

CHAPTER 431—S. F. No. 884.

An act granting relief to persons in the military service of the United States and subsequent lien creditors from certain foreclosures of real estate mortgages, judgments, and other liens, and for the appointment of a receiver of the mortgaged premises in connection therewith.

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

Section 1. Foreclosure actions against persons in military service.—Any person now or hereafter in the military service of the United States as defined by the Federal Soldiers' and Sailors' Civil Relief Act of 1940, as amended, or the Women's Army Auxiliary Corps of the United States, who, at or prior to his or her enlistment or induction therein, and at the time of sale as hereinafter referred to, is the owner of real estate or an interest therein subject to mortgage, or judgment, or other lien, which mortgage, judgment, or lien has been or shall be foreclosed by advertisement or by action or other proceedings, shall have the right prior to the expiration of the time now allowed by law for redemption, to have such time extended until six months after the cessation of hostilities in the present war between the United States and its allies, and Germany, Japan, Italy, and their allies, is terminated by proper federal authority, or until six months after his or her decease while in service, or discharge from the military service, whichever is the later date, in the manner hereinafter provided.

Sec. 2. Redemption period extended in certain cases.—If such foreclosure is by advertisement, such period of redemption shall be extended as hereinbefore set forth by such mortgagor or the present owner of such real estate, or interest therein, his or her agent, attorney, next friend, personal representative or assigns, serving in the manner required for service of a summons in a civil action within twelve months after said foreclosure sale upon the purchaser at such foreclosure sale or his assigns, and recording in the office of the register of deeds of said county an affidavit, together with proof of service thereof, wherein is set forth the name of such mortgagor, or present owner, the date of said mortgage, and the book and page of its record in the office of the register of deeds, a description of the real estate covered by said mortgage, the date of his or her enlistment or induction into such military service and at the time of said sale, and further stating that such mortgagor or owner was the owner of said premises or of an interest therein at the time of said sale, and that such mortgagor or owner is a member of the military service of the United States or the Women's Army Auxiliary Corps, and the date of the sheriff's certificate of sale. Such affidavit shall be personally served

upon said purchaser, or his assignee, if found within said county. Provided, however, that if said purchaser or his assignee cannot be found within said county, as appears by the certificate of the sheriff of said county, after due and diligent search and inquiry has been made, wherein it is made to appear that said purchaser, or his assignee, cannot be found in said county, and that the place of residence of said purchaser or his assignee is to him unknown, service of said affidavit shall be deemed for the purpose hereof to have been made by the filing and recording of such certificate of said sheriff with said affidavit in the office of the register of deeds or the registrar of titles in and for the county or counties in which said real estate is situated. Upon compliance with the foregoing conditions the period of redemption shall be extended as hereinbefore set forth.

Sec. 3. Redemption period extended in certain cases.—In a case where the mortgage, lien, or judgment has been foreclosed by an action in the district court and a sale thereunder has been held, and which sale has been duly confirmed by said court if required by statute, the period of redemption from such sale shall be extended by said mortgagor or owner of said premises, his or her agent, attorney, next friend, or personal representative, filing within twelve months from date of said order of confirmation of said sale if required, otherwise after said sale, an affidavit, together with proof of service thereof in the manner provided in Section 2 hereof, wherein is set forth the name of such mortgagor, or present owner, the date of said mortgage, and the book and page of its record in the office of the register of deeds, a description of the real estate covered by said mortgage, the date of said sale, and further stating that such mortgagor or owner was the owner of said premises or of an interest therein at the time of his or her enlistment or induction into such military service and at the time of said sale, and that such mortgagor or owner is a member of the military service of the United States or the Women's Army Auxiliary Corps, and the date of the order of the court confirming such sale if confirmed, with the clerk of the district court wherein said foreclosure action or judgment is pending, and by filing and recording a certified copy thereof with the register of deeds or registrar of titles of the county wherein said real estate is situated. The period within which such mortgagor or present owner of said premises, or his or her personal representative, may redeem from any such foreclosure and sale, under this act, shall be extended as hereinbefore set forth, but in no event shall such period of redemption in any case be extended beyond June 1, 1945.

