

## **CHAPTER 32-10 RECEIVERS**

### **32-10-01. Receiver - When appointed.**

A receiver may be appointed by the court in which an action is pending, or by a judge thereof:

1. In an action by a vendor to vacate a fraudulent purchase of property, or by a creditor to subject any property or fund to the creditor's claim, or between partners or others jointly owning or interested in any property or fund, on the application of the plaintiff, or of any party whose right to or interest in the property or fund or the proceeds thereof is probable, and when it is shown that the property or fund is in danger of being lost, removed, or materially injured.
2. In an action by a mortgagee for the foreclosure of the mortgage and sale of the mortgaged property, when it appears that the mortgaged property is in danger of being lost, removed, or materially injured, or that the conditions of the mortgage have not been performed and that the property is probably insufficient to discharge the mortgage debt.
3. After judgment, to carry the judgment into effect.
4. After judgment, to dispose of the property according to the judgment or to preserve it during the pendency of an appeal, or in proceedings in aid of execution, when an execution has been returned unsatisfied, or when the judgment debtor refuses to apply the debtor's property in satisfaction of the judgment.
5. In the cases provided in this code, when a corporation or limited liability company has been dissolved, or is insolvent or in imminent danger of insolvency, or has forfeited its corporate rights, and in like cases within this state, of foreign corporations and of foreign limited liability companies.
6. In all other cases in which receivers heretofore have been appointed by the usages of courts of equity.

### **32-10-02. Who may be receiver - Undertaking by applicant.**

No party or person interested in an action can be appointed receiver therein without the written consent of the opposing party filed with the clerk. If a receiver is appointed upon an ex parte application, the court before making the order may require from the applicant an undertaking with sufficient sureties in an amount to be fixed by the court, to the effect that the applicant will pay to the defendant all damages the defendant may sustain by reason of the appointment of such receiver and the entry by the receiver upon the receiver's duties, in case the applicant shall have procured such appointment wrongfully, maliciously, or without sufficient cause, and the court in its discretion at any time after said appointment may require an additional undertaking.

### **32-10-03. Qualification of receiver.**

Before entering upon the duties of receiver, the receiver must be sworn to perform them faithfully, and, with one or more sureties approved by the court or judge, must execute an undertaking to such person and in such sum as the court may direct, to the effect that the receiver will faithfully discharge the duties of receiver in the action and will obey the orders of the court therein.

### **32-10-04. Powers.**

The receiver, under the control of the court, has power to bring and defend actions in the receiver's own name as receiver, to take and keep possession of the property, to receive rents, to collect debts, to compromise the same, to make transfers, and generally to do such acts respecting the property as the court may authorize.

**32-10-05. Investment of funds on consent.**

Funds in the hands of a receiver may be invested upon interest by order of the court, but no such order can be made except upon the consent of all the parties to the action.