

# AGENCY

## CHAPTER 86

SENATE BILL NO. 2323  
(Adams)

### AUCTION CLERK AUTHORITY

AN ACT to amend and reenact section 3-05-01 and subsection 3 of section 41-06-08 of the North Dakota Century Code, relating to auction clerks.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 3-05-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

3-05-01. Authority from seller. An auctioneer, in the absence of special authorization or usage to the contrary, has authority from the seller only as follows:

1. To sell by public auction to the highest bidder;
2. To sell for cash only, except such articles as usually are sold on credit at auction;
3. To warrant the title, quality, and quantity of personal property sold by him;
4. To prescribe reasonable rules and terms of sale;
5. To deliver the thing sold upon payment of the price, to the clerk of the auction; and
6. ~~To collect the price, and~~
7. To do whatever else is necessary or proper and usual in the ordinary course of business for effecting these purposes.

SECTION 2. AMENDMENT. Subsection 3 of section 41-06-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. The person or persons other than the transferor who direct, control, or are responsible for the auction, including the clerk of the auction are collectively called the "auctioneer". The auctioneer shall:
- a. Receive and retain the list of creditors and prepare and retain the schedule of property for the period stated in this chapter (section 41-06-04);
  - b. Give notice of the auction personally or by registered or certified mail at least ten days before it occurs to all persons shown on the list of creditors and to all other persons who are known to him to hold or assert claims against the transferor; and
  - c. Assure that the net proceeds of the auction are applied as provided in this chapter (section 41-06-06).

Approved March 30, 1985