

ceedings; Provided, that if any person whose husband or wife has been absent for five successive years, without being known to such person to be living during that time, marries during the lifetime of such absent husband or wife, the marriage shall be void only from the time that its nullity is duly adjudged."

Approved April 24, 1937.

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CHAPTER 408—S. F. No. 1040

*An act to provide for the cultivation and occupation of farm lands where the year for redemption under mortgage foreclosure sales and execution sales of real estate expires during the cropping season and granting to the district court jurisdiction to define the terms upon which said lands may be farmed and cultivated during said year.*

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

**Section 1. Cultivation of lands sold under mortgage foreclosures—petitions.**—Where any mortgage upon farm lands has been foreclosed or farm lands have been sold upon execution and the period of redemption shall expire between April 15th and October 1st of any year and it is made to appear to the Court that said lands may not be farmed or cultivated during said year, the mortgagor, or the owner in possession of the mortgaged premises or any one claiming under such mortgagor, or any one liable for the mortgage debt at the time of the making of the application, may apply to the District Court of the County wherein such foreclosure proceedings were held, or are pending, by filing in said Court, a verified petition setting forth the claims of the applicant of his interest in said land, or in the crops that may be raised thereon in the year in which said period of redemption expires and setting forth that said land can not be farmed or cultivated during said year except under order of the Court and that he is unable to redeem said lands at the time the year for redemption will expire, and offering to farm and cultivate said land during said year upon such terms as the Court shall find to be just and equitable.

**Section 2. Service of notice of petition—hearing.**—Such petition and notice of motion for hearing thereon shall be served as now provided for the service of a summons in a civil action upon the mortgagee or execution creditor if he is the owner of the Sheriff Certificate of Sale of record and upon each creditor of the mort-

gagor holding a lien of record upon the mortgaged premises; if said Certificate has been transferred of record, then upon the owner of the Sheriff Certificate of Redemption or execution sale appearing of record. If the owner of record is the original mortgagee or the execution creditor, then service may be made by registered mail upon such mortgagee or execution creditor or upon his attorney foreclosing said mortgage or the attorney whose name appears on the execution as attorney for the execution creditor in the case of an execution sale.

The hearing upon said motion shall be not less than 10 days nor more than 20 days after the service of such notice of motion.

**Section 3. District Court to have jurisdiction.**—When service has been made as provided in the previous section of such notice and petition before the time for redemption has expired, the District Court of the County in which said lands are situated shall have jurisdiction and equitable power to provide for the cultivation of said lands during said year as herein provided upon such terms as the Court shall find to be just and equitable, and prevent irreparable loss to the parties interested.

**Section 4. Court to determine fair rental value.**—Upon such hearing, if the Court shall find that the allegations of the petition are true and that said lands may not be farmed or cultivated during the year in which the period of redemption expires, the Court shall determine the fair rental value of said premises from the time the period of redemption expires until the 1st day of October in said year assuming that said land is farmed in a good and husbandlike manner and shall determine what rent or share shall be paid to the holder of the Sheriff Certificate of foreclosure sale or execution sale during said extended period and shall provide for the giving of security by the applicant or tenant for the payment of such rents or share of the crops or income from said lands, and the Court may require the parties to execute a lease or leases to carry out the order of the court, the lease by its terms to expire on October 1, of the year in which made; but the tenant shall have a reasonable time thereafter to remove from the land his crops grown thereon and other articles of personal property owned by him.

**Section 5. Court may grant certain rights.**—The Court may further grant to the owner of the Sheriff Certificate of Redemption or Certificate of Execution Sale, the right to plow upon said premises after the crops have been removed or should have been removed from said premises.

**Section 6. Application of act.**—This act shall not be construed as extending the period of redemption but as granting relief in equity to the interested parties and to prevent irreparable loss

and to fully compensate the owner of the Sheriff Certificate for the use and occupation of the lands granted pursuant to this act.

Approved April 24, 1937.

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CHAPTER 409—S. F. No. 915

*An act to amend Laws of 1923, Chapter 225, Section 11, as amended by Laws of 1933, Chapter 429, Section 9, as amended by Laws of 1935, Chapter 367, Section 2, and extending the authority of the conservator to sell lands on the crop payment plan.*

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

Section 1. Law amended.—That Laws of 1923, Chapter 225, Section 11, as amended by Laws of 1933, Chapter 429, Section 9, as amended by Laws of 1935, Chapter 367, Section 2, be and the same hereby is amended so as to read as follows :

“Section 11. Title to be taken in the name of the State of Minnesota.—a. The title to all property taken by the Department shall run to the State of Minnesota.

b. The property, real, personal and mixed, acquired by the Department shall be sold by the Conservator at its fair value at the time of sale, in such manner and on such terms as may be provided by the regulations adopted by him. In making sales of real estate the Conservator shall have regard for the state of the market and shall make sales thereof in such manner and at such times as not to depress unduly the market for farm lands, and shall, in his judgment the best interest of the State and of the public will be served thereby, defer such sales until such time as they may be made without undue loss to the State or undue impairments of the market value of farm lands within the state. No land shall be sold by the Conservator for an amount less than the indebtedness accrued thereon at the time of the acquisition of title by the Department, together with interest thereon at the rate provided for in the mortgages now held by the department of Rural Credit until sold, less the net income derived therefrom after such acquisition of title; but if the Conservator shall determine that a sale of any such land cannot be made for the full amount accrued against it and that further loss to the state would probably result if it be not then sold he may sell any such land for less than said amount upon the approval of such sale by a judge of the District Court of Ramsey County, Minnesota, in the same manner as provided by Section 10A hereinbefore stated.