

co-operate with the Land Classification Committee in each county in obtaining and considering the facts upon which to determine its land classification; the Land Classification Committee in each county shall consult, advise with and co-operate with the Land Use Committee in like manner, but the determination of the Land Classification Committee shall be final.

Sec. 4. **Lands to be classified.**—Upon the basis of all of the facts concerning land use now obtainable and in the manner herein provided, the Land Use Committee shall make and determine a temporary land classification of land areas with reference to the known uses to which such areas are adapted or adaptable. Such classification shall be adopted by a majority vote of said committee and recorded in its minutes. A certified copy of such temporary classification, together with a brief statement of the reasons therefor shall be recorded in the office of the Register of Deeds in the county or counties in which the lands classified are located. No fees shall be paid for such recording. When such temporary classification has been adopted by the committee, none of the lands classified as non-agricultural shall thereafter be sold or leased by the state for agricultural purposes.

Sec. 5. **Shall report to state legislature.**—The Land Use Committee shall report the results of its land classification to the State Legislature with such recommendations as it may deem advisable.

Approved April 22, 1933.

CHAPTER 437—H. F. No. 1818

An act to legalize foreclosure sales heretofore made and the records of mortgage foreclosure proceedings.

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

Section 1. **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 of the proper county of this state, together with a 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, viz:

1. That the power of attorney to foreclose the mortgage provided for by Mason's Minnesota Statutes of 1927, Section 9606 did not refer to the book and page of record thereof in the office of the Register of Deeds where the same is of record, or otherwise definitely describe and identify the mortgage authorized to be foreclosed.

2. That the power of attorney to foreclose the mortgage was witnessed, and the acknowledgement of the execution of the same by the mortgagee or by the officers of the mortgagee, if a corporation, was taken by the person, to whom such power was granted.

3. That the power of attorney to foreclose said mortgage provided for by Mason's Minnesota Statutes of 1927, Section 9606 had not been executed and recorded prior to such foreclosure sale as provided by law, or had been executed prior to such foreclosure sale, but not recorded until after such sale, provided such power of attorney is executed and recorded in the proper office prior to the passage of this Act.

4. That the power of attorney to foreclose the mortgage provided for by Mason's Minnesota Statutes of 1927, Section 9606, was executed by the mortgagee or assignee before there was default and the power of sale therein contained had become operative.

5. That the notice of sale was published six times but not for six weeks prior to the date of sale or that the sale thereunder was held before one week had elapsed after the last and sixth publication had been made.

6. That the notice of sale as published properly described the property to be sold in one or more of the publications thereof but failed to do so in the other publications thereof, the correct description having been contained in the copy of said notice served on the occupant of said premises.

7. That the notice was published for six full weeks and the mortgage sale was postponed and the original notice, together with notice of postponement, was regularly published in one issue of the same newspaper immediately succeeding the last publication of the original notice, but no notice was published in the issue of the said newspaper intervening between the first publication of said postponement and the postponed date of sale.

8. That the notice of mortgage foreclosure sale correctly stated the date of the month and hour and place of sale but named a day of the week which did not fall on the date given for such sale.

9. That the notice of sale correctly described the real estate but omitted the county and state in which said real estate is located.

10. That the notice of sale did not state the amount due or failed to state the full and correct amount due or claimed to be due.

11. That the notice of sale described the municipality in which the sale was to take place as a city instead of a village; or village instead of city.

12. That the notice of sale did not give the date of such notice.

13. That notice upon the occupant of the mortgaged premises was actually served more than four weeks before the foreclosure but that the affiant's signature was omitted from the affidavit of such service, but that a proper affidavit of such service has been filed prior to the passage of this Act.

14. That the notice of foreclosure was published six full weeks in a legal paper, although, the affidavit of publication stated that the publication began later than the time the actual publication occurred.

15. That the notice of sale was published for six insertions in a weekly paper but the printer's affidavit through error shows but five insertions, or that the sale was on the date of the sixth insertion.

