

# JUDICIAL PROCEDURE, CIVIL

## CHAPTER 212

S. B. No. 112

(Brooks, Erickstad, Garaas, Holand,  
(Knudson, Longmire, Wartner)

### LIS PENDENS; LIMITATION OF NOTICE

#### AN ACT

Relating to lis pendens and limiting the time during which lis pendens shall constitute notice.

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

**§ 1. Lis Pendens; Notice; Limitation Of Ten Years.)** On and after January 1, 1958, no lis pendens now of record or hereafter filed shall be notice, either actual or constructive, of the pendency of any action or of any of the matters referred to in the court files and records pertaining to the action noticed by such lis pendens, after such lis pendens has been of record for ten years unless a new notice of lis pendens in the same action is recorded within said ten years. The effect of any lis pendens which has been of record for ten years upon the effective date of this Act may be preserved by the recording of a new notice of lis pendens in the same action on or before December 31, 1957. Nothing contained in this Act shall increase the effect or lengthen the term for which a lis pendens is notice under any existing law nor create a right to renew the operation of a lis pendens already barred by any existing law.

Approved March 2, 1957.

## CHAPTER 213

S. B. No. 227  
(Brooks)

## CHALLENGE OF JURORS

## AN ACT

To amend and reenact section 28-1405 of the 1953 Supplement to the North Dakota Revised Code of 1943 relating to challenge of jurors.

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

§ 1. **Amendment.)** Section 28-1405 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**28-1405. Challenges: Classification; By Whom; Number Allowed.)** Either party may challenge the jurors, but when there are several parties on either side, they must join in a challenge before it can be made unless the court, for due cause shown, shall permit otherwise. The challenges are to individual jurors and are either peremptory or for cause. Each party is entitled to six peremptory challenges. If no peremptory challenges are taken until the panel is full, they must be taken by the parties alternately, commencing with the plaintiff; but a waiver as to the jurors then empaneled shall not constitute a waiver of the right to challenge jurors subsequently empaneled.

Approved March 12, 1957.

## CHAPTER 214

S. B. No. 115

(Brooks, Erickstad, Garaas, Holand,  
(Knudson, Longmire and Wartner)

## NOTICE OF ENTRY OF JUDGMENT

## AN ACT

To amend and reenact section 28-2011 of the North Dakota Revised Code of 1943, relating to entry of judgment and providing for notice to subsequent purchaser or encumbrancer when certified copy of judgment is recorded; and providing for an effective date.

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

§ 1. **Amendment.**) Section 28-2011 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**28-2011. How Judgment Entered: Notice When Certified Copy Recorded.**) The judgment shall be entered in the judgment book and shall specify clearly the relief granted or other determination of the action, but the entry of any judgment affecting the title or possession of real property, except judgments required to be docketed under the provisions of section 28-2013, shall not be notice of its contents or constructive notice of such judgment to a subsequent bona fide purchaser or encumbrancer, nor to a privy of any party to such judgment who is otherwise a subsequent purchaser or encumbrancer in good faith, and for a valuable consideration, until a certified copy of such judgment shall be recorded in the office of the register of deeds in the county in which such property is located. Any judgment entered prior to the effective date of this Act shall cease to constitute constructive notice thereof after one year from the effective date of this Act unless recorded as provided herein.

Approved March 9, 1957.

## CHAPTER 215

H. B. No. 566  
(Van Sickle)

## DISBURSEMENTS TAXED IN JUDGMENT

## AN ACT

To amend and reenact section 28-2606 of the North Dakota Revised Code of 1943 relating to disbursements taxed in judgment.

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

§ 1. **Amendment.**) Section 28-2606 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**28-2606. Disbursements Taxed In Judgment.)** In all actions and special proceedings, the clerk must tax as a part of the judgment in favor of the prevailing party his necessary disbursements as follows:

1. The legal fees of witnesses and of referees and other officers;
2. The necessary expenses of taking depositions and of procuring evidence necessarily used or obtained for use on the trial;
3. The legal fees for publication, when publication is made pursuant to law;
4. The legal fees of the court reporter for a transcript of the testimony when such transcript is used on motion for a new trial or in preparing a statement of the case; and
5. The fees of expert witnesses. Such fees shall not exceed fifty dollars per day for each witness, plus his actual expense. The following shall nevertheless be in the sole discretion of the trial court:
  - a. The number of expert witnesses who shall be allowed fees or expenses;
  - b. The amount of fees to be paid such allowed expert witnesses, up to the fifty-dollar per day individual limitation; and
  - c. The amount of costs for actual expenses to be paid such allowed expert witnesses.

Approved March 12, 1957.