

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



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DESCRIPTION

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2007 SENATE JUDICIARY

SB 2222

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. **SB 2222**

Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: January 22, 2007

Recorder Job Number: 1555

Committee Clerk Signature

Mara L. Solberg

Minutes: Relating to redemption of property.

Senator David Nething, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following testimony:

Testimony In Support of Bill:

Sen. Holberg introduced the bill.

Mr. Malcolm Brown, Real Property Probate & Trust, State Bar Assoc. (meter :04) Att. #1 Gave Testimony

Sen. Fiebiger questioned Sec. 2 Century Code 28-2402. What is wrong with the current code that warrants a change? What is the problem that this is correcting? This bill is making the language easier to read.

Sen. Olafson Line line 18-end of sentence use "by" not "on"? Yes.

Sen. Nelson Line 19, page 1 they omitted the word "the".

Sen. Fiebiger anything gives a bank a right to add an additional lien on it.? Current law takes care of this Section 7, page 4.

Testimony in Opposition of the Bill:

None

Testimony Neutral to the Bill:

None

Senator Lyson, vice-Chairman closed the hearing.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. **SB 2222**

Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: January 31, 2007

Recorder Job Number: 2437

Committee Clerk Signature

Mona L Solby

Minutes: Relating to redemption of property.

Senator David Nething, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following committee work:

Sen. Fiebiger reviewed the bill for the committee. Spoke of his concern from the bankruptcy attorneys (meter 1:20)The amendment he provided – Att. #1. **Sen. Nething** asked about Mr. Brown's amendments. Discussion (meter 2:00) and also to amend line 18 with the word "by"

Senator David Nething, Chairman closed the hearing.

Sen. Fiebiger made the motion to Do Pass the three amendments and **Sen. Nelson** seconded the motion. All members were in favor and the motion passes.

Sen. Fiebiger made the motion to Do Pass SB 2222 as amended and **Sen. Marcellais** seconded the motion. All members were in favor and the motion passes.

Carrier: **Sen. Fiebiger**

Senator David Nething, Chairman closed the hearing.

AH #1
1-31-07

Proposed Amendment to SB 2222

At page one, line 19, after "bid" insert "and any additional lien claimed pursuant to section 28-24-07"

Date: 1-31-07

Roll Call Vote # 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2222

Senate _____ Judiciary _____ Committee _____

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Mr. Brown + Sen. Fiebiger's Amend. + line 18 Do Pass

Motion Made By Sen. Fiebiger Seconded By Sen. Nelson

| Senators | Yes | No | Senators | Yes | No |
|--------------|-----|----|-----------------|-----|----|
| Sen. Nething | | | Sen. Fiebiger | | |
| Sen. Lyson | | | Sen. Marcellais | | |
| Sen. Olafson | | | Sen. Nelson | | |
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Total Yes _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 1-31-07

Roll Call Vote # 2

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2222

Senate _____ Judiciary _____ Committee _____

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass As Amended

Motion Made By Sen. Fiebiger Seconded By Sen. Marcellais

| Senators | Yes | No | Senators | Yes | No |
|--------------|-----|----|-----------------|-----|----|
| Sen. Nething | ✓ | | Sen. Fiebiger | ✓ | |
| Sen. Lyson | ✓ | | Sen. Marcellais | ✓ | |
| Sen. Olafson | ✓ | | Sen. Nelson | ✓ | |
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Total Yes 6 No 0

Absent 0

Floor Assignment Sen. Fiebiger

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2222: Judiciary Committee (Sen. Nething, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2222 was placed on the Sixth order on the calendar.

Page 1, line 18, replace "on" with "by"

Page 1, line 19, remove the overstrike over the first "~~the~~", remove the overstrike over "~~of the~~", and after "bid" insert "and any additional lien claimed under section 28-24-07"

Renumber accordingly

2007 HOUSE JUDICIARY

SB 2222

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2222

House Judiciary Committee

Check here for Conference Committee

Hearing Date: 3/7/07

Recorder Job Number: 4511

Committee Clerk Signature

D. Penrose

Minutes:

Chairman DeKrey: We will open the hearing on SB 2222.

