

CHAPTER 338.

H. F. No. 509.

An act legalizing certain mortgage foreclosure sales and the certificates thereof.

Legalizing mortgage foreclosure sales.

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

SECTION 1. Every mortgage foreclosure sale, made before the passage of this act, of real estate in this state, and also the sheriff's certificate of every such sale, and the record of every such certificate, are hereby legalized and made valid and effectual as against the objection that the sheriff's acknowledgment of his certificate of any such sale was taken by the grantee or by one of the grantees in such certificate.

Provided, that such foreclosure sale and certificate were made in all other respects in accordance with the statutes then in force, and *provided, further*, that this act shall not affect or apply to any action pending at the time when this act shall take effect.

SEC. 2. This act shall take effect and be in force from and after October 1st, 1901.

Approved April 13, 1901.

CHAPTER 339.

H. F. No. 511.

An act to enforce the payment of taxes now remaining delinquent and unsatisfied for the year eighteen hundred and ninety-five and prior years.

Taxes delinquent 1895 and prior years.

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

SECTION 1. All tracts or parcels of land delinquent for the taxes of the year eighteen hundred and ninety-five and prior years and which have not been redeemed, sold or assigned, and which are now the "absolute property of the state," through judgments obtained under the provisions of the general tax laws of the state, shall be disposed of in the manner hereinafter provided. *Provided, however*, this act shall not apply to any tract or parcel of land against which judgment was entered and bid in for the state pursuant to chapter 322, General Laws 1899.

State lands, how to be disposed of.

SEC. 2. On and after the passage and approval of this act, any owner or interested person may redeem any tract or parcel of such real estate by paying into the county treasury fifty per cent of the amount of the original taxes charged against the tract for the years hereinbefore stated.

Owner may redeem by paying 50 per cent of original taxes.

Such redemption shall be accepted by the proper officers of the county up to and including the 22d day of June, 1901. The proper officers of the county are hereby authorized and directed to satisfy all tax liens and judgments upon payment of the sum herein specified.

Sale June
24, 1901.

SEC. 3. All tracts or parcels of real estate not redeemed under section two of this act shall be offered for sale as hereinafter provided, on the 24th day of June, 1901, at 10 o'clock in the forenoon.

The sale shall be made by the county auditor at his office in the court house, and shall continue from day to day until every tract has been offered for sale.

Duty of
county
auditor.

SEC. 4. It shall be the duty of the county auditor to prepare a list of all real estate subject to sale under this act.

Said list shall contain the name of owner, if known, if unknown, so stated, a complete description of property, the year or years for which taxes are delinquent, the amount of original taxes, excluding interest, penalty and costs.

Said list shall be advertised once in each week for two weeks in the official newspaper of the county.

Said advertisement shall be published during the two weeks ending June 15th, 1901.

For advertising this sale the publisher shall receive twelve (12) cents for each description.

Sale by
county
auditor.

SEC. 5. The county auditor shall sell such real estate at public vendue, each piece or parcel separately, in the order and by the description as it appears in the list as advertised.

In offering such property for sale he shall state the amount of the original taxes charged against the property and he shall first offer each piece or parcel to the highest bidder, but if no bidder shall offer to pay the amount stated or more, he shall then offer the same to the bidder who will pay the highest sum therefor; *provided, however*, that in no case shall any tract or parcel be sold for less than one-half of the amount of the taxes hereinbefore mentioned.

The county treasurer shall attend the sale and receive all money paid thereon.

The proceeds of said sale and the redemption made under this act shall be distributed pro rata to the several funds for which the taxes were levied.

SEC. 6. The county auditor shall execute to the actual purchaser of any piece or parcel of real property at such sale a certificate which may be substantially in the following form:

Form of certificate of sale.

I,, Auditor of the county of, State of Minnesota, do hereby certify that at the sale of lands pursuant to real estate tax judgment entered in the district court of the county of on the day of, 18....., in proceedings to enforce the payment of taxes delinquent for the year, for the county of..... which sale was held at in said county on the day of, 18..... the following described piece or parcel of real estate situate in said county of, State of Minnesota, to wit :

..... was offered for sale to the highest bidder ; and no one bidding upon such offer an amount equal to that for which the tract or parcel was subject to be sold, the same was then bid in for the state, and at the date hereof the same remains unredeemed.

I do further certify that pursuant to the provisions of an act approved, 1901, "An act to enforce the payment of taxes now remaining delinquent and unsatisfied for the year eighteen hundred and ninety-five and prior years," I did on the day of, sell the above described tract or parcel of land to for the sum of..... dollars, that being the highest sum bid therefor, and he having paid said sum, I do, therefore, in consideration thereof, and agreeable to the statute in such case made and provided, convey the said piece or parcel of land in fee simple to said, his heirs and assigns forever.