16. That the notice of sale failed to specify the due date of such mortgage.

17. That first publication of notice of mortgage foreclosure stated that sale would be made by sheriff in his office in the court house, and the sheriff of said county having no office in the court house the five subsequent publications were amended to state that such foreclosure sale would be made by the sheriff at the front door of the court house, and that such sale was made pursuant to said amended notice.

18. That the notice of mortgage foreclosure sale was signed by the name of the mortgagee, a corporation, by an officer or agent without the designation of the office or agency of such person appearing as a part of such corporation signature, but the corporate seal of such corporation mortgagee was affixed as a part of such signature to said notice of mortgage foreclosure sale.

19. That the affidavit of costs of said mortgage foreclosure sale was not filed or recorded within the time required by law, but has been filed prior to the passage of this Act.

20. That several distinct and separate and not contiguous parcels of land were sold together as one parcel and to one bidder for one bid for the whole as one parcel.

21. That no authenticated copy of the order appointing or letters issued by the probate court to a representative or guardian of the

estate of the mortgagee or his assignee, was filed and recorded in the office of the Register of Deeds where the mortgage is of record, provided such order or letters have in fact been recorded in the proper office prior to the passage of this Act.

22. That said mortgage was assigned by final decree of a probate court in which decree the mortgage was not properly and fully described.

23. That the sale was made at the place or time which the notice of sale provided, but the Sheriff's Certificate stated that said sale was made at a different time or place.

24. That the Sheriff's Certificate of Sale together with the accompanying affidavits and return of service were not filed or recorded within twenty days after the date of sale but have been filed or recorded prior to the passage of this Act.

25. That the hour of sale was omitted from the notice of sale, or from the Sheriff's Certificate of Sale, of the mortgaged premises.

26. That prior to the foreclosure or attempted foreclosure, no registration tax was paid, but has been paid prior to the passage of this Act, or not sufficient registration tax according to law had been paid on the mortgage attempted to be foreclosed.

27. That the date of the mortgage or any assignment thereof or the date, the month, the day, hour, book and page, or document number of the record or filing of the mortgage or any assignment thereof, in the office of the Register of Deeds or Registrar of Titles is incorrectly stated in the notice of sale or in any of the foreclosure papers, affidavits or instruments.

28. That the affidavit of publication incorrectly stated the time that the publication actually occurred.

29. That one of the regular publication days for a notice of mortgage foreclosure sale fell upon any legal holiday, or that the mortgage foreclosure sale was held upon any legal holiday.

30. That the attorney foreclosing was the husband or wife of the holder of such mortgage, as mortgagee, assignee of mortgagee or otherwise.

31. That foreclosure record was not filed in proper office prior to expiration of 15 years from due date of such mortgage, if sale was in fact made prior to such 15 year period.

32. That the notice of the pendency of the suit or proceedings to enforce or foreclose the mortgage as provided in Section 8303, Mason's Minnesota Statutes of 1927, has not been filed with the

Registrar of titles and a memorial thereof entered on the register at the time of or prior to the commencement of such action or proceeding, or that no such notice was filed at any time.

33. That notice upon the occupant of the mortgaged premises was actually made four weeks before the foreclosure sale, but that no affidavit of service was filed, or that the affidavit was erroneously executed, but a proper affidavit has been filed prior to the passage of this Act.

34. That said mortgage so foreclosed, was assigned one or more times and said assignments duly recorded in the office of the Register of Deeds before the commencement of said foreclosure and said mortgage was foreclosed by the assignee of record and the actual owner of said mortgage, but that the notice of said foreclosure sale and the foreclosure sale record failed to state the names of one or more of said assignees and the actual owner of said mortgage whose name was subscribed to said notice was therein stated to be the mortgagee instead of the assignee of mortgagee.

35. That the power of attorney to foreclose the same, provided for by Mason's Minnesota Statutes of 1927, Section 9606, has been acknowledged before a notary public who is the same person named as the attorney authorized to make such foreclosure, and which attorney has signed as witness to the signature of the person who executed such power of attorney.

36. That the power of attorney to foreclose a real estate mortgage constituting part of the assets of the estate of a deceased person was signed by the representative of the estate as an individual, rather than in a representative capacity.

