

thereof covering real estate in the state of Minnesota by the grantor, and acknowledged before an officer of said foreign country and in which said conveyance there has not been any certificate by any officer of the United States showing that said conveyance was executed according to the laws of said foreign country shall be in all respects valid and legal and said instrument of conveyance shall be entered and entitled to record in the office of the Register of Deeds of the county in the state of Minnesota in which the land described in said instrument of conveyance is situated, and such instrument of conveyance shall be legal and valid and the recording thereof shall be in all respects valid and legal as fully as though all the provisions of law in regard to said conveyance had been fully complied with.

Provided, that the provisions of this act shall not apply to any action or proceeding now pending in any court of this state.

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

Approved April 13, 1921.

CHAPTER 268—S. F. No. 1007.

An act amending sections 7344 and 7348 of the General Statutes of 1913, relating to the mortgaging, sale and disposal of realty including homestead of decedent by representatives.

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

Section 1. Real estate of decedent may be sold when.—That Section 7344 General Statutes of 1913, be, and the same hereby is amended so as to read as follows:

"Section 7344. The real estate of a decedent *including the homestead of such decedent* or ward may be sold under license of the probate court in the following cases:

1. When the personal estate of a decedent is insufficient to pay his debts, the legacies, if any, and the expenses of administration, or the court shall deem it for the best interests of the estate and of all persons interested therein; *provided that such homestead shall not be sold except on the ground that it is for the best interests of all persons interested therein and with the written consent of the life tenant therein; the proceeds of any such sale of a homestead shall be considered real estate and distributed to the same persons and in the same share as if it had remained real estate.*

2. When the personal property in the hands of a guardian is insufficient to pay all the debts of the ward, with the charges of managing his estate, or the court deems it for the best interest of the ward.

3. When the income of the estate of a ward is insufficient to

maintain him and his family, or to educate the ward when a minor; or when it appears that it would be for the benefit of the ward that his real estate or any part thereof should be sold, and the proceeds thereof put at interest or invested in other real estate, in first mortgages on real estate, or bonds of the United States or of this state, or municipal or school district bonds of this state, or in the improvement or protection of any other real estate of the ward.

Sec. 2. *Petition for license.*—That Section 7348 of the General Statutes of 1913, be, and the same hereby is amended so as to read as follows:

"Section 7348. To obtain a license to sell, mortgage, or lease for more than one year, the representative shall present a verified petition to the court appointing him, setting forth what personal estate has come into his hands; the disposition thereof; how much, if any, remains undisposed of, the debts outstanding against the decedent or ward, so far as can be ascertained, and, if it be the estate of a decedent, the legacies unpaid, if any; a description of all the real estate other than the homestead of a decedent, and the condition and value of the several tracts; the names and residences, so far as known, of all persons interested therein, and, if unknown, a statement of that fact; and facts showing grounds for such sale, mortgage or lease; *if a sale of a homestead is petitioned for the petition shall set forth the grounds and reasons why it will be for the best interests for all persons interested in said homestead that the same be sold.* The Court is empowered to license the representative to mortgage the decedent's homestead to pay off existing incumbrances, but in such case the petition to mortgage must be executed, or assented to in writing by the surviving spouse and the remaindermen or their guardian in case they are minors.

Sec. 3. *Application.*—This act shall be retrospective in its operation and shall apply to all estates wherein a final decree has not been made.

Approved April 13, 1921.

CHAPTER 269—S. F. No. 1015.

An act to amend Section 17, Chapter 344, General Laws of Minnesota, 1917, relating to the exercise by court commissioner of certain duties of the judge of probate.

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

Section 1. *Court commissioner to act for Judge of Probate in certain cases.*—That Section 17, Chapter 344, General Laws of Minnesota, 1917, be and the same hereby is amended so as to read as follows: