

LARRY J. RICHARDS

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January 25, 2021

To: Senator Jerry Klein
Chairman, North Dakota Senate Committee on
Industry, Business and Labor

From: Larry Richards, Attorney at Law

RE: Testimony Regarding Senate Bill No. 2244—County Fees for Civil Process

I have reviewed this proposed bill and wanted to express some concern...or at least to make sure you are aware of the consequences of this proposed legislation.

First, let me start by saying that I do not oppose a modest increase in how much the various Sheriff's Department charge for civil service process. I note that it has been quite awhile since they have been increased.

However, I do want to make you aware that some counties are "doubling up" the fees in various categories. For instance, when the Sheriff is requested to levy and execute a writ, they now charge \$40.00 under subdivision 5, but they also charge \$20.00 for every person that is served with the levy or writ under subdivision 1.


So, for instance, if a Judge issues a Writ of Restitution for a landlord to recover an apartment with four individuals occupying it, some Sheriff Departments--like Grand Forks County--charges \$20.00 for serving each individual in the apartment plus the \$40.00 levy fee, which means the landlord pays the Sheriff \$120.00 to do this. Now, with the proposed increases under this bill, this same landlord would now be paying \$280.00 for this same service. For proof that this is a common interpretation of the statute, I have attached a Writ showing the fees when there are just two individuals in an apartment.

Anyway, if that is your intent, I guess "so be it", but I just wanted to make sure you understand how things can get added up quickly.

Finally, please note that, while I am an attorney, I present this testimony in my individual capacity. I do not present this testimony on behalf on any individual, corporation or other entity. I have not and will not receive any compensation for the presentation of this testimony.

Thank you for your time and consideration as well as your service to the State of North Dakota

Sincerely,



Larry J. Richards
Attorney at Law



Grand Forks County Sheriff Return of Service



STATE OF NORTH DAKOTA

County of Grand Forks

Received from LARRY RICHARDS

ss. In Court: District

IRET Properties

Case No: 18-2019-CV-

Plaintiff:

vs

Defendant:

Sheriff's Sheriff No:

Return Execution No:

Civil No:

State of North Dakota
County of Grand Forks

ss.

I, Andy Schneider, Sheriff of Grand Forks County, hereby certify and return that the following documents in the above entitled action came into my hands for service on: 09/09/19

Writ of Restitution

The disposition of the service of true and correct copies of the above listed documents is as follows:

Corporal Ron Nord and Sgt. Kelly Mclean served said Writ of Restitution on on 9/10/19 by posting to the door of 2300 Library Lane #114 Grand Forks, ND. No Trespassing was posted, locks changed, and all secure.

Judgment Amount:

Interest Total:

Accrued Cost:

Judgment Amount Received:

Minus Total Fee

Check Amount:

Check Payable To:

Sheriff's Fees

Service:	\$40.00	Levy:	
Mileage:	\$15.00	Writ:	\$40.00
Postage:		Co Comm:	
Copies:	\$4.00	Cancellation:	
Admin:	\$5.00	Misc:	
		Total Fee:	\$104.00

Balance Due:

Dated at Grand Forks, North Dakota, 09/10/19

Andy Schneider

Andy Schneider
Sheriff of Grand Forks County, North Dakota

Service documents will be moved to electronic storage 15 days after notice of service is provided.