

CHAPTER 77.

AN ACT RELATING TO ACTIONS CONCERNING REAL PROPERTY.

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

What defendant may set out in answer to an action to recover real estate.

SECTION 1. That in any action or proceeding brought to set aside or test the validity of any mortgage foreclosure sale, or for the recovery of the possession of real estate from any person whose title thereto is dependent upon a mortgage foreclosure sale, the defendant, in addition to any other defense he may have therein, may set out in the answer the amount for which the lands in controversy were bid off at such sale, the character and value of any improvements that may have been made thereon subsequent to such sale and the amount of all taxes and other incumbrances thereon that may have been paid by the defendant subsequent to such sale, and the same shall be deemed a part of the issue in the case and shall be determined in like manner, as the other issues therein are determined, and the plaintiff shall not be entitled to have judgment for the relief demanded, nor recover the possession of such land until he shall first pay, or deposit with the court in which the action is pending, for the defendant's use, the amount for which such lands were bid off, with interest from the day of sale, and the value of all improvements that may have been put thereon and also all taxes and other incumbrances that may have been paid by the defendant as aforesaid, with interest from the date of payment and date of making such improvements.

Actions now pending to be governed by this act.

SEC. 2. The provisions of this act shall apply to all actions now pending in any of the courts of this State in which a second trial has not been had, as provided by statute, and also to all sales under execution.

SEC. 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

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

Approved March 11, 1878.