

HOUSE BILL NO. 431

INTRODUCED BY NATHE

IN THE HOUSE

January 23, 1985	Introduced and referred to Committee on Local Government.
January 26, 1985	Rereferred to Committee on Judiciary.
February 16, 1985	Committee recommend bill do not pass.
February 18, 1985	Objection to adverse committee report.
	Bill printed and placed on members' desks.
February 19, 1985	Second reading, do pass as amended.
	Correctly engrossed.
February 20, 1985	Third reading, passed.
	Transmitted to Senate.

IN THE SENATE

February 22, 1985	Introduced and referred to Committee on Local Government.
March 13, 1985	Committee recommend bill be concurred in. Report adopted.
March 15, 1985	Second reading, concurred in.
March 18, 1985	Third reading, concurred in. Ayes, 47; Noes, 2.
	Returned to House.

IN THE HOUSE

March 19, 1985

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

1 House BILL NO. 4312 INTRODUCED BY NATH

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE ALL
 5 SHERIFF'S SALES TO BE PUBLICLY POSTED AND ADVERTISED IN A
 6 NEWSPAPER AT LEAST 1 WEEK BEFORE THE SALE; AMENDING SECTION
 7 25-13-701, MCA."

8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 25-13-701, MCA, is amended to read:
 11 "25-13-701. Notice of sale on execution. (1) Before
 12 the sale of the property on execution, notice thereof must
 13 be given as follows:

14 {a}--in-case-of-perishable-property, by posting written
 15 notice of the time and place of the sale for at least 1 week
 16 in three public places of the township or city where the
 17 sale is to take place, for such time as may be reasonable
 18 considering the character and condition of the property;

19 {b}--in-case-of-other-personal-property, by posting a
 20 similar notice in three public places in the township or
 21 city where the sale is to take place, for not less than 5
 22 days or more than 10 days;

23 {c}--in-case-of-real-property, by posting a similar
 24 notice, and also where the property is to be sold, which may
 25 be either at the courthouse or on the premises, particularly

1 describing the property, for 20 days in three public places
 2 of the township or city where the property is situated and
 3 also where the property is to be sold, which may be either
 4 at the courthouse or on the premises, and publishing a copy
 5 thereof once at least 1 week for the same period before
 6 the sale in some newspaper published in the county, if there
 7 be one, which notice shall be substantially as follows:

8 SHERIFF'S SALE

9 , Plaintiff,

10 vs.

11 , Defendant,

12 To be sold at sheriff's sale on the day of,
 13 19..., at (Here insert brief description of
 14 property.)

15 Signed, Sheriff
 16 (2) Any sheriff publishing a notice not in accordance
 17 with the form set forth in subsection (1) to and which shall
 18 cost more than such a notice shall not be entitled to any
 19 costs for publication of the same but shall be personally
 20 liable for the payment of such publication."

-End-

INTRODUCED BILL

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1 describing the property, for 20 days in three public places
2 of the township or city where the property is situated and
3 also where the property is to be sold, which may be either
4 at the courthouse or on the premises; and publishing a copy
5 thereof once a at least 1 week for the same period before
6 the sale in some newspaper published in the county, if there
7 be one, which notice shall be substantially as follows:

SHERIFF'S SALE

9, Plaintiff,

10 vs.

11 Defendant

12 . To be sold at sheriff's sale on the day of,
13 19.., at (Here insert brief description of
14 property.)

-End-

HOUSE BILL NO. 431

INTRODUCED BY NATHE

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE ALL SHERIFF'S SALES OF NONPERISHABLE PERSONAL PROPERTY TO BE PUBLICLY POSTED AND ADVERTISED IN A NEWSPAPER AT LEAST 1 WEEK BEFORE THE SALE; AMENDING SECTION 25-13-701, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 25-13-701, MCA, is amended to read: "25-13-701. Notice of sale on execution. (1) Before the sale of the property on execution, notice thereof must be given as follows:

(a) in case of perishable property, by posting written notice of the time and place of the sale for at least 1 week in three public places of the township or city where the sale is to take place, for such time as may be reasonable considering the character and condition of the property;

(b) in case of other personal property, by posting a similar notice in three public places in the township or city where the sale is to take place, for not less than 5 days or more than 10 days;

(c) in case of real property, by posting a similar notice, and also where the property is to be sold, which may be either at the courthouse or on the premises, particularly

describing the property, for 20 days in three public places of the township or city where the property is situated and also where the property is to be sold, which may be either at the courthouse or on the premises, and publishing a copy thereof once a at least 1 week for the same period before the sale in some newspaper published in the county, if there be one, which notice shall be substantially as follows:

SHERIFF'S SALE

Plaintiff,

--vs--

Defendant,

To be sold at sheriff's sale on the _____ day of _____, 19____, at _____ (Here insert brief description of property.)

