

POWER OF ATTORNEY.

CHAPTER 132.

[S. B. 149.]

POWER OF ATTORNEY.

AN ACT Requiring Agents and Attorneys to Have a Power of Attorney Authorizing the Foreclosure of Real Estate Mortgages, and Requiring it to be Filed in the Office of the Register of Deeds.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **MORTGAGES.** AGENTS AND ATTORNEYS TO HAVE POWER OF ATTORNEY.] That it shall be unlawful for any agent or attorney of any mortgagee, assignee, person or persons, firm, corporation, executor, administrator, trustee or guardian owning or controlling any real estate mortgage to foreclose the same until he shall receive a power of attorney from such mortgagee, assignee, person or persons, firm, corporation, executor, administrator, trustee or guardian, authorizing such foreclosure.

§ 2. **SALE OF REAL ESTATE BY AGENT OR ATTORNEY NOT VALID. WHEN.]** No sale of any real estate, upon foreclosure made by an agent or attorney, shall be valid for any purpose, unless said power of attorney shall be procured as herein provided and filed in the office of the register of deeds of the county wherein said real estate is located before the day fixed or appointed to make the same; provided, that any person, firm or corporation not owning such mortgage, but controlling the same, shall, in addition to furnishing said power of attorney, furnish said agent or attorney making such foreclosure a copy of the instrument authorizing such control, and a failure to do so shall invalidate such foreclosure.

Approved March 12, 1901.