

January 27<sup>th</sup>, 2025

Sgt. Matt Keesler  
Stark County Sheriff's Office  
Civil Process Division

Re SB 2240-oppose

Chair Larson and members of the Senate Judiciary Committee, good morning. My name is Matt Keesler, and am a sergeant with the Civil Division of the Stark Co Sheriff's Office. I'm a licensed ND peace officer and have been in law enforcement for almost 30 years.

I oppose SB 2240 for the following reasons:

1. Sheriff's Depts are tasked by statute and directed by the courts to enforce both judgments and pre-judgment actions. Examples would be Writs of Executions and Levies, Special Executions for the seizure and/or delivery by the defendant(s) of specific property (usually a vehicle repossession, or Writs of Pre-Judgment Attachments, which directs the sheriff to seize and secure property prior to a final judgment, etc.
2. There are instances when the sheriff may need to seize property prior to actually giving the defendant/debtor notice of the action. An example would be if the sheriff receives a special execution from the court directing the seizure and transfer of a vehicle to the bank. The sheriff sees the vehicle parked on real property, or can articulate that this same vehicle is concealed within a garage or quonset. The defendant may not be immediately available for service of the documents, or may be actively avoiding service of the same.
3. Defendants are also mailed a "Notice of Entry of Judgment," which would outline what they are to turn over to the plaintiff. This same Notice of Entry of Judgment is entered after a hearing (defendant was served a Summons and Complaint, or a default hearing because of failed service attempts and/or avoiding service. Thus, the defendant has been advised of an impending seizure of property by the courts. Written notice as already been satisfied in these cases, as service is complete upon mailing (Rule 5 of ND Rules of Civil Procedure).
4. Search Warrants where the courts have authorized the search of a party's residence/outbuildings etc and the party is not present at the time of search and seizure. Any confiscated items would be in opposition to this bill if passed.

If passed, law enforcement would be at risk for litigation, despite statutory allowances for carrying out the duties as allowed and even mandated by statute.

I respectfully urge a Do Not Pass vote for SB 2240