Signed _____ Sheriff
(2) Any sheriff publishing a notice not in accordance with the form set forth in subsection (1)(c) and which shall cost more than such a notice shall not be entitled to any costs for publication of the same but shall be personally liable for the payment of such publication."

SECTION 25-13-701, MCA, IS AMENDED TO READ:

"25-13-701. Notice of sale on execution. (1) Before the sale of the property on execution, notice thereof must be given as follows:

(a) in case of perishable property, by posting written

1 notice of the time and place of the sale in three public
2 places of the township or city where the sale is to take
3 place, for such time as may be reasonable considering the
4 character and condition of the property;

12 (c) in case of real property, by posting a similar
13 notice, particularly describing the property, for 20 days in
14 three public places of the township or city where the
15 property is situated and also where the property is to be
16 sold, which may be either at the courthouse or on the
17 premises, and publishing a copy thereof once a week for the
18 same period in some newspaper published in the county, if
19 there be one, which notice shall be substantially as
20 follows:

SHERIFF'S SALE

22, Plaintiff,

23

24. Defendant.

25 To be sold at sheriff's sale on the day of,

1 19..., at (Here insert brief description of
2 property.)

Signed Sheriff

4 (2) Any sheriff publishing a notice not in accordance
5 with the form set forth in subsection (1)(c) and which shall
6 cost more than such a notice shall not be entitled to any
7 costs for publication of the same but shall be personally
8 liable for the payment of such publication."

-End-

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section-25-13-7017-MCA, is amended to read:
11 "25-13-7017--Notice--of--sale-on-execution--{(1)}--Before
12 the sale of the property on execution, notice--thereof--must
13 be given as follows:

14 (a)--in-case-of-perishable-property,-by-posting-written
15 notice-of-the-time-and-place-of-the-sale for-at-least-1-week
16 in--three--public--places--of-the-township-or-city-where-the
17 sale-is-to-take-place,-for-such-time-as--may--be--reasonable
18 considering-the-character-and-condition-of-the-property;

19 {b}--in--case--of--other--personal--property,--by--posting--a
20 similar--notice--in--three--public--places--in--the--township--or
21 city--where--the--sale--is--to--take--place,--for--not--less--than--5
22 days--or--more--than--10--days;

23 (c)--in-case-of-real-property,--by--posting--a--similar
24 notice, and--also--where--the--property--is--to--be--sold,--which--may
25 be--either--at--the--courthouse--or--on--the--premises,--particularly

1 describing--the-property,-for-20-days-in-three-public-places
2 of-the-township-or-city-where-the-property-is--situated--and
3 also--where--the-property-is-to-be-sold,-which-may-be-either
4 at-the-courthouse-or-on-the-premises,-and-publishing-a--copy
5 thereof--once--a at-least-1 week-for-the-same-period before
6 the-sale-in-some-newspaper-published-in-the-county,-if-there
7 be-one,-which-notice-shall-be-substantially-as-folows:-

SHERIFF'S SALE

77777-Plaintiff,

--VS--

77777-Defendant:

To-be-sold-at-sheriff's-sale-on-the-----day--of----
19----at-----{Here-insert-brief-description-of
property--t

Signed----- Sheriff

{2}--Any-sheriff-publishing-a-notice-not-in--accordance
with-the-form-set-forth-in-subsection-{1}(c)--and-which-shall
cost--more--than--such-a-notice-shall--not-be-entitled-to-any
costs-for-publication-of-the-same-but--shall--be--personally
liable-for-the-payment-of-such-publication--"

SECTION 25-13-701, MCA, IS AMENDED TO READ:

"25-13-701. Notice of sale on execution. (1) Before the sale of the property on execution, notice thereof must be given as follows:

(a) in case of perishable property, by posting written



1 notice of the time and place of the sale in three public
2 places of the township or city where the sale is to take
3 place, for such time as may be reasonable considering the
4 character and condition of the property;

5 (b) in case of other personal property, by posting a
6 similar notice in three public places in the township or
7 city where the sale is to take place, for not less than 5
8 days or more than 10 days, and by publishing a copy of the
9 notice at least 1 week before the sale in a newspaper of
10 general circulation published in the county, if there be
11 one;

12 (c) in case of real property, by posting a similar
13 notice, particularly describing the property, for 20 days in
14 three public places of the township or city where the
15 property is situated and also where the property is to be
16 sold, which may be either at the courthouse or on the
17 premises, and publishing a copy thereof once a week for the
18 same period in some newspaper published in the county, if
19 there be one, which notice shall be substantially as
20 follows:

SHERIFF'S SALE

22 Plaintiff,

vs.

24 *....., Defendant,*

25 To be sold at sheriff's sale on the day of,

1 19..., at (Here insert brief description of
2 property.)

Signed Sheriff

4 (2) Any sheriff publishing a notice not in accordance
5 with the form set forth in subsection (1)(c) and which shall
6 cost more than such a notice shall not be entitled to any
7 costs for publication of the same but shall be personally
8 liable for the payment of such publication."

-End-