

Sec. 2. Co-owner to share in benefit of original owner.—If said delinquent co-owner before the expiration of said time shall refuse or fail to contribute and pay his said proportionate share together with said interest and cost of publication as and when herein and in said notice provided, his interest in said lease shall thereafter become the property of and belong to said co-owner making said payment, and the other co-owners thereof, if any, who shall within ten days after the expiration of said ninety days, pay to him their share of the amount due him under said notice, represented by their respective interests in said lease, with the same force and effect as to said delinquent's interest in said lease, as if said lease as to said delinquent's interest had been forfeited and cancelled by the state of Minnesota, and a new lease on the same terms and conditions as said old lease had been issued by said state of and for said delinquent's share therein to his said co-owner or co-owners making said payment. Such co-owners so contributing and paying within said ten days shall share in the interest of said co-owner so forfeited, in proportion to their then respective interest in said lease.

Sec. 3. Sufficiency of notice.—The affidavit of the party making such personal service and the affidavit of the publisher of said newspaper accompanied by a duplicate original of said notice, together with the affidavit of said co-owner making said payment, that said delinquent has not paid to him the amount due under said notice within the time herein and in said notice specified with the names of the other co-owners, if any, who during said ten days contributed their proportionate share thereof may be filed in the office of the auditor of the state of Minnesota and shall constitute conclusive evidence in all courts and proceedings of the matters therein stated, except as to such as may be proven to be untrue. Said auditor shall receive, file without charge and safely keep the foregoing and all thereof which shall be open to the inspection of anyone interested therein.

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

Approved April 24, 1915.

CHAPTER 304—S. F. No. 299.

An Act authorizing and empowering cemetery associations organized under the laws of this state and which have established and are maintaining public cemeteries in any city of the first class to amend their certificate or articles of incorporation in certain particulars.

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

Section 1. Cemetery associations permitted to amend articles of incorporation.—The board of trustees of any cemetery

association organized under the laws of this state which has established and is now maintaining a public cemetery in any city in this state having a population of more than fifty thousand inhabitants may by resolution duly adopted by at least a two-thirds vote of its members at any authorized meeting of said board, amend its certificate or articles of incorporation in any or all of the following particulars:

(1) By providing for a board of associates, the number composing such board, the time and manner of their election and by whom they shall be elected, their term of office, their powers and duties and for the division of such board into classes, if it is so desired, with respect to the time for which they shall severally hold office.

(2) By specifying the names and addresses of the members of the first board of associates and their term of office.

(3) By providing that the management of the affairs of the said association may be vested in a board of not more than nine trustees and that such trustees may be divided into classes in respect to the time for which they shall severally hold office, or, if it is so stated, that only one trustee need be elected each year.

(4) By providing the time and manner of election of the trustees and specifying whether such trustees shall be elected by the owners of lots in the cemetery of such association, either from among themselves or from among the board of associates, or by the existing trustees from among lot owners or from among a board of associates, or by the board of associates from their own number or from the retiring trustees.

(5) By providing that any vacancy in the board of trustees, caused by death, resignation or otherwise, may be filled by the board of trustees for the unexpired term.

(6) By specifying the names and addresses of the first board of trustees and the time for which they shall severally hold office.

(7) By providing that the trustees may elect officers of the association and that the duties of such officers may be defined by the by-laws.

(8) By providing that the trustees may adopt by-laws and promulgate rules and regulations with respect to the cemetery of such association.

(9) By any other lawful provision defining and regulating the powers or business of such association and the powers and duties of its officers, trustees, associates and lot owners.

Sec. 2. **How signed and filed.**—The trustees shall cause such resolution to be embraced in a certificate duly executed and acknowledged by its president and secretary or other presiding and recording officers under the corporate seal of said corporation, which said certificate shall be recorded in the office of the Reg-

ister of Deeds of the county in which the cemetery of such association is located and in the office of the Secretary of State.

Sec. 3. **Application.**—This act shall not apply to private cemeteries nor to cemeteries established by religious corporations.

Sec. 4. **Further application.**—This act shall also apply to cemetery associations mentioned in section 1 of this act maintaining such cemeteries in cities existing under a charter framed pursuant to section 36 of article IV of the constitution.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved April 24, 1915.

CHAPTER 305—S. F. No. 331.

An Act authorizing the court on foreclosure of a mortgage on a leasehold estate of more than three years, covering urban property, to appoint a receiver of rents with possession of the mortgaged premises, and defining the duties of such receiver.

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

Section 1. **Court to appoint receiver of rents with possession.**
—On the commencement of proceedings to foreclose, either by action or advertisement, any mortgage on a leasehold estate of more than three years covering urban property, or at any time after such commencement until the expiration of the period of redemption, the owner of any such mortgage or the purchaser at the foreclosure sale (as the case may be) may apply to the district court for the appointment of a receiver to take immediate possession of the mortgaged premises and to hold, maintain and operate the same and collect the rents and income therefrom, and apply the same in the manner hereinafter specified. The application for such receiver may be included in an action to foreclose the mortgage or may be by separate action, and if by separate action the only necessary party defendant shall be the owner of the mortgaged leasehold at the time of the commencement of the action.

Sec. 2. **Default to be shown.**—The court shall appoint the receiver on a showing that default has been made in any of the conditions of said mortgage, without any further evidence and without regard to the solvency or insolvency of the person liable for the debt secured by said mortgage. The appointment shall be made without notice on a showing to the court that the danger of termination or forfeiture of the leasehold estate covered by said mortgage is imminent or that waste of the same is being committed, or that the owner of said leasehold cannot be found within the state. The mortgagee may be appointed receiver in the discretion of the court.