

**60-601. Actions concerning real property.** The term real property, as used in this section, includes any interest or estate created by an oil, gas or mineral lease, or an oil, gas or mineral royalty. Actions concerning real property must be brought in the county designated in this section.

(a) *Eminent domain actions.* Eminent domain actions must be brought in the county in which the real estate is situated, except if it be an entire tract situated in two or more counties and there is common ownership, the action may be brought in any county in which a part thereof is situated.

(b) *Generally.* The following actions must be brought in the county in which the real estate is situated, except if it be an entire tract situated in two or more counties, or if it consists of separate tracts situated in two or more counties, the action may be brought in any county in which any tract or parts thereof is situated:

(1) Actions in ejectment or for the recovery of real property or any estate or interest therein, or to determine adverse claims.

(2) Actions for the partition of real estate or any estate or interest therein.

(3) Actions for the sale of real property or any estate or interest therein, under a mortgage, lien or other encumbrance or charge.

(4) Actions to compel the specific performance of a contract for the sale of real property, or any estate or interest therein. Such action may also be brought in any county where the defendant or any one of the defendants may reside.

(c) *Transcript to other counties.* Immediately after final judgment the clerk of the district court in which the action was brought shall transmit a transcript of the proceedings to the clerk of the district court in any other county wherein any real property may be affected by such proceedings where the same shall be docketed and filed. The cost of such transcript and filing shall be taxed as costs of the case.

**History:** L. 1963, ch. 303, 60-601; L. 1970, ch. 237, § 1; July 1.