

CHAPTER 58—H. F. No. 65

An act exempting certain dealers in farm implements from the license required of dealers in motor vehicles, and amending Minnesota Statutes 1945, Section 168.27, Subdivision 13.

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

Section 1. Minnesota Statutes 1945, Section 168.27, Subdivision 13, is amended to read as follows:

168.27. **Manufacturers and dealers in motor vehicles.**
Subd. 13. **Application of section.** This section shall not apply to any person, copartnership, or corporation exclusively engaged in the business of selling house trailers, and shall not apply to any person, copartnership, or corporation engaged in the business of selling farm wagons, farm trailers, farm tractors or other farm implements whether self-propelled or not, even though such wagons, trailers, tractors or implements may be equipped with a trailer hitch, unless such person, copartnership or corporation shall also be engaged in the business of selling other motor vehicles within the provisions of this act.

Approved March 7, 1947.

CHAPTER 59—S. F. No. 316

[Not Coded]

An act providing for the appointment of, defining the duties of, providing for the bond of, filling of vacancies in, allowance of clerks and employees for, providing for the disposition of the fees and fixing the salary of county abstract clerks in all counties of the State of Minnesota now or hereafter containing not less than 19 nor more than 21 organized townships, and having a population of not less than 35,000, nor more than 39,000 inhabitants according to the last federal census, and having an assessed valuation, exclusive of moneys and credits, of not less than 16 million dollars and not more than 21 million dollars.

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

Section 1. **Abstract clerk in certain counties; creation of office.** In all counties of the state now or hereafter containing not less than 19 nor more than 21 organized townships, and

having a population of not less than 35,000 nor more than 39,000 inhabitants according to the last federal census, and having an assessed valuation, exclusive of moneys and credits, of not less than 16 million dollars and not more than 21 million dollars, the Board of County Commissioners shall appoint a County Abstract Clerk whose term of office shall be for four years and until his successor is appointed and shall have qualified. The person so appointed as County Abstract Clerk shall, before entering upon his duties, give bond to the county at county expense in the penal sum of \$5,000 to be approved by the county board, conditioned that he will faithfully discharge the duties of his office and shall give bond to the public in the penal sum of \$10,000 at his own expense to be approved by the county board, conditioned that he shall pay all damages suffered by anyone through any error or deficiency in any abstract of title or registered property report issued by his office.

Sec. 2. Duties. Subdivision 1. Indices. It shall be the duty of the County Abstract Clerk to maintain, current as of eight o'clock A. M. of every business day, abstract indices to all the lands of such county, including a tract and miscellaneous system of indices, correctly indexing every instrument filed of record in the office of the Register of Deeds in such county which in any manner affects the title to real property within the county. He shall maintain such other and further abstract records and indices as the Board of County Commissioners of such county may direct.

Subd. 2. Furnish abstracts. It shall be the duty of the County Abstract Clerk to furnish, within ten days, upon demand of anyone and proffer of his fees, a complete, true and perfect abstract of title to any parcel of land in such county.

Subd. 3. Use of records by public. The County Abstract Clerk shall, without fee and within such reasonable hours as not to interfere with the conduct of his office and under such reasonable supervision as to assure the safety of the public records, permit the use of any records in such office by duly authorized representative of other state, county, municipal or federal governmental agencies for public purposes.

Subd. 4. Oral information. It shall be the duty of the County Abstract Clerk to furnish to anyone within 48 hours of demand, and without fee, an oral report of the apparent ownership and apparent unsatisfied encumbrance as to any parcel of land within such county, but he shall not be respon-

sible under the bond herein required, for the correctness of any report furnished without fee.

Subd. 5. Certain information prohibited. The County Abstract Clerk shall not be required or permitted, except as incident to the issuance of or with reference to abstract of title, to report any old age assistance lien against any person.

Subd. 6. Practice of law prohibited. The County Abstract Clerk and his deputies and employees shall not be permitted to practice law, or demand or receive any fee for any opinion as to the condition of the title to any parcel of real estate, save as to reports of the apparent record ownership as hereinbefore provided nor to prepare or execute any papers incident to the transfer of title to real property or in any manner act as advisor or counsellor at law or as agent for the sale of real property or in any manner assume the function of lawyer, real estate broker or advisor.

Subd. 7. Deputy county abstract clerk; appointment. The County Abstract Clerk may appoint with the consent and approval of the Board of County Commissioners in and for such county, a Deputy County Abstract Clerk, and to hire such help and employees as shall be necessary to effectively operate the office of abstract clerk.

