

taining to such office of such county attorney. The said Investigator shall be a Peace Officer, and shall possess all powers by law provided and vested in Peace Officers, Police Officers and Deputy Sheriffs, and the said Investigator shall be under the sole and exclusive jurisdiction of the county attorney. Such county attorney and such assistant county attorneys and the said Investigator shall also receive actual and necessary traveling expenses incurred in the business of the county, which traveling expenses shall be allowed and paid by the county on a verified itemized bill, in the same manner as other bills against the county."

Approved April 15, 1929.

CHAPTER 195—S. F. No. 725

An act extending the right of redemption from mortgage and execution sales to the creditors of a decedent debtor.

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

Section 1. Creditor may redeem in certain cases.—That any creditor whose claim shall have been proved and allowed by a probate court of this state against the estate of a deceased debtor shall have the right, as a creditor of such decedent, to redeem the lands of the decedent from a sale thereof upon the foreclosure of a mortgage, or upon an execution, in the order and in the manner herein provided.

Sec. 2. Creditor to file order with register of deeds.—For the purpose of such redemption a creditor whose claim against the estate of a decedent shall have been so allowed shall file for record in the office of the register of deeds of the county in which the real estate sought to be redeemed is situated, within the year of redemption, a certified copy of the order of the probate court allowing such claim, and thereupon such claim shall constitute a lien upon the unexempt real estate of the decedent sold upon foreclosure or execution. The creditor shall also within such time file a notice in the office of such register of deeds briefly describing the sale of the decedent's lands, a description of the lands sold, and stating, in a general way, the nature, date and amount of the claim of the creditor, and that he intends to redeem such lands from the sale thereof described in such notice. In the case

of redemption from execution sales such notice shall also be filed in the office of the clerk of the district court in which such lands are situated.

Sec. 3. Filing to determine priority.—In the event more than one such proved and allowed claim shall be so filed and recorded for the purposes of such redemption, then, as between the owners of such claims, their right to redeem shall be in the order in which such claims were originally filed, succession commencing with the oldest in point of time; that as to the creditors of the decedent having a lien or liens, either legal or equitable, upon the lands of a decedent and existing otherwise than by allowance in probate, the creditors of the decedent whose claims have been allowed in probate shall be subsequent or junior thereto.

Sec. 4. Creditor may redeem when.—If no redemption is made by the personal representative of the deceased debtor, or by the assigns of such decedent, within one year after the day of such sale, or within one year after the date of the confirmation of such sale, as the case may be, the senior creditor having a lien, legal or equitable, upon the premises sold upon the foreclosure of a mortgage or upon execution, and subsequent to the mortgage or judgment lien under or by reason of which the premises were sold, including the creditors of a deceased debtor whose claims have been perfected and recorded as herein provided, may redeem within five days after the expiration of said twelve months by payment of the amount required by law for that purpose; and each subsequent creditor having a lien in succession, according to priority of liens, within five days after the time allowed the prior lien holder, respectively, may redeem by paying the amount aforesaid and all liens prior to his own held by the person from whom redemption is made.

Sec. 5. Probate Court to determine amount.—Whenever any such creditor redeems from the foreclosure of a mortgage under the provisions of this act the probate court shall determine the amount that shall be credited on his claim against the estate.

Sec. 6. Not to affect present law—Exception.—Except as in this act provided all such redemption shall have the force, and be governed by and subject to all of the requirements, of the statutes relating to the redemption of real estate from mortgage and execution sales now or hereafter in force.

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

Approved April 15, 1929.