

- (c) Made upon unlawful procedure; or
- (d) Affected by other error of law; or
- (e) Unsupported by substantial evidence in view of the entire record as submitted; or
- (f) Arbitrary or capricious.

Sec. 3. [15.0426] **Appeals to supreme court.** An aggrieved party may secure a review of any final order or judgment of the district court under section 1 or section 2 by appeal to the supreme court. Such appeal shall be taken in the manner provided by law for appeals from orders or judgments of the district court in other civil cases.

Approved May 22, 1963.

CHAPTER 810—H. F. No. 881

[Coded]

An act relating to actions involving tax titles and limiting the time in which a claim adverse to the state or its successor in interest respecting the land affected may be asserted.

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

Section 1. [284.28] **Adverse claims, limitations.** [Sub-division 1.] No cause of action or defense, claiming that the forfeiture to the state of any land for nonpayment of taxes is invalid because of any jurisdictional defect, shall be asserted or maintained upon any claim adverse to the state, or its successor in interest, respecting any lands claimed to have been forfeited to the state for taxes, unless such cause of action or defense is asserted in an action commenced within 15 years after the filing of the county auditor's certificate of forfeiture, as provided by Minnesota Statutes, Section 281.23, Subdivision 8, and acts supplementary thereto, or by any other law hereafter enacted providing for the filing and recording of such certificates; provided, that if such certificate of forfeiture was filed before the passage of this act, such cause of action or defense may be asserted in an action commenced within one year after the passage of this act or within 15 years of the date of filing of the county auditor's certificate of forfeiture, whichever is later. Any person under disability to sue when such certificate was filed or when this act was passed, as the case may be, may assert such cause

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of action or defense in an action commenced at any time within one year after the removal of the disability.

Sec. 2. [Subd. 2.] In cases where the lands are and ever since the time of filing the auditor's certificate of forfeiture under section 281.23, subdivision 8, have been in the actual, open, continuous, and exclusive possession of the owner, or his successors in interest, claiming adversely to the state or its successors in interest, the running of the period of limitations provided in section 1 shall be suspended as to such owner, or his successors in interest, during the time of such possession, but no longer.

Sec. 3. [Subd. 3.] Any person, partnership, corporation, or claimant failing to commence an action or assert a defense within the time prescribed by section 1 shall be conclusively presumed to have abandoned all right, title, and interest in the lands described in the county auditor's certificate of forfeiture, with certificate of forfeiture when filed under Minnesota Statutes, Section 281.23, Subdivision 8, shall constitute notice of the forfeiture of the lands affected to all persons having or claiming an interest therein.

Sec. 4. [Subd. 4.] Section 1 of this act shall not apply to any action or proceeding pending at the effective date hereof.

Sec. 5. [Subd. 5.] The limitations prescribed in section 1 shall apply only to jurisdictional defects occurring in tax forfeiture proceedings.

Approved May 22, 1963.

CHAPTER 811—H. F. No. 908

An act relating to villages; providing for appointments to fill vacancies; amending Minnesota Statutes 1961, Section 412.02, Subdivision 2.

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

Section 1. Minnesota Statutes 1961, Section 412.02, Subdivision 2, is amended to read:

Subd. 2. **Villages; vacancies in offices.** Terms of village elective officers shall commence on the first business day of January following the election at which the officer is chosen. All officers chosen and qualified as such shall hold office until their successors qualify. Vacancies in office shall be filled ~~for the remainder of the term~~ by the council; *within 60 days after the vacancy occurs.* In

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