Malcolm Brown, Real Property, Probate & Trust Section of State Bar Association: (see attached testimony). There is a change to the wording, on page 2, line 8 & 9, it should read:

"Except as provided in section 32-19-18 for redemption from foreclosure sales, the redemption period is one year from the date of sheriff's sale." That is the same intention that it has always been.

Rep. Delmore: Why did this bill come forward? Is there a committee in the State Bar looking at that section of the law.

Malcolm Brown: We have a Title Standard Committee Review that deals with real estate title issues and that would include foreclosures, how judgments are entered, how sales are held, when we look at land titles, we sometimes see problems and the Committee consists of people from around the state and we meet three or four times a year and talk about issues that have come up in everybody's practice and sometimes draft bills like this. That's the process.

Chairman DeKrey: Thank you. Further testimony in support, opposition, neutral. We will close the hearing.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2222

House Judiciary Committee

Check here for Conference Committee

Hearing Date: 3/14/07

Recorder Job Number: 5020

Committee Clerk Signature *W Penrose*

Minutes:

Chairman DeKrey: We will take a look at SB 2222.

Rep. Klemin: On line 9, delete the words "after recording the notice of levy" and insert "from the date of the sheriff's sale". I move that amendment.

Rep. Griffin: Second.

Chairman DeKrey: Further discussion. Voice vote. Motion carried. We now have the bill before us amended. What are the committee's wishes.

Rep. Griffin: I move a Do Pass as amended.

Rep. Dahl: Second.

13 YES 0 NO 1 ABSENT DO PASS AS AMENDED CARRIER: Rep. Kretschmar

70409.0201
Title.0300

Adopted by the Judiciary Committee
March 14, 2007

House Amendments to Engrossed SB 2222 (70409.0201) - Judiciary Committee
03/14/2007

Page 2, line 9, replace "after recording the notice of levy" with "from the date of the sheriff's sale"

Renumber accordingly

Date: 3/14/07
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2222

House JUDICIARY Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as Amended

Motion Made By Rep. Guffin Seconded By Rep. Dahl

| Representatives | Yes | No | Representatives | Yes | No |
|-----------------|-----|----|-----------------|-----|----|
| Chairman DeKrey | ✓ | | Rep. Delmore | ✓ | |
| Rep. Klemin | ✓ | | Rep. Griffin | ✓ | |
| Rep. Boehning | ✓ | | Rep. Meyer | ✓ | |
| Rep. Charging | | | Rep. Onstad | ✓ | |
| Rep. Dahl | ✓ | | Rep. Wolf | ✓ | |
| Rep. Heller | ✓ | | | | |
| Rep. Kingsbury | ✓ | | | | |
| Rep. Koppelman | ✓ | | | | |
| Rep. Kretschmar | ✓ | | | | |
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Total (Yes) 13 No 0

Absent 1

Floor Assignment Rep. Kretschmar

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2222, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2222 was placed on the Sixth order on the calendar.

Page 2, line 9, replace "after recording the notice of levy" with "from the date of the sheriff's sale"

Renumber accordingly

2007 SENATE JUDICIARY

CONFERENCE COMMITTEE

SB 2222

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2222

Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: April 2, 2007

Recorder Job Number: 5679

Committee Clerk Signature *Maria L. Solberg*

Minutes: Relating to redemption of property.

Senator Lyson, Chairman of the conference committee called the members to order. All Senators and Representatives were present. The hearing opened with the following work:

Senator Lyson requested the house to review there amendment;

Rep. Kretschmar reviewed the history of the bill. The language in the amendment was from Mr. Brown, the language in the bill was incorrect and the change is what is in current law.

