

CHAPTER XIX.

An Act entitled "An Act to regulate judicial sales of real property and redemption thereon."

- SECTION 1. Provision for performing duties of sheriff after expiration of term of office.
 2. When sale to be absolute.
 3. Certificate to be issued—what to contain—when to become void.
 4. Certificate to operate as conveyance to purchaser.
 5. Redemption of property—how redeemed.
 6. Certificate to person redeeming property—what to contain.
 7. Interest acquired upon sale shall be subject to lien on real property.
 8. Fees for executing redemption certificate.
 9. Repeal of former acts.
 10. Act, when to take effect.

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

Duty of sheriff
after expiration
of term of office

SECTION 1. When any judicial sale of real property has heretofore been made by any sheriff whose term of office has expired, without a deed to complete such sale having been executed, such deed may be executed by the acting sheriff of the county in which such real property is situated, with the same force and effect as though executed by the sheriff making such sale.

When sale to be
absolute

SEC. 2. Upon the sale of real property upon execution, where the estate sold shall be less than a leasehold of two years unexpired term, the sale shall be absolute; in all other cases the property sold, shall be subject to the redemption as provided by law.

What certificate
to contain—when
to become void

SEC. 3. Whenever any sale of real property shall hereafter be made upon any execution, or pursuant to any judgment, decree or order of a court, (except where otherwise specified in such judgment, decree or order,) or under the power of sale contained in a mortgage, the officer or person making such sale, shall make and deliver to the purchaser a certificate under his hand and seal containing—

1st. A description of the execution, judgment, decree order, or mortgage under which such sale shall have been made.

2d. A description of the real property sold.

3d. The price paid for each parcel sold separately.

4th. The date of the sale and name of the purchaser.

5th. When subject to redemption it must be so stated.

Which certificate shall be executed, proved or acknowledged and recorded as required by law for the conveyance of real estate, and if the same is not recorded within twenty days after the sale, such certificate shall be void; but the person holding such void certificate may have from the person or officer making such sale, another certificate thereof, upon paying to such person or officer twenty-five cents therefor, and which latter certificate shall bear date on the day on which it is made and shall be recorded within twenty days thereafter or be also void.

SEC. 4. Such certificate being so proved or acknowledged and recorded, shall, upon the expiration of the time for the owner of the real property sold, or his assigns, to redeem, operate as a conveyance to the purchaser or his assigns, or the person who may acquire his title through redemption, of all the right, title and interest in the property sold, held by the person whose property is sold at the date of the lien upon which the same has been sold, without any other conveyance whatever.

Certificate to operate as conveyance to purchaser

SEC. 5. When the property sold shall be subject to redemption, the same may be redeemed within the time provided by law, in manner following:

The person making such redemption, shall pay to the person holding the right acquired under such sale, or for him to the sheriff, or clerk of the district court of the county in which such real property shall be situated, the amount required by law for such redemption, and shall produce to such person or officer—

Property how redeemed

1st. A certified copy of the docket of the judgment or the deed or deeds of conveyance or mortgage, or of the record or file or files evidencing any other lien under which he claims the right to redeem, certified by the officer in whose custody such docket, record, file or files shall be.

2d. Any assignment necessary to establish his claim, verified by the affidavit of himself, or of a subscribing witness thereto, or of some person acquainted with the signature of the assignor.

3d. An affidavit of himself or his agent, showing the amount then actually due on his lien.

SEC. 6. The person or officer from whom such redemption shall be made, shall make and deliver to the

person redeeming a certificate under his hand and seal, containing—

1st. The name of the person redeeming, and the amount paid by him on such redemption.

What certificate
to contain

2d. A description of the sale from which such redemption is made, and of the property redeemed.

3d. Stating upon what claim such redemption is made, and if upon a lien, the amount claimed to be due thereon at the date of redemption.

Which certificate shall be executed and proved or acknowledged and recorded, as provided by law for conveyance of real estate, and if not so recorded within ten days after such redemption, such redemption and certificate shall be void, as against any person in good faith making redemption from the same person or lien.

If the person making such redemption, be the owner of the property sold, or one claiming through him such redemption, shall annul such sale; if such person redeem under a lien, said certificate being so executed and proved or acknowledged and recorded, shall operate as an assignment to him of the right acquired under such sale, subject to the right of any other person to redeem, as is, or may be provided by law.

Fees for execut-
ing redemption
certificate.

SEC. 7. The interest acquired upon any sale mentioned in section three of this act, shall be subject to the lien of any attachment or judgment duly made or docketed against the person holding the same as in case of real property; and may be attached or sold upon execution, in the same manner as real property is attached or sold.

SEC. 8. The officer from whom any redemption shall be made, shall be entitled to receive for receiving and paying over the money paid on redemption, and executing the certificate provided in section six of this act, the sum of two dollars, which, with the cost of proving or acknowledging such certificate, shall be paid by the persons redeeming, and shall become a part of his lien.

Repeal of former
acts

SEC. 9. Sections one hundred and twelve, one hundred and sixteen, and one hundred and seventeen, of chapter seventy-one of the revised statutes, and all acts and parts of acts inconsistent herewith, are hereby repealed.

SEC. 10. This act shall take effect in sixty days after its passage.

Approved March 10th, 1862.