

CHAPTER 117—H. F. No. 191

[Coded as Section 525.092, Subdivisions 1 and 2]

An act relating to the records in the office of the clerk of probate court and providing for the destruction of certain vouchers after ten years following the closing of estates; excepting certain guardianships.

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

[525.092] Section 1. **Clerk may destroy certain papers.** Subdivision 1. **Certain vouchers and receipts.** The clerk of the probate court is hereby authorized to destroy all vouchers or receipts filed in estates and guardianship proceedings of record in his office after such estates or guardianships have been closed for a period of ten years, or more, except receipts for any federal or state taxes.

Sec. 2. Subd. 2. **Not to apply to certain guardianships.** The provisions of this act shall not apply to guardianships of incompetent or insane persons, nor to guardianships of minors until one year after the minor has attained his twenty-first birthday.

Approved March 24, 1947.

CHAPTER 118—H. F. No. 192

An act relating to the limitation of actions affecting title to real estate; amending Minnesota Statutes 1945, Section 541.023.

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

Section 1. Minnesota Statutes 1945, Section 541.023, is amended to read as follows :

541.023. **Limitations of actions affecting title to real estate.** Subdivision 1. **Commencement.** *As against a claim of title based upon a source of title, which source has then been of record at least 40 years, no action affecting the possession or title of any real estate shall be commenced by a person, partnership, corporation, state, or any political division thereof, after January 1, 1948, to enforce any right, claim, interest, incumbrance or lien founded upon any instrument, event or transaction which was executed or occurred more than 40 years prior to the commencement of such action, unless*

within 40 years after such execution or occurrence there has been recorded in the office of the register of deeds or filed in the office of the registrar of titles in the county in which the real estate affected is situated, a notice sworn to by the claimant or his agent or attorney setting forth the name of the claimant, a description of the real estate affected and of the instrument, event or transaction on which such claim is founded, and stating whether the right, claim, interest, incumbrance or lien is mature or immature. If such notice relates to vested or contingent rights claimed under a condition subsequent or restriction it shall affirmatively show why such condition or restriction is not, or has not become nominal so that it may be disregarded under the provisions of Minnesota Statutes 1945, Section 500.20 (1).

Subd. 2. Application. *This section shall apply to every right, claim, interest, incumbrance or lien founded upon any instrument, event or transaction 40 years old at the date hereof, or which will be 40 years old prior to January 1, 1948, except those under which the claimant thereunder shall file a notice as herein provided prior to January 1, 1948.*

Subd. 3. Extent of act. *This section does not extend the right to commence any action beyond the date at which such right would be extinguished by any other statute.*

Subd. 4. Notices, filing or recording; fee. *Registers of Deeds and Registrars of Titles are hereby directed to accept for recording or filing notices conforming with the provisions hereof, and to charge therefor fees corresponding with the fees charged for filing notices of lis pendens of similar length. Such notices may be discharged in the same manner as notices of lis pendens, and, when so discharged, shall, together with all information included therein, cease to constitute either actual or constructive notice.*

Subd. 5. Abandonment presumed. *Any claimant under any instrument, event or transaction barred by the provisions of this section shall be conclusively presumed to have abandoned all right, claim, interest, incumbrance or lien based upon such instrument, event or transaction; and the title in the name of any adverse claimant to the real estate which would otherwise be affected thereby shall not be deemed unmarketable by reason of the existence of such instrument, event or transaction; it being hereby declared as the policy of the state of Minnesota that, except as herein provided, ancient records shall not fetter the marketability of real estate.*

Subd. 6. Limitations; certain titles not affected. *This section shall not affect any rights of the Federal government;*

nor increase the effect as notice, actual or constructive, of any instrument now of record; nor bar the rights of any person, partnership or corporation in possession of real estate. This section shall not impair the record title or record interest, or title obtained by or through any congressional or legislative grant, of any railroad corporation or other public service corporation or any trustee or receiver thereof or of any educational or religious corporation in any real estate by reason of any failure to file or record further evidence of such title or interest even though the record thereof is new or hereafter more than 40 years old; nor shall this section require the filing of any notice as provided for in this act as to any undischarged mortgage or deed of trust executed by any such corporation or any trustee or receiver thereof or to any claim or action founded upon any such undischarged mortgage or deed of trust. The exceptions of this subdivision shall not include (a) reservations or exceptions of land for right of way or other railroad purposes contained in deeds of conveyance made by a railroad company or by trustees or receivers thereof, unless said reserved or excepted land shall have been put to railroad use within 40 years after the date of said deeds of conveyance, (b) nor any rights under any conditions subsequent or restrictions contained in any such deeds of conveyance. This act shall not affect any action or proceeding which is now or on January 1, 1948, shall be pending, for the determination of validity of the title to real estate.

Approved March 24, 1947.

CHAPTER 119—H. F. No. 245

[Coded as Sections 70.35 to 70.51]

An act relating to the regulation of rates for insurance commonly known as casualty insurance, for all other forms of motor vehicle insurance, and for fidelity, surety, and guaranty bonds, and to rating organizations, advisory organizations, joint underwriting and joint reinsurance.

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

[70.35] Section 1. **Purpose of act.** The purpose of this act is to promote the public welfare by regulating insurance rates to the end that they shall not be excessive, inadequate or unfairly discriminatory, and to authorize and regulate coopera-