Sen. Nething stated that they do not record a notice of levy and due to that you do not have a date to go by. The sheriff sale date becomes a date legally.

Sen. Nething made the motion that the Senate accedes to the House amendment and **Sen. Fiebiger** seconded the motion. All members were in favor and the motion passes.

Senator Lysno, Chairman closed the hearing.

**REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)**

3:00

Bill Number 2222 (, as (re)engrossed):

Date: 4-2-07

Your Conference Committee _____

For the Senate:

For the House:

| | W | N | | Y | N |
|-------------------|---|---|-----------------|---|---|
| Sen. Lyson | ✓ | | Rep. Kretschmar | ✓ | |
| Sen. Nething (1) | ✓ | | Rep. Kingsbury | ✓ | |
| Sen. Fiebiger (2) | ✓ | | Rep. Meyer | ✓ | |

recommends that the (SENATE/HOUSE) (ACCEDE) (to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) 883 -- _____

_____ and place _____ on the Seventh order.

_____, adopt (further) amendments as follows, and place _____ on the Seventh order:

having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

HOUSE CARRIER: _____

SENATE CARRIER: _____

| | |
|-----------------------------------|----------------|
| LC NO. | of amendment |
| LC NO. | of engrossment |
| Emergency clause added or deleted | |
| Statement of purpose of amendment | |

MOTION MADE BY: _____

SECONDED BY: _____

VOTE COUNT: ___ YES ___ NO ___ ABSENT

REPORT OF CONFERENCE COMMITTEE

SB 2222, as engrossed: Your conference committee (Sens. Lyson, Nething, Fiebiger and Reps. Kretschmar, Kingsbury, S. Meyer) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 883 and place SB 2222 on the Seventh order.

Engrossed SB 2222 was placed on the Seventh order of business on the calendar.

2007 TESTIMONY

SB 2222

Att # 1
1-22-07

Senate Judiciary Committee
January 22, 2007

Senate Bill 2222

Testimony of Malcolm H. Brown on behalf of the Real Property, Probate and Trust Section of the State Bar Association.

Senate Bill 2222 relates to changes in several sections of Chapter 28-24 N.D.C.C., Redemption of Real Estate. These amendments were drafted by members of our Section that deal with execution sales and redemptions from those sales. I believe that the proposed amendments are generally clean ups of the various sections referenced. I know from personal experience that often one has to read the existing sections several times to figure out what to do to effectuate a redemption. Recently the Supreme Court reviewed a case that had several successive redemptions by various judgment creditors. The successive redemptions were based, in part I believe, on confusion as to the proper procedure under Chapter 28-24. We would hope that the amendments in this bill would avoid confusion.

I would suggest two amendments. At line 19 on page 1, I believe that the word "the" should precede the word "amount" and precede the word "bid". At line 13 on page 3 I would suggest the retention of the current title to that section.

House Judiciary Committee
March 7, 2007

Senate Bill 2222

Testimony of Malcolm H. Brown on behalf of the Real Property, Probate and Trust Section of the State Bar Association.

Senate Bill 2222 relates to changes in several sections of Chapter 28-24 N.D.C.C., Redemption of Real Estate. These amendments were drafted by members of our Section that deal with execution sales and redemptions from those sales. I believe that the proposed amendments are generally clean ups of the various sections referenced. I know from personal experience that often one has to read the existing sections several times to figure out what to do to effectuate a redemption. Recently the Supreme Court reviewed a case that had several successive redemptions by various judgment creditors. The successive redemptions were based, in part I believe, on confusion as to the proper procedure under Chapter 28-24. We would hope that the amendments in this bill would avoid confusion.

I apologize for not catching this sooner, but the legislative council re-draft of our bill added some language that needs to be changed. On page 2, line 8 and 9, the new language should read:

Except as provided in section 32-19-18 for redemption from foreclosure sales, the redemption period is one year from the date of the sheriff's sale.