

SENATE BILL NO. 2259

Introduced by

Senators Traynor, Krebsbach

1 A BILL for an Act to amend and reenact section 28-26-04 of the North Dakota Century Code,
2 relating to attorney's fees in actions to collect debts or enforce obligations.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 28-26-04 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **28-26-04. Attorney's fee in instrument void.** ~~Any provision contained in any note,~~
7 ~~bond, mortgage, security agreement, or other evidence of debt~~ A contractual provision that
8 provides for the payment of an attorney's fee in case of default in payment or in proceedings
9 ~~had to collect such a~~ note, bond, or evidence of debt, or to foreclose ~~such a~~ mortgage or
10 security agreement, ~~is against public policy and void~~ may allow only the payment of reasonable
11 attorney's fees.