

COUNTY JUSTICE COURT

CHAPTER 333

HOUSE BILL NO. 1340

(Representatives Kempenich, Huether, Laughlin)
(Senators Kinnoin, Mutch, Tennefos)

EVICTION ACTIONS

AN ACT to create and enact a new subsection to section 33-06-01 of the North Dakota Century Code, relating to maintenance of eviction actions; and to amend and reenact section 33-06-02 of the North Dakota Century Code, relating to service of notice of intention to evict.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 33-06-01 of the 1993 Supplement to the North Dakota Century Code is created and enacted as follows:

The lessee violates a material term of the written lease agreement between the lessor and lessee.

SECTION 2. AMENDMENT. Section 33-06-02 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

33-06-02. Appearance - Notice of intention to evict - When required - When and how served. In any action for eviction the time specified in the summons for the appearance of the defendant may not be less than three nor more than fifteen days from the date on which it is issued. In all cases arising under subsections 4, 5, and 6 of section 33-06-01 and section 1 of this Act, three days' written notice of intention to evict must be given to the lessee, subtenant, or party in possession, before proceedings can be instituted. The notice may be served and returned as a summons is served and returned or, if the party cannot be found, then by the sheriff of the county or a process server posting the notice conspicuously upon the premise premises. Service by delivery of a copy of the summons to the defendant in person within the county must be made at least three days before the time fixed for the appearance of the defendant. Service elsewhere or personal service in any other mode must be made at least seven days before the time fixed for the appearance of the defendant.

Approved March 21, 1995
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