

## CHAPTER 293—S. F. No. 742.

*An Act to legalize and validate the foreclosure of mortgages on real estate by advertisement where the amount claimed in the foreclosure sale notice exceeds the amount due.*

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

**Certain mortgage foreclosure sales validated.**—Section 1. Every mortgage foreclosure sale heretofore made under a power of sale in the usual form contained in any mortgage executed under the laws of the state of Minnesota on real property within the limits of this state, and recorded in the office of the proper register of deeds, is, together with the sale, and the record of such sale, legalized and made valid and effectual to all intents and purposes as against the following objection, namely, where the amount claimed in the foreclosure sale notice includes the amount of a note or notes not then due and which stipulate for a greater rate of interest after maturity than before maturity, and the total amount of said note or notes are as a matter of fact collected at the foreclosure sale and retained by the mortgagee together with the interest stipulated for before maturity without objection at any time during the period of redemption by the mortgagor: *provided*, that at the time of the foreclosure sale notice there has been a default in the payment of one or more of the notes accompanying the mortgage.

**What actions not to be maintained.**—Sec. 2. No action shall be maintained in this state to set aside a mortgage foreclosure sale and the record of the same, wherein the objections mentioned in the first section hereof, after the period of redemption from the foreclosure sale has expired.

Sec. 3. The provisions of this act shall not affect any action or proceeding now pending in any court of this state.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved April 20, 1909.

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CHAPTER 294—S. F. No. 818.

*An Act to amend chapter 159 of General Laws of Minnesota for 1909, relating to the powers and duties of the Minnesota tax commission.*

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

**Powers of tax commission.**—Section 1. Subdivision 2 of Sec. 12 of said chapter 408, General Laws of Minnesota for 1907, is hereby so amended as to hereafter be and read as follows, to-wit:

(2) To appoint a special assessor and deputies under him and cause to be made in any year a reassessment of all or any real and personal property or either in any assessment district, when in the judgment of said commission such reassessment is desirable or necessary to the end that any and all property in such district shall be assessed equitably as compared with like property in the county wherein such district is situated.

**Omission of property from tax roll—Special assessors.—**Sec. 2. Sec. 16 of chapter 408, General Laws of Minnesota for 1907, is hereby so amended as to hereafter be and read as follows, to-wit:

Sec. 16. Whenever it shall be made to appear to the Minnesota tax commission by verified complaint or by the finding of a court or of the legislature or either body of the same, or any committee thereof, that any considerable amount of property has been improperly omitted from the tax list or assessment roll of any district or county for any year, or, if assessed, that the same has been undervalued or overvalued, as compared with like property in the same county or in the state so that the assessment for such year in such district or county is grossly unfair and inequitable, whether or not the same has been equalized by the county board of equalization or the tax commission, the said commission shall examine into the facts in said matter and if satisfied therefrom that it would be for the best interests of the state that a reassessment of such property be made, they shall appoint a special assessor and such deputy assessors as may be necessary and cause a reassessment to be made of all or any of the real and personal property or either in any such district or county as they may deem best to the end that all property in such district or county shall be assessed equitably as compared with like property in such district and county.

**Qualification of assessors—Grievances—Appeals.—**Sec. 3. Such special assessors and deputies shall be citizens of the state of Minnesota but need not be residents of the county or district wherein such reassessment is so made. Every special assessor and deputy appointed under the provisions of this act shall subscribe and file with said commission his oath to faithfully and fairly perform the duties of his office. Such special assessor assisted by his deputies shall thereupon proceed to carefully examine and reassess the property so to be reassessed, and shall prepare duplicate lists of such reassessment in such form as the commission may prescribe, showing the property or person so reassessed, the amount of the original assessment thereof made in such year, and opposite the same the reassessment so made by such special assessor. He shall file both copies of such list with the said commission. The said commission shall thereupon examine, equalize and correct such reassessment so as to substantially

conform with the assessment of like property throughout the state; and shall transmit to the county auditor of the county wherein such reassessment was so made one copy of such reassessment by them so corrected and equalized. Such list shall for all purposes supersede and be in place of the original assessment made for such year upon such property, and the county auditor upon receipt thereof shall extend and levy against said property so reassessed the taxes thereon for such year according to such reassessment in the same manner as though such list was the original assessment list of such property.

Any person feeling himself aggrieved by an assessment so made against him or upon any property at that time owned by him may appeal therefrom to the district court of the county in which such assessment is made. To render such appeal effective for any purpose, the appellant shall file a notice of such appeal with the county auditor of such county within thirty days after the making of such assessment, which notice shall specify the ground upon which such appeal was taken and no other or different service shall be required to perfect such appeal. Upon the filing of such notice the county auditor shall make and file in the office of the clerk of such district court a certified copy of such notice and of the particular assessment appealed from, and shall also notify the county attorney of such county of the pendency of such appeal. Thereupon the said district court shall be deemed to have acquired jurisdiction of such matter and shall proceed to hear and determine same in like manner as other tax matters are tried and determined in the district courts of this state. The county attorney of said county shall appear for and defend the interests of the state in such matter.

**Compensation of special assessors.**—Sec. 4. The compensation of each special assessor and of his deputies appointed under the provisions of this act and his expenses as such shall be fixed and determined by the Minnesota tax commission and by them certified to the state auditor and shall be paid out of the general fund in the state treasury. The respective counties shall reimburse the state therefor two years after the same are incurred. The state auditor shall notify the auditor of such county of the amount thereof, whereupon such county auditor shall levy a tax upon the taxable property in the assessment district or districts wherein such reassessment was made sufficient to pay the same and when collected the proceeds thereof shall be forthwith paid into the state treasury in the same manner as other state taxes.

**Tax commission given power to raise or lower assessed valuation.**—Sec. 5. Subdivision 5 of section 12 of chapter 408 of General Laws of Minnesota for 1907 is hereby amended by striking out all of said subdivision and inserting the following so that the same shall hereafter be and read as follows, to-wit:

(5) To raise or lower the assessed valuation of any real or personal property, including the power to raise or lower the assessed valuation of the real or personal property of any individual, co-partnership, company, association or corporation; *provided*, that before any such assessment against the property of any individual, co-partnership, company, association or corporation is so raised, notice of the intention of the commission to raise such assessed valuation and of the time and place at which a hearing thereon will be held shall be given to such person by mail addressed to him at his place of residence as the same appears upon the assessment book, at least five days before the day of such hearing.

Sec. 6. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved April 20, 1909.

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CHAPTER 295—H. F. No. 986.

*An Act to amend section 10 of chapter 220 of the Laws of 1907, relating to the provisions to be contained in policies of life insurance.*

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

**Provisions to be contained in life insurance policies.**—Section 1. That section 10 of chapter 220 of the Laws of 1907 be and the same is hereby amended so as to read as follows:

Section 10. This act shall not apply to annuities, industrial policies or to corporations or associations operating on the assessment or fraternal plan and in every case where a contract provides for both insurance and annuities this act shall apply only to that part of the contract which provides for insurance, but every contract containing a provision for a deferred annuity on the life of the insured only (unless paid for by a single premium) shall provide that in event of the non-payment of any premium after three full years' premiums shall have been paid, the annuity shall automatically become converted into a paid up annuity for such proportion of the original annuity as the number of completed years' premiums paid bears to the total number of premiums required under the contract.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 20, 1909.