

CHAPTER 32-26
ADMINISTRATION OF ASSIGNMENT FOR BENEFIT OF CREDITORS

32-26-01. District court has supervision.

When any person, partnership, corporation, or limited liability company in this state shall make an assignment for the benefit of creditors, or a trust deed, or the whole or any substantial part of the property of such person, partnership, corporation, or limited liability company, the same shall be administered under the supervision of the district court.

32-26-02. Public administrator as receiver.

The making of an assignment shall be cause for the appointment of a receiver of the property of the assignor, and the public administrator of the county wherein the greater part of the assets of such assignor shall be situated, either on the public administrator's own petition or on the petition of any creditor of the assignor, shall be appointed receiver of the property of such assignor, and shall proceed to administer and distribute the same in the place and stead of the assignee named in such assignment, and, as nearly as may be, in accordance with the terms and provisions of such assignment, under the supervision of the district court.

32-26-03. When property in several counties.

When the property of the assignor is situated in different counties, the public administrator of any county wherein a portion of such property is situated, first petitioning, shall be entitled to be appointed receiver as aforesaid, but the court thereafter on the petition of any creditor or public administrator, and on the facts being shown to its satisfaction, shall vacate such appointment and shall appoint as receiver the public administrator of the county wherein the greater part of the assignor's property is situated.

32-26-04. When assignee may act.

In case of failure of any creditor or public administrator to apply for the appointment of a receiver as herein provided, the estate may be administered by the assignee appointed in the assignment, but shall be administered and distributed under the supervision of the district court.

32-26-05. Sales - Fees and expenses - Subject to approval of court.

Property of an estate shall be sold only subject to the confirmation of the district court, on petition of the receiver or assignee, and on such notice as the court may fix. The fees and expenses of all officers and employees shall be under the control of the court, and shall not be paid by the receiver or assignee until approved by the court. Any transfer of any property by any assignee or trustee or receiver shall be void unless the same shall have been approved by the judge of the district court before whom such matter should be pending.

32-26-06. What court has jurisdiction - Transfer.

The district court of any county where any property of the assignor may be situated shall have jurisdiction to entertain proceedings in accordance with the provisions of this chapter, but may transfer, and on the showing of facts to its satisfaction shall transfer, such proceedings to the district court of the county wherein the greater part of the assignor's property is situated.