37. That the initials of one of the mortgagors was set out in reverse order in the notice of mortgage foreclosure sale, but was correctly stated in the power of attorney and Sheriff's Certificate of Sale.

38. That the notice of sale was published in a weekly newspaper for six full weeks, and at the time specified therein for such sale the same was postponed for less than one week and there was no issue of such newspaper published during the time intervening between the date of such postponement and the postponed date of sale and no notice of such postponement was published or posted.

39. That the notice of mortgage foreclosure sale failed to state or incorrectly stated the middle initial of the name of the mortgagor, the mortgagee or assignee of mortgagee as the same appeared in the mortgage.

40. That a certified copy of the final decree of distribution entered by the probate court in the estate of the mortgagee and filed and recorded in the office of the Register of Deeds of the county where the mortgage is of record, failed to enumerate the date and place of filing and recording said mortgage, provided an amended final decree of distribution enumerating the date and place of filing and recording said mortgage be filed and recorded, prior to the passage of this Act, in the office of the Register of Deeds of the county where the mortgage is on record.

41. That the Sheriff's Certificate of Sale was not executed, filed or recorded within 20 days after the sale, but has been executed, filed and recorded prior to the passage of this Act.

42. That the power of attorney was not witnessed.

43. That the notice of mortgage foreclosure sale correctly stated the day of the month, the hour, and place of sale but failed to state the year.

44. That the notice of sale as published and/or served, correctly gave the number of the book and page where the mortgage was recorded but failed to designate said book as being "book of mortgages."

45. That the power of attorney to foreclose the mortgage provided for by Mason's Minnesota Statutes of 1927, Section 9606, was executed by the president of a cemetery association only, who held his office by common consent of the members thereof, without being regularly elected as provided in the articles of incorporation, and where the seal of said corporation is omitted from the power of attorney.

46. That the notice of Mortgage Foreclosure Sale was in all respects regular except that said notice was published only five times.

47. That the notice of sale and/or sheriff's certificate of sale correctly referred to the assignment of said mortgage, to the date of said assignment, and to the date and hour of recording or registration thereof, but incorrectly referred to the document number of said instrument as affixed thereto by the Register of Deeds or the Registrar of titles of the county in which said assignment was recorded or registered.

48. That the notice of foreclosure sale was not served upon the person in possession of the mortgaged premises.

49. That where the mortgaged premises were not occupied by any person or persons living thereon and the notice of foreclosure

sale was not served on any person or persons otherwise in possession of said premises and the Sheriff of the County in which said premises are situated, either as such officer or as an individual, made affidavit in said proceeding, that at least four weeks before the time appointed for the sale of the mortgaged premises he attempted to make service of such notice of sale upon the person in possession of said premises and that at said time and for some time prior thereto said premises were wholly vacant and unoccupied, but that such notice of sale was not served upon persons who had used such premises for cultivation or otherwise during the year preceding the date of such affidavit.

50. That the description of the mortgage contained in the Sheriff's Certificate of Sale recited an incorrect date as the date of the mortgage where the correct date was set forth in the printed notice of the mortgage foreclosure sale annexed to such sheriff's certificate or referred to therein.

51. That in all mortgage foreclosure sales by action wherein heretofore the report of sale has been confirmed by order filed in the action and a certificate of sale was thereafter executed in proper form but not recorded within twenty days after such confirmation and has since been recorded, such certificate and the record thereof are hereby legalized with the same effect as if such certificate had been executed, acknowledged and recorded within such twenty days.

52. That the notice of sale was signed by a person purporting to act as administratrix of the estate of a deceased person when as a matter of fact the person so signing said notice was the executrix of the last will and testament of the said deceased person, and also as against the objection that the said executrix was elsewhere in said notice or in the proceedings had to foreclose said mortgage referred to as the administratrix of said deceased person instead of being referred to as the executrix of the last will and testament of said deceased person.

Sec. 2. Not to affect pending actions.—The provisions of this Act shall not affect any action or proceeding now pending in any of the courts of this state.

Sec. 3. Provisions separable.—The provisions of this Act are hereby declared to be severable. If one provision hereof shall be found by the decision of a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other provisions of this Act.

Approved April 22, 1933.