

CHAPTER 21-02.1

EVIDENCE OF INDEBTEDNESS PROCEEDINGS - JUDICIAL REVIEW

21-02.1-01. Proceedings to judicially confirm evidence of indebtedness proceedings. Any political subdivision of the state authorized to issue evidence of indebtedness, prior to or subsequent to adoption of any or all of the proceedings regarding the issuance of that evidence of indebtedness or proceedings relating to the payment of that evidence of indebtedness may commence a special proceeding in district court to have those proceedings judicially examined, approved, and confirmed or disapproved.

21-02.1-02. Petition by political subdivision of the state for court to examine and approve evidence of indebtedness proceedings - Contents of petition. Any political subdivision of the state may file in the district court of any county in which the political subdivision is situated, in whole or in part, a petition, prior to or subsequent to issuance of any evidence of indebtedness, requesting that any or all of the proceedings regarding the issuance or payment of the evidence of indebtedness be examined, approved, and confirmed by the court. The petition must state the facts concerning the proceedings and that the petitioner is a political subdivision of the state.

21-02.1-03. Hearing of petition - Notice of filing and hearing. The court shall fix the time for the hearing of the petition provided for in this chapter and shall order the clerk of court to have published a notice of the filing of the petition, stating the time and place the court will hear the petition, and stating that any person interested in the proceedings for the issuance or payment of the evidence of indebtedness, on or before the day fixed for hearing of the petition, may answer the petition. The petition may be referred to and described in the notice as the petition of the named political subdivision requesting that the proceedings be examined, approved, and confirmed by the court. Notice must be given by publication in the official newspaper of the county in which the petition is filed, once each week for two consecutive weeks. The hearing must be held, in the discretion of the court, not less than fifteen days nor more than sixty days after the last publication of the notice.

21-02.1-04. Answer to petition - Defense by person interested. Any person interested in the proceedings for issuance or sale of the evidence of indebtedness or proceedings relating to the payment of the evidence of indebtedness may answer the petition. The provisions of title 28 and the North Dakota Rules of Civil Procedure relating to the answer to a complaint are applicable to an answer to a petition. The person answering the petition must be the defendant in the special proceeding and the political subdivision must be the plaintiff. Every material statement of the petition not specifically controverted by the answer, for the purpose of the special proceeding, is to be taken as true. Each person failing to answer the petition is deemed to admit as true all the material statements of the petition. The rules of pleading and practice provided by title 28 and the North Dakota Rules of Civil Procedure which are not inconsistent with the provisions of this chapter are applicable to the special proceeding provided for in this chapter.

21-02.1-05. Powers of court upon trial - Amendment of petition. At the time and place for the hearing, the court shall find and determine whether the notice of the filing of the petition has been published. When the court has determined that it has jurisdiction to hear the petition, it shall proceed with the hearing and shall conduct the hearing as in the case of a trial of a civil action without a jury. The court shall examine into and determine the legality and validity of the proceedings and all matters affecting the legality or validity of proceedings for the issuance or payment of the evidence of indebtedness. The court shall disregard any error, irregularity, or omission which does not affect the substantial rights of the parties to the hearing. The court shall permit the petition to be amended so as to conform to the evidence and facts presented at the hearing.

21-02.1-06. Conclusion of hearing - Findings - Decree - Costs of hearing - Filing copies of findings. Upon the conclusion of the hearing the court shall determine the legality and validity of the proceedings for the issuance or payment of the evidence of indebtedness and shall determine the validity and legality of any other matter properly before the court. The court

shall prepare its findings of fact and conclusions of law and shall order that the decree of the court be entered.