Witness my hand and official seal this day of, 19.....

.....
County Auditor.

Such certificate shall pass the purchaser of the real estate described therein, the fee simple thereto, subject to the right of redemption upon the payment of the full amount of the original taxes as advertised in accordance with this act, with interest at the rate of one per cent per month, from June 24th, 1901, which redemption can be made at any time within sixty days from the date of filing with the county auditor proof of service of the notice of expiration of redemption provided for in chapter 198, General Laws 1889, section (1654 Statutes 1894).

Fee simple, subject to redemption within 60 days.

Liens not
affected.

Provided, however, that the lien of the state for taxes levied in the year 1896 and years subsequent thereto, and all liens of cities or other municipalities for assessments levied for local improvements, shall in no way be effected by any sale made under the provisions of this act.

Out of the amount so paid for redemption under the provisions of this section, the amount paid by such purchaser, with interest, and if he shall have paid any subsequent delinquent taxes, penalties, taxes, costs or interest accruing subsequent to the sale, the amount so paid by him with interest from the date of paying the same shall be repaid to such purchaser by the county treasurer. The balance shall be converted into the county revenue fund, but in no case shall such purchaser be entitled to receive for redemption from such sale any sum greater than the amounts paid by him, together with interest, penalties, subsequent taxes and costs by him paid as in this section hereinabove provided.

Record of
conveyance.

SEC. 7. When the notice of expiration has been given and the full period of time has elapsed as provided by section 1654, Statutes 1894, and upon the payment of all subsequent taxes that may have been charged against the tract, then the certificate of purchase duly executed by the county shall be entitled to record and be recorded as other conveyances of real estate.

The record of such certificates shall have the same force and effect as evidence or otherwise as the records of deeds of real estate.

SEC. 8. If any purchaser shall purchase more than one piece or parcel of land at said sale, all of said pieces or parcels so purchased may be included in one certificate; *provided,* that the description and the amount for which each tract was sold shall be separately stated.

SEC. 9. Said certificate or a copy or the record thereof shall be prima facie evidence that the title to the tract or tracts of land therein mentioned is in the person named in said certificate.

Right of
purchaser.

SEC. 10. When any piece or parcel of land shall be so sold, the purchaser shall be entitled to immediate possession of the piece or parcel purchased by him after the full period of redemption has expired, and if on demand and presentation of the certificate of sale the person in possession of the piece or parcel refuse or neglect to deliver such possession, such person may be proceeded against as a person holding over the termination of his estate, which proceedings may be instituted and prosecuted under the provisions of chapter eighty-four (84) of the General

Statutes, and the sale herein provided for shall not be set aside unless the action in which the validity of the judgment or sale shall be called into question, or the defense to any action alleging its invalidity be brought within nine (9) months of the date of said sale; except that in case any tract or parcel shall be included in any such judgment, when such taxes have been paid or such property was exempt from taxation, that said judgment and sale shall be void, upon proof at any time that such taxes have been paid or such property was exempt.

SEC. 11. All tracts or parcels of real estate offered for sale under the provisions of this act and not sold to an actual purchaser shall be again bid in for the State of Minnesota, and shall be thereafter disposed of by the state auditor under the limitations prescribed by section 101 of the General Tax Law, same being section 1616 of the Statutes of 1894.

Unsold
lands to be
bid in by
state.

SEC. 12. The board of county commissioners of any county in this state may and they are hereby authorized to allow the county auditor such compensation as may be reasonable for the services required under the provisions of this act.

SEC. 13. All acts or parts of acts inconsistent herewith are hereby repealed.

SEC. 14. This act shall take effect and be in force from and after its passage.

Approved April 13th, 1901.

CHAPTER 340.

H. F. No. 524.

An act to amend section one (1) of chapter three hundred and eight of the laws of the State of Minnesota for the year 1897, as amended by chapter 32 of the General Laws of 1899, relating to changing the boundary line between adjoining counties.

Amend-
ment.
Counties.
Boundary
lines.

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

SECTION 1. That section one (1) of chapter three hundred and eight (308) of the Laws of the State of Minnesota for the year 1897, as amended by chapter 32 of the General Laws of 1899, be and the same hereby is amended so as to read as follows:

SECTION 1. The boundary line between adjoining counties in this state may be changed in the manner hereinafter set forth; *provided*, the area of any county shall not be reduced below eighteen hundred (1800) square