

CHAPTER 38.

[S. F. No. 509].

AN ACT TO AMEND SECTION FIVE (5) OF CHAPTER SEVENTY-FOUR (74) OF THE GENERAL STATUTES EIGHTEEN HUNDRED AND SEVENTY-EIGHT (1878), RELATIVE TO ACTIONS AND JUDGMENTS IN PARTITION OF REAL PROPERTY.

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52-NW . 527

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

SECTION 1. That section five (5) of chapter seventy-four (74) of the General Statutes of Minnesota, eighteen hundred and seventy-eight (1878) be and the same is hereby amended by adding thereto the following, to-wit:

Partition of
real property.

Provided—That it shall be no defense to an action for partition in which the title of the plaintiff or plaintiffs to a certain undivided share or shares of the property is proved or admitted; that there is a dispute or litigation undetermined between some of the defendants as to the title or right of such defendants, or any of them, in or to any undivided share or shares of such property claimed by them or any of them, but in such case the court shall proceed to render judgment that partition be made or to order a sale of such property as in other cases, and shall cause the portion of such property or of the proceeds thereof pertaining to the undivided share or shares in dispute to be allotted to the defendants claiming such undivided share or shares without determining their respective rights thereto, and in case of sale of said property may order the proceeds pertaining to the undivided share or shares in dispute to be paid into court to abide the result of any existing or subsequent litigation between such disputing defendants as to their title and right therein.

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

When act to
take effect.

Approved February 26, 1887.