

HOUSE BILL NO. 790

INTRODUCED BY RAMIREZ

IN THE HOUSE

February 11, 1985	Introduced and referred to Committee on Judiciary.
February 20, 1985	Committee recommend bill do pass. Report adopted.
	Bill printed and placed on members' desks.
February 22, 1985	Second reading, do pass.
	Considered correctly engrossed.
February 23, 1985	Third reading, passed.
	Transmitted to Senate.

IN THE SENATE

March 4, 1985	Introduced and referred to Committee on Judiciary.
March 13, 1985	Committee recommend bill be concurred in. Report adopted.
March 16, 1985	Second reading, concurred in.
March 19, 1985	Third reading, concurred in. Ayes, 50; Noes, 0.
	Returned to House.

IN THE HOUSE

March 20, 1985	Received from Senate.
	Sent to enrolling.
	Reported correctly enrolled.

1 HOUSE BILL NO. 790
2 INTRODUCED BY Ramsey
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY WHEN A LOAN
5 GUARANTY IS AN UNCONDITIONAL CONTRACT FOR THE DIRECT PAYMENT
6 OF MONEY UPON WHICH A WRIT OF ATTACHMENT MAY BE ISSUED;
7 AMENDING SECTION 27-18-101, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 27-18-101, MCA, is amended to read:
11 "27-18-101. Cases in which property may be attached.

12 (1) Property may be attached in:

13 (a) an action upon a contract, express or implied, for
14 the direct payment of money where the contract:

15 (i) is not secured by any mortgage or lien upon real
16 property; or

17 (ii) is originally secured and such security has,
18 without any act of the plaintiff or the person to whom the
19 security was given, become valueless; and

20 (b) an action based upon a statutory stockholders'
21 liability.

22 (2) Attachment may not issue if the defendant gives
23 security to pay the judgment.

24 (3) For the purpose of this section, the guaranty of a
25 loan in which the only condition precedent to the obligation

1 of the guarantor is the default of the principal is an
2 unconditional contract for the direct payment of money."

-End-



-2- INTRODUCED BILL
HB 790

APPROVED BY COMMITTEE
ON JUDICIARY

1 HOUSE BILL NO. 790
2 INTRODUCED BY Ramirez

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