

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.

Sec. 3. **Receiver to furnish bond.**—Before entering upon his duties the receiver so appointed shall file in court a bond for the faithful performance of such duties on his part. Said bond shall run to the owner of the mortgaged leasehold and shall be in such sum as the court shall determine and with such surety or sureties as shall be approved by the court.

Sec. 4. **To enter into possession after filing of bond.**—After filing the bond above mentioned the receiver shall enter into possession of the mortgaged premises and collect all the rents and income therefrom, and shall apply the same to the payment of the expenses of the receivership and to the payment of all sums of money necessary or proper to preserve and protect said leasehold estate, and to maintain and operate the mortgaged premises, and shall pay the surplus (if any) to the owner of the mortgaged leasehold at the termination of the receivership. The receiver may make any or all such payments on his own motion or may make the same in pursuance of an order of the court. Said expenses shall include reasonable attorneys' fees and receiver's fees to be fixed by the court.

Sec. 5. **Receiver to file account for approval.**—At the termination of the receivership for any cause the receiver shall file his account in said court. On the approval and confirmation of such account the receiver shall dispose of the funds in his hands in accordance with the order of court, and shall thereupon be entitled to a discharge by order of court, freeing and releasing him from all further liability on account of such receivership.

Sec. 6. **Not to limit certain rights and remedies.**—The provisions of this act shall in no manner detract from or limit the rights and remedies of the mortgagor or mortgagee respectively now or hereafter provided by law.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved April 24, 1915.

CHAPTER 306—S. F. No. 398.

An Act to legalize foreclosure sales heretofore made.

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

Section 1. **Certain mortgage foreclosure legalized.**—Every mortgage foreclosure sale by advertisement heretofore made in this state under a power of sale in the usual form contained in any mortgage executed under the laws of the State of Minnesota, and recorded in the office of the register of deeds of the proper county in this state, is together with the record of such sale, hereby legalized and made valid and effective to all intents and purposes as against the following objections, viz: