

**N.D.A.G. Letter to Meyer (Jan. 26, 19887)**

January 26, 1987

Honorable Ray Meyer  
State Representative  
House Chambers  
State Capitol  
Bismarck, ND 58505

Dear Representative Meyer:

Thank you for your letter of January 16, 1987, concerning the application of the divestment period in N.D.C.C. § 10-06-13.

N.D.C.C. § 10-06-13(5) states as follows:

5. Unless retention of the farmland or ranchland is permitted under subsection 6 or 7, all farmland or ranchland acquired as security for indebtedness, in the collection of debts, or by the enforcement of a lien or claim shall be disposed of within three years after acquiring ownership, if the acquisition would otherwise violate this chapter.

N.D.C.C. § 28-24-14 states as follows (concerning redemption of real estate):

28-24-14. Effect of sheriff's deed -- Contents. -- The sheriff's deed shall be sufficient evidence of the legality of the sale and the proceedings therein, until the contrary is proved, and shall vest in the grantee as good and perfect a title in the premises therein mentioned and described as was vested in the debtor at or after the time when such real property became liable to the satisfaction of the judgment. Such deed must recite the execution or executions, or the substance thereof, and the names of the parties, the amount and date of rendition of the judgment by virtue whereof the said real property was sold, and must be executed, acknowledged, or proved and recorded as may be provided by law to perfect the conveyance of real property in other cases. (Emphasis supplied.)

In answer to your question, then, an executed deed, as of the date of execution, begins the period for divestment, not the date of the sheriff's sale.

Sincerely,

Nicholas J. Spaeth

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