

CHAPTER LX.

An Act providing for Notice of Lis Pendens.

SECTION 1. Amendment to Chap. 64, Pub. Statutes.

23. Plaintiff may file notice in office of Register of Deeds—to contain.

24. Notice served on defendant when there is no personal claim.

2. Act to take effect from and after passage.

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

SECTION 1. That chapter sixty-four (64) of the Public Statutes under the head of "Actions concerning and to determine conflicting claims to real property," be, and the same hereby is amended by adding to the end thereof as follows:—

NOTICE OF LIS PENDENS AND NOTICE TO DEFENDANTS AGAINST WHOM NO PERSONAL CLAIMS ARE MADE IN ACTIONS AFFECTING REAL PROPERTY.

SEC. 23. In actions affecting the title to lien upon or interest in real property, the plaintiff at the time of filing the complaint in the office of the Clerk of the District Court in which the action is brought, as now provided by Statute, or at any time afterwards, may file for record in the office of Register of Deeds of each county in which the real property so affected, or some part thereof is situated, a notice for the pendency of the action, containing the names of the parties, the object of the action, and a description of the property, in that county affected thereby; and if the action be for the foreclosure of a mortgage, or for any other lien upon real property, such notice must be so filed and recorded at least twenty (20) days before judgment, and must in addition to the contents thereof as above stated contain the date of the mortgage or lien, the parties thereto, and the time and place of recording the mortgage; and if such other lien be a matter of record, then the time and place of recording such lien also. And when the plaintiff amends his complaint by making new parties, or by allowing 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 Registers of Deeds of the several counties of this State are hereby authorized to record all such notices relating to real estate within their respective counties in the same books and in the same manner as mortgages are now recorded in their respective offices. From the time of filing such notice, and from such time only, shall the

Statutes repealed

Plaintiff to file notice of pendency of action in office of Register of Deeds

When notice to be filed

Duty of Register

Action to date from time of filing

pendency of the action be constructive notice to purchasers or incumbrancers of the property affected thereby.

SEC. 24. In this action mentioned in the next preceding Section, 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 the general object of the action, a brief 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 (20) days after a personal service, or forty (40) 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, where, 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 this 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 on his discretion in such order direct instead of a copy of this 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.

Notice served upon defendant when there is no personal claim

Copy of notice directed to defendant and deposited in post-office shall have same effect as if personally served

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

AMOS COGGSWELL,
Speaker of the House of Representatives.
IGNATIUS DONNELLY,
President of the Senate.

Approved March fifteenth, one thousand eight hundred and sixty.

SECRETARY'S OFFICE, MINNESOTA, }
March 15th, 1860. }

ALEX. RAMSEY.

I hereby certify the foregoing to be a true copy of the original on file in this office.

J. H. BAKER, Secretary of State.