

LIENS

CHAPTER 284

HOUSE BILL NO. 1195

(Representative Klemin)
(Senator Trenbeath)

ATTORNEY'S LIENS

AN ACT to amend and reenact section 35-20-08 of the North Dakota Century Code, relating to attorney's liens.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 35-20-08 of the North Dakota Century Code is amended and reenacted as follows:

35-20-08. Attorney's lien - ~~On papers~~ - On money - Against a judgment.

An attorney has a lien for a general balance of compensation in and for each case upon:

1. ~~Any papers belonging to his client which have come into his hands in the course of his professional employment in the case for which the lien is claimed.~~
2. Money in ~~his~~ the attorney's hands belonging to ~~his~~ the attorney's client in the case.
3. ~~2.~~ Money due ~~his~~ the attorney's client in the hands of the adverse party, or attorney of such party, in an action or proceeding in which the attorney claiming the lien was employed, from the time of giving notice in writing to ~~such~~ the adverse party, or the attorney of such party if the money is in the possession or under the control of such attorney, which notice must state the amount claimed and in general terms for what services. After judgment in any court of record, the notice may be given and the lien made effective against the judgment debtor by entering the same in the judgment docket opposite the entry of the judgment.

Approved March 27, 2003

Filed March 28, 2003

CHAPTER 285

SENATE BILL NO. 2292

(Senators Cook, Lyson)

(Representatives Devlin, Eckre, Porter)

LANDLORD'S MOBILE HOME LIENS

AN ACT to amend and reenact section 35-20-17 of the North Dakota Century Code, relating to landlord's mobile home liens.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 35-20-17 of the North Dakota Century Code is amended and reenacted as follows:

35-20-17. Landlord's mobile home lien. A landlord of a mobile home lot has a lien for accrued rents, storage, and removal ~~of relating to~~ any mobile home left on the lot after the tenant has vacated the premises after an eviction or the expiration of the lease term. A lien under this section does not have priority over a prior perfected security interest in the property. A holder of a lien under this section may retain possession of the mobile home subject to the lien until the amount due is paid. A lienholder may sell a mobile home thirty days after the lienholder mails notice of the lien to the owner of the mobile home and secured parties of record. After the sale, the lienholder shall forward to the former owner any money resulting from the sale of the mobile home in excess of the amount owed to the lienholder for accrued rents, storage, and removal ~~of relating to~~ the mobile home. If the location of the former mobile home owner is not known, any money from a sale in excess of the amount owed is presumed abandoned under chapter 47-30.1.

Approved March 12, 2003

Filed March 12, 2003