the pendency of the action be constructive notice to a

15 purchaser or encumbrancer of the property affected thereby, and every person whose

16 conveyance or encumbrance is subsequently executed or subsequently recorded is deemed a

17 subsequent purchaser or encumbrancer with notice and is bound by all proceedings taken after

18 the filing of such notice to the same extent as if that person were a party to the action. For the

19 purpose of this section, an action is deemed to be pending from the time of filing such notice,

20 but ~~such~~the notice in a civil action is of no avail unless it is followed by the first publication of the

21 summons, or by the personal service thereof on a defendant, within sixty days after such filing.