

*Provided further that freedom of choice in the selection of a funeral director shall be granted to persons lawfully authorized to make arrangements for the burial of any such deceased recipient. In determining the sufficiency of such estate due regard shall be had for the nature and marketability of the assets of the estate. The state agency may grant funeral expenses where the sale would cause undue loss to the estate.*

Sec. 3. Minnesota Statutes 1945, Section 256.65, is hereby amended so as to read as follows:

256.65. Assistance to be claim against estate of decedent. On the death of any recipient the total amount of assistance and funeral expenses paid under sections 256.49 to 256.71 shall be allowed as a claim against the estate of such person.

Sec. 4. Effective date. This act shall take effect and be in force from and after July 1, 1947.

Approved April 15, 1947.

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#### CHAPTER 344—S. F. No. 392

*An act relating to annual tax levy on unorganized territory for road and bridge purposes; amending Minnesota Statutes 1945, Section 162.04.*

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

Section 1. Minnesota Statutes 1945, Section 162.04, is amended to read as follows:

162.04. County boards may levy annual tax on unorganized territory for road and bridge purposes not to exceed 15 mills on the dollar. The county boards of the several counties in which there may be situated any territory not organized for town purposes are hereby authorized to, and they may in their discretion, annually levy a tax for road and bridge purposes on all the real and personal property in such unorganized territory, exclusive of money and credits taxed under the provisions of chapter 285, not exceeding 21 mills on the dollar of the assessed value of such property. Such tax, if levied, shall be additional to the tax which the counties are authorized to levy for county road and bridge purposes. *In any county which has received aid from the state as a*

*distressed county, during the preceding calendar year, the maximum levy for road and bridge purposes shall not exceed ten mills, for unorganized townships.*

Approved April 15, 1947.

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CHAPTER 345—S. F. No. 509

[Not Coded]

*An act to legalize foreclosure sales heretofore made and the records of mortgage foreclosure proceedings and limiting the time within which actions may be brought or defenses interposed questioning the validity of foreclosure proceedings.*

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

**Section 1. Foreclosure sales under power validated.** 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 the record of such foreclosure sale, is hereby legalized and made valid and effective to all intents and purposes, as against any or all of the following objections, viz:

**Subdivision 1. Power of attorney.** That the power of attorney, recorded or filed in the proper office prior to the passage of this act, to foreclose the mortgage, provided for by Minnesota Statutes 1941, Section 580.05:

- (a) Did not definitely describe and identify the mortgage.
- (b) Was not sufficiently witnessed or acknowledged, or was witnessed by the person to whom the power was granted, or the acknowledgment of the execution thereof was taken by the person to whom the power was granted, or that the corporate seal was not affixed thereto, if executed by a corporation.
- (c) Had not been executed and recorded or filed prior to sale, or had been executed prior to, but not recorded or filed until after such sale.
- (d) Was executed before there was default, or was executed subsequent to the date of the printed notice of