Sec. 3. Compensation. The compensation of the County Abstract Clerk, Deputy County Abstract Clerk, help and employees, shall be fixed by the Board of County Commissioners in and for such county.

Sec. 4. Fees certified to and made payable to county treasurer. The County Abstract Clerk shall set fees as allowed by law for the preparation and issuance of each abstract of title or registered property report based upon each pertinent and proper entry thereon of a transfer or other instrument affecting title to the premises, for a report as to taxes or assessments and for each abstract or continuation thereon, for each name searched for judgments, in federal courts, and for each name searched for bankruptcies, for each name searched for old age assistance liens, for each name searched for federal tax liens and for every plat or drawing furnished on request with any abstract, all of which fees shall be certified to and made payable to the treasurer in and for said county.

Sec. 5. Office space. The Board of County Commissioners of any such county shall provide the necessary office and vault space for the county abstract clerk in the court house

of such county, with suitable furniture therefor, and shall provide heating, lighting and maintenance of such offices. The said board shall furnish the said abstract clerk with all books, stationery, letterheads, envelopes, telephone service, office equipment and supplies necessary for the discharge of his duties.

Sec. 6. Records. Subdivision 1. **Open to inspection.** The records and indices in the office of County Abstract Clerk are hereby designated and defined as public records, open to inspection, but only to the extent in this section provided.

Subd. 2. **Property of the county.** Every record, index, abstract copy, plat, bookkeeping record, or paper of any type whatsoever, prepared in such office, shall be the property of the county for the use of the County Abstract Clerk and his successors in office, and shall, at the expiration of the term of any such abstract clerk be turned over to his successor in office.

Subd. 3. **Who may or who may not use records.** The County Abstract Clerk shall permit, without fee and within such reasonable business hours as not to interfere with the conduct of the work of the office, and under such supervision as shall assure the safety of the records, inspection of the tract index as hereinbefore defined, by any party interested in the ownership of any particular parcel of land, or his agent or attorney. There shall be no right on the part of anyone to make general or indiscriminate searches of the records or to copy any part thereof for the purpose of making abstracts of title or abstract books or in any manner to deprive the abstract clerk of the fees provided by law for his official duties.

Subd. 4. **Penalty for defacing or destroying.** Any person who destroys, attempts to destroy, deface or alter any record in the office of the County Abstract Clerk shall be guilty of a gross misdemeanor and upon conviction thereof shall be subject to punishment according to law.

Sec. 7. Vacancies. Vacancies in the office of County Abstract Clerk, for whatever cause, shall be filled by appointment by the Board of County Commissioners of any such county. The person so appointed shall give the bond and take the oath required by law, and shall hold office for the remainder of the unexpired term, and until his successor qualifies.

Sec. 8. Inspection and examination of records. It shall be the duty of the Board of County Commissioners in and

for said such county to appoint each year a committee to inspect the records and the conduct of the office of County Abstract Clerk, such committee to consist of an accountant representing the office of the County Auditor and two members of the said board, all of whom shall serve without further compensation than now provided by law for their respective positions. It shall be the duty of said committee to inspect at least once each year all the records of the office of County Abstract Clerk and report to the Board of County Commissioners on the fees collected, of public service rendered, the condition of the public records therein contained and the general conduct of the office. The County Abstract Clerk shall permit inspection of all records of whatsoever nature having to do with his conduct of the office, upon demand at any time by said committee.

Sec. 9. **Severable.** If any provision of this act is held invalid, such invalidity shall not affect other provisions of the act which can be given effect without the invalid provision and to this end the provisions of this act are declared to be severable.

Approved March 7, 1947.

CHAPTER 60—S. F. No. 9

[Not Coded]

An act authorizing the renewal of the period of corporate existence of certain corporations whose period of duration has expired without the renewal thereof, and legalizing acts and contracts of such corporations made or done and performed subsequent to the expiration of the original period of existence of such corporations, and providing for the rights and remedies of non-assenting stockholders.

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

Section 1. Corporate renewal; proceedings to renew. Any corporation heretofore organized under the laws of this state for pecuniary profit and manufacturing corporations created under and by virtue of Revised Laws 1905, Chapter 58, and laws amendatory thereof, and corporations created under General Statutes 1894, Chapter 34, and General Statutes 1878, Chapter 34, and laws amendatory thereof, whose period of duration has expired less than 21 years prior to