
TITLES

CHAPTER 305.

[S. B. No. 332—Steele of Benville]

ADJUSTMENT OF CROSS JUDGMENTS.

AN ACT to Amend Section 7530 Revised Codes of 1905, Relating to Adjustment of Cross Judgment in Actions to Determine Conflicting Claims to Real Property.

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

§ 1. AMENDMENT.] That section 7530 of the Revised Codes of North Dakota be, and the same is hereby amended to read as follows:

§ 7530. ADJUSTMENT OF CROSS JUDGMENTS.] If the decision of the court is in favor of one party for the recovery of the real property and in favor of another for improvements, the former shall have the option for sixty days after receiving notice that the findings are filed, to pay the value of such improvements less such sums as may be found due for use and occupation and waste, or of taking judgment against the other party for the value of the land aside from the improvements, as determined by the findings, and such sums as may be found due for use and occupation and waste. If said option is not exercised in writing by said party or his attorney for him, and filed with the clerk within sixty days, the other party may thereupon exercise the option for him in like manner. If the party entitled to the possession of the property received in lieu thereof a money judgment, the other party may be subrogated to all the former's rights therein, including all the relief he would otherwise be entitled to under the findings; and judgment shall thereupon be entered accordingly. But until payment is made by the party recovering the land or tender and deposit in the office of the clerk of the court in which the action is pending no writ for the possession of the property shall be issued.

§ 2. EMERGENCY.] Whereas, an emergency exists that in the meaning of section 7530 is uncertain and obscure, therefore this law shall be in force and effect, immediately after its passage and approval.

Approved March 3, 1911.