

CHAPTER XIX.

An Act Providing for Notice of Lis Pendens.

- SECTION 1. Plaintiff may file notice of pendency of the action—notice what to contain—manner of recording.
2. Plaintiff may serve upon the defendant at the time of the service of summons, written notice setting forth the object of the action.
3. Repeal of former acts.
4. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. In actions affecting the title to, lien upon, or interest in real property, the plaintiff, at the time of the commencement of the action as now provided by statute, or at any time afterwards, may file for record in the office of the register of deeds of each county, in which the real property so affected, or some part thereof is situated, a notice of the pendency of the action, containing the names of the parties, the object of the action, and a description of the real property in the county affected thereby; and when the plaintiff amends his complaint by altering the description of the premises affected thereby, or so as to extend his claim against the premises, he must file a new notice.

And the register of deeds of the several counties of this State are hereby authorized to record all such notices relating to real estate in their respective counties, in the same book and in the same manner as mortgages are now recorded within their respective offices. From the time of filing such notice, and from such time only, shall the pendency of the action be notice to purchasers or incumbrancers of the rights and equities of the plaintiff to the real property in said notice described.

SEC. 2. In the actions mentioned in the next preceding section, and in all actions for the foreclosure of a mortgage, or other lien upon real estate, in the case of a defendant against whom no personal claim is made, the plaintiff may serve upon such defendant at the time of the service of the summons on him, a written notice, subscribed by the plaintiff or his attorney, setting forth

Plaintiff may
serve written no-
tice setting forth
the object of the
action

the general object of the action, a description of the property affected by it, and that no personal claim is made against such defendant, in which case no copy of the complaint need be served on such defendant, unless within the time for answering the complaint, he shall in writing demand the same, and in which case the time for answering the complaint shall not be extended beyond the period of twenty days after a personal service, or forty days after a service by mail of the summons on such defendant, except by stipulation of the parties, or by order of the court for good cause shown by affidavit. And that in all cases, when under the statute it would now be necessary that an order for the service of a summons by publication upon such defendant, should contain a direction that a copy of the summons and complaint be deposited in the post office, directed to such defendant at his place of residence, the judge or clerk making such order may in his discretion in such order, direct instead of a copy of the complaint, that a copy of such notice, with a copy of the summons be so deposited and directed, and the same being so deposited and directed, shall have a like effect as though a copy of the complaint and summons were so deposited and directed.

If such defendant, on whom such notice is so served, shall unreasonably defend the action, he shall pay full costs to the plaintiff.

Repeal of former
acts

SEC. 3. An act entitled "An act providing for notice of *lis pendens*," approved March fifteenth, one thousand eight hundred and sixty, be and the same is hereby repealed, saving and reserving all acts done, and all rights which have accrued under any of the provisions of the act aforesaid, hereby repealed.

SEC. 4. This Act shall take effect and be in force from and after the first day of April, one thousand eight hundred and sixty-one.

Approved March 12th, A. D. 1861.