

## **CHAPTER 58-14**

### **SUITS BY AND AGAINST TOWNSHIPS**

**58-14-01. Action by or against township - Procedure - Effect and judgment.**

Whenever any controversy or claim for relief exists between townships or between a township and a person, a civil action may be commenced and prosecuted for the purpose of trying and determining the controversy. The action must be conducted as any other action or proceeding of a similar kind is conducted.

**58-14-02. Township to sue and be sued in its name.** In all actions and proceedings, the township shall sue and be sued in its name.

**58-14-03. Supervisors of township to provide for defense.** When a township is sued, the member of the board of township supervisors upon whom service of process is made shall call a special meeting of the board within six days after service. At the special meeting, the board shall provide for the defense of the action and employ counsel for that purpose. The expense of the defense must be audited by the board and paid out of any unappropriated funds in the township treasury.

**58-14-04. Action on behalf of township cannot be brought before township justice.** Repealed by omission from this code.

**58-14-05. Recovery in cases of trespass.** If it appears, on the trial of an action brought by a township to recover a penalty imposed for trespass committed on township lands, that the actual amount of injury to the township lands exceeds the sum of twelve dollars and fifty cents, the amount of actual damage with costs of the suit must be recovered in such action instead of the penalty imposed by the township bylaws. Such recovery is a bar to all other actions for the same trespass.

**58-14-06. Payment of judgment against township.** When a judgment is recovered against any township, an execution may not be issued upon the judgment, but the judgment, unless reversed or stayed on appeal, must be paid by the township treasurer upon demand and the delivery to the township treasurer of a certified copy of the docket of the judgment if there is sufficient money of the township in the treasurer's hands not otherwise appropriated. If the treasurer, after having been ordered to pay such judgment by the board of township supervisors, fails to pay it when there is sufficient unappropriated money on hand with which to do so, the township treasurer personally is liable for the amount unless collection thereof afterwards is stayed upon appeal.

**58-14-07. When judgment against township is not satisfied supervisors to make levy.** When a certified copy of an unsatisfied final judgment entered against a township is presented to the annual meeting of the township, the board of township supervisors shall make a levy in an amount sufficient to pay such judgment and shall certify the levy to the county auditor for computation and collection as other township taxes are levied and collected.

**58-14-08. When execution may issue on judgment against township.** If the township makes a levy for the payment of a judgment, the moneys derived from such levy shall be used for no other purpose. If the amount received by the township treasurer from the county treasurer on such levy is not paid upon such judgment within thirty days after its receipt, execution may be issued, but only township property is subject to levy.