Sec. 4. Receiver may be appointed.—In the event the benefits of this act shall have been invoked by or in behalf of such per-

son, at any time after the date of sale, the holder of the sheriff's certificate of sale, or his assignee, may apply with or without notice to said mortgagor or owner to the district court in the county in which any of such real estate is situated, for the appointment of a receiver of such real estate, who shall receive the rents, profits and income therefrom accruing after twelve months from the date of sale, and thereafter account to the court at least once in each six months' period, and perform such other duties and exercise such other powers as the court by its order may direct; provided such receiver shall not be entitled to possession of said real estate or to receive the rents, profits and income therefrom until the expiration of twelve months from the date of sale. The court may, as the equities may warrant, direct and order that the receiver apply all or part of such rents, profits and income towards the payment of taxes which have become a lien subsequent to the date of sale, insurance, interest, the amount paid for said property at such sale, or repairs at such time and in such manner as it fixes and orders, and said receiver shall give bond in an amount to be fixed by the court, and shall in all things comply with the orders of the court relative thereto.

Sec. 5. Proceeding after expiration of time of redemption.—

Upon the expiration of the time for redemption as may be hereunder extended, the certificate of sale shall operate as a conveyance to the purchaser or his assignee of all the right, title, and interest of the mortgagor or owner in and to the premises described therein at the date of such lien without any other conveyance or formality whatsoever.

Sec. 6. Not to affect rights of junior lienors.—Nothing herein contained shall be construed to extend the time for redeeming by junior lienors under Mason's Minnesota Statutes of 1927, Section 9627 and said junior lienors who have filed during the year of redemption, notice of intention to redeem under Mason's Minnesota Statutes of 1927, Section 9627, and have complied therewith, shall have the right to redeem within said five day periods respectively in accordance with their priority upon payment of the amounts required to redeem in each case and upon making said redemption the person last redeeming shall be exactly in the same position with the same and no greater rights and privileges, with exception as to the amount due necessary to redeem by the original mortgagor, his assigns or his or her personal representative, as the first holder and owner of the sheriff's certificate of sale and the mortgagor or the present owner of said premises or his or her personal representative shall have the same right to redeem during the extended period of redemption as provided in this act from such foreclosure sale, from the last of said persons redeeming as junior lienors, by paying the total amount then and there due as

he or she would have had to redeem from the first owner and holder of said sheriff's certificate under said foreclosure sale, but in no event shall said right to redeem extend beyond June 1, 1945.

Approved April 13, 1943.

CHAPTER 432—S. F. No. 885.

An act relating to policemen's relief associations and policemen's pensions and levies therefor in certain cities having a population according to the 1940, or any subsequent, United States census of not less than 17,500 and not more than 18,750 inhabitants.

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

Section 1. Policemen's relief association—Corporate existence.—The police department of each city in this State having a population according to the 1940, or any subsequent, United States Census of not less than 17,500, and not more than 18,750 inhabitants, shall maintain a policemen's relief association which shall be incorporated under the laws of the State of Minnesota. All such associations now existing as such corporations, or hereafter incorporated under the laws of this State, shall have perpetual corporate existence.

Sec. 2. Same—Organization and powers—Regulations.—Each such relief association shall be organized, operated, and maintained in accordance with its own articles of incorporation and by-laws, by policemen, as hereinafter defined, who are members of said police departments. Each association shall have the power to regulate its own management and its own affairs, and all additional corporate powers which may be necessary or useful; subject, however, to the regulations and restrictions of this act, and other laws of this State pertaining to corporations, not inconsistent herewith.

Sec. 3. Policeman—Definition of term—Other pensions and Benefits.—A policeman under this act is a duly appointed policeman, policewoman, or police matron, who is regularly entered on the payroll of the police department of such city, serving on active duty therein, after having completed any probationary period required under the laws or ordinances of such city. Probationers in the police department, substitutes and persons employed irreg-