

CHAPTER 451—H. F. No. 454.

An Act limiting the time within which judgments or decrees entered in actions to quiet title to real estate or determining adverse claims therein may be vacated or set aside or leave to defend permitted.

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

Vacation of judgment.—Section 1. No judgment or decree quieting title to land or determining the title thereto or adverse claims therein heretofore entered or hereafter to be entered shall be adjudged invalid or set aside, unless the action or proceeding to vacate or set aside such judgment or decree shall be commenced, or application for leave to defend be made, within five years from the time of filing a certified copy of such judgment or decree in the office of the register of deeds of the county in which the lands affected by such judgment or decree are situated.

Application.—Sec. 2. Nothing herein contained shall apply to any action or proceeding now pending to have any such judgment or decree vacated or set aside or to any application now pending for leave to defend in any such action, nor shall this act apply to any proceeding under the provisions of chapter 65, Revised Laws 1905.

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 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.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 the 1st day of November, 1909.

Approved April 23, 1909.

CHAPTER 452—H. F. No. 465.

An Act to authorize the sale of certain kind of real property belonging to the State.

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

Sale of certain real property belonging to state.—Section 1. All tracts or lots of real property belonging to the state of Minnesota, or that may hereafter accrue to the state, including tracts or lots which have escheated to the state may be disposed of in the following manner, *provided*, this act shall not apply to school or other trust fund lands, belonging to the state, or that may hereafter accrue to the state, under and by virtue of any act of congress.

The sale or disposition of such real estate shall be under the supervision of the governor, attorney general and state auditor,

who may authorize and direct a sale, when, in their judgment, it would be advantageous to do so.

They shall appoint three appraisers, who shall appraise the real property to be sold.

As compensation for their services the said appraisers shall receive five dollars (\$5.00) per day.

The sale shall be at public auction and shall be made by the state auditor, or such person or persons as he may direct for that purpose.

Published notice to be given.—Sec. 2. Before any sale shall be made the state auditor shall publish a notice thereof at least once in each week for four (4) successive weeks in a newspaper published in the city or county in which the real property to be sold is situated, and he is also authorized to give such other and additional publicity of such notice as he may deem proper, which notice shall specify the time and place in said county at which such sale will commence, a description of the lots or tracts to be offered, and a general statement of the terms of sale.

Each tract or lot shall be sold separately, and no lot shall be sold for less than the price thereof as specified in the report of said appraisers.

Terms of payment.—Sec. 3. The terms of payment for all lots or tracts so sold shall be not less than ten (10) per cent of the purchase price thereof at the time of sale, and interest on the unpaid balance, as herein stated, to June 1st, of the following year, and the balance of such purchase price at any time within twenty (20) years, at the option of the purchaser, with interest annually in advance, at the rate of not less than five (5) per cent per annum on such unpaid balance, payable to the state treasury on or before June 1st, in each year.

Auditor to issue certificate.—Sec. 4. The state auditor shall make out and deliver to the respective purchaser thereof a certificate of purchase in which he shall certify the description of the real property sold, and the price thereof, the consideration paid, and to be paid therefor, the rate of interest and time and terms of payment.

Such certificate shall be numbered and made assignable.

Such purchase certificate shall further set forth that in case of the non-payment of the annual interest due by the purchaser, or any person claiming under him, then the said certificate from the time of such failure will be entirely void, and of no effect, and the said state auditor may take possession of said lot or tract and resell the same, as herein provided.

To be recorded with register of deeds.—Sec. 5. Certificate of purchase issued pursuant to this act or any assignment thereof executed and acknowledged, as provided by law, for the execution

and acknowledgment of deeds may be recorded in the office of the register of deeds of any county in the state, in the same manner and in like effect as deeds are therein recorded.

Such certificate shall entitle the purchaser thereof, his heirs and assigns to the exclusive possession of the land therein described, provided the terms of said certificate have been in all respects complied with, and the said certificate and the record thereof shall be conclusive evidence of title in such purchaser, his heirs and assigns, for all purposes and against all persons, except the state of Minnesota in case of forfeiture as aforesaid.

Mineral rights reserved.—Sec. 6. The state hereby reserves for its own use all the iron, coal, copper and other valuable minerals in or upon all lands which may be sold under the provisions of this act, and the sale certificate and patent herein provided for shall contain a clause reserving all such minerals for the use of the state.

Governor to issue patents.—Sec. 7. The governor shall sign and cause to be issued under the seal and attestation of the state auditor patents for the lands described in such certificate of purchase whenever the same are presented to him, with the further certificate of said state auditor endorsed thereon, certifying that the amount of principal and interest specified therein, all taxes due on said lands have been paid, and that the holder of such certificate is entitled to such patent.

Money received to be credited to general revenue fund.—Sec. 8. All money received from the sale of such lands or lots shall be credited to the general revenue fund of the state, and it shall be the duty of the state auditor to keep the proper and necessary records pertaining to the sale of such lands or lots that have been made, and provide the necessary blanks.

Sec. 9. This act shall take effect and be in force from and after its passage.

Approved April 23, 1909.