

CHAPTER 199—S. F. No. 209

An act to legalize mortgage foreclosure sales heretofore made.

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

Section 1. Certain mortgage foreclosures legalized.—Every mortgage foreclosure sale by advertisement heretofore made in this state under power of sale in the usual form contained in any mortgage, duly executed and recorded in the office of the register of deeds or registered with the registrar of titles for the proper county of this state, which mortgage covered either registered or unregistered land and wherein the purchaser at such foreclosure sale, his heirs or assigns are in possession of the premises covered by such mortgage, together with the record of such foreclosure sale is hereby legalized and made valid and effective to all intents and purposes as against either or all of the following objections: That the notice of mortgage foreclosure sale stated that said sale will be made by the sheriff in his office in the County Court House and that said sale was so made in the office of said sheriff, and that the sheriff's certificate of mortgage foreclosure sale erroneously stated that said mortgage foreclosure sale had been made in pursuance of said notice of foreclosure at the front door of the Court House instead of in his office as said notice specified.

Sec. 2. New certificate to be issued.—In any of the foregoing cases, when the mortgage covered registered land, the purchaser at such foreclosure sale, his heirs or assigns, may after the expiration of the year of redemption in such foreclosure proceedings have his title duly registered in his name regardless of such defects. He shall apply by duly verified petition to the court for a new certificate of title to such land and the court shall thereupon after due notice to all parties in interest and upon such hearing as the court may direct, make an order or decree for the issuance of a new certificate of title to such person and the registrar will thereupon enter a new certificate of title to the land or the part thereof to which the applicant is entitled and issue an owner's duplicate as in the case of a voluntary conveyance.

An affidavit by the sheriff that the sale was made at the place stated in the foreclosure notice instead of as stated in the certificate of sale shall be prima facie evidence that same was made at the place therein stated, or oral evidence may be introduced at the hearing before the court for the purpose of proving the place where the sale actually took place.

Sec. 3. Not to affect pending actions.—The provisions of this act shall not affect any action or proceedings now pending in any of the Courts in this state, but this section shall not prevent

a mortgagee, who has heretofore filed a petition for a new certificate after the expiration of the year of redemption, from filing a new petition and receiving such new certificate of title regardless of such defective notice and erroneous certificate.

Approved April 18, 1931.

CHAPTER 200—S. F. No. 480

An act to amend Section 9221, Mason's Statutes of Minnesota for 1927, relating to affidavit of prejudice or bias of judge.

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

Section 1. **Affidavit of prejudice.**—That Section 9221 of *Mason's Statutes of the State of Minnesota for 1927* be and the same is hereby amended so as to read as follows:

"9221. Any party or his attorney to a cause pending in a district court having two or more judges, on the first day of a general or special term thereof or within one day after it is ascertained which judge is to preside at the trial or hearing thereof or at the hearing of any motion, order to show cause or argument on demurrer, may make and file with the clerk of the court in which the action is pending and serve on the opposite party an affidavit stating that, on account of prejudice or bias on the part of such judge, he has good reason to believe, and does believe that he cannot have a fair trial or hearing thereof, and thereupon such judge shall forthwith without any further act or proof secure some other judge of the same or another district to preside at the trial of such cause or hearing of motion, demurrer or order to show cause, and shall continue the cause on the calendar, until such judge can be present. In criminal actions such affidavit shall be made and filed with such clerk by the defendant or his attorney not less than two days before the expiration of the time allowed him by law to prepare for trial, and in any of such cases such presiding judge shall be incapacitated to try such cause: Provided, that in criminal cases such judge, for the purpose of securing a speedy trial, may, in his discretion, change the place of trial to another county."

Approved April 18, 1931.