

but less the amount of any disability or other benefits theretofore paid to such policeman.

Approved March 22, 1949.

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CHAPTER 163—S. F. No. 94

*An act relating to cemetery associations and to public cemeteries, whether operated by municipality or not, authorizing them to reinvest themselves with title to unused portions of cemetery lots when the owner thereof failed for several years to pay the annual charge for the care, up-keep, and maintenance of such lots; amending Minnesota Statutes 1945, Sections 306.16 to 306.20.*

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

Section 1. Minnesota Statutes 1945, Section 306.16, is amended to read:

**306.16. Title to burial lots recommended by association, manner; procedure.** *Subdivision 1.* When any cemetery association organized under the laws of this state or any public cemetery, whether the same be operated by a municipality or not, shall have heretofore conveyed to any person the right of sepulture or burial upon any platted lot or designated piece of ground within the area of such cemetery, and the deed or conveyance thereto from such cemetery provides that the lot shall be held subject to all the rules, by-laws, and regulations of such cemetery and such deed or such rules, by-laws, or regulations further provide for the payment of an annual charge for the care, up-keep, and maintenance of such lot, and the owner thereof named in such deed or conveyance neglects or refuses to pay such annual charge, for the period of ten successive years, the cemetery association or any municipally-owned cemetery may reinvest itself with the title to the portion of such cemetery lot not actually used for burial purposes, in the manner hereinafter set forth.

*Subd. 2.* If the owner of such cemetery lot be a resident of the county wherein such cemetery is located, then such association or any municipally-owned cemetery may cause to be served upon such owner, in the manner prescribed by law for

the service of a summons in a civil action, a notice specifying the amount unpaid for lot care upon such lot, and specifying a time within which the same must be paid to the secretary of such association *or the proper officer of the municipally-owned cemetery*, which time shall not be less than 30 days from the date of the service of the notice, and further specifying that, upon the failure of the owner of the lot to pay the amount specified in the notice within the time aforesaid, the association *or municipally-owned cemetery* will take the necessary steps to reinvest itself with the title to the portion of such cemetery lot not actually used for burial purposes. Upon the failure of the owner of the lot to pay the amount within the time specified in the notice, the board of trustees of any such cemetery may, by resolution duly adopted at any regular meeting of the board of trustees, set forth the failure to pay the charges for lot care, the service of the notice prescribed herein, and declare such portion of the lot unused for burial purposes, describing the same by metes and bounds in such resolution, to be the property of the association *or such municipally-owned cemetery*.

*Subd. 3.* When it shall be determined by the return of the sheriff of the county in which the cemetery is located that the owner of the lot is not a resident of the county and cannot be found therein, then the association *or any public cemetery described therein* may cause such notice to be published in a legal newspaper within the county for the period of three weeks, which notice shall specify a time for payment, at least 30 days after the completed service of such notice by publication thereof, and after the expiration of the time therein specified the board of trustees may adopt the resolution hereinbefore set forth, and reinvest the association *or municipality* with the title to the portion of the cemetery lot unused for burial purposes.

Sec. 2. Minnesota Statutes 1945, Section 306.17, is amended to read:

306.17. **To be part of records of association.** All such notices, with the proof of service or publication thereof, and all such resolutions adopted by the board of trustees of the association *or public cemetery* shall be made a part of the records of the association *or public cemetery, as the case may be*, and when the deed or conveyance from the association *or public cemetery* to the lot owner shall be and appear of record in the registry of deeds of the county, a copy of such resolu-

tion, certified to both secretary of the cemetery association *or public cemetery*, and a copy of the printed notice with the sheriff's return thereon, shall be placed of record in the registry of deeds.

Sec. 3. Minnesota Statutes 1945, Section 306.18, is amended to read:

**306.18. Lots, how described in notice and proceedings.** The notice and all proceedings had pursuant to Section 306.16 to 306.20 in relation to any such cemetery lots, shall distinctly describe by metes and bounds the portion of such cemetery lot unused for burial purposes; and such association *or public cemetery* is hereby required to leave sufficient ingress to, and egress from, any grave upon the lot, either by duly dedicated streets or alleys in the cemetery, or by leaving sufficient of the unused portion of the cemetery lot for such purpose.

Sec. 4. Minnesota Statutes 1945, Section 306.19, is amended to read:

**306.19. Limitation.** Sections 306.16 to 306.20 shall not apply to any lot in any cemetery where a perpetual care contract has been entered into between the cemetery association and the owner of the lot.

Sec. 5. Minnesota Statutes 1945, Section 306.20, is amended to read:

**306.20. Effect; time limit.** Compliance with the terms of Sections 306.16 to 306.20 shall as fully reinvest the association *and municipality* with, and divest the record owner and his dependents of, the title to such portion of such cemetery lot unused for burial purposes, as though the same had never been conveyed to any person, and such association *or municipality* shall have, hold, and enjoy such reclaimed portions of such lots for its own uses and purposes, subject to the laws of this state, and to the charter, by-laws, rules, and regulations of such association *or municipality*; provided that the association *or municipality* shall not be permitted to alienate any such lot for the period of one year from and after the adoption of the resolution provided for in Section 306.16 by the board of trustees of the association *or public cemetery*; and, provided that if at any time during the one-year period any person entitled to such cemetery lot by the laws of this

state shall pay, or cause to be paid, to such association *or public cemetery* all the unpaid lot care, together with the expenses of the service of the notice hereinbefore provided for, and any additional sums due for lot care subsequent to the date of the notice, as prescribed by the by-laws, rules, and regulations of the cemetery association *or public cemetery*, and shall take out and pay for a perpetual care contract upon the lot, the cemetery association *or public cemetery* shall reconvey the lot to the person lawfully entitled to the same.

Approved March 22, 1949.

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CHAPTER 164—S. F. No. 193

[Not Coded]

*An act relating to police relief associations in certain cities of the fourth class; amending Laws 1945, Chapter 74, Sections 2 and 6.*

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

Section 1. Laws 1945, Chapter 74, Section 2, is amended to read:

Sec. 2. **May Incorporate; amount of conveyance.** That every paid municipal police department now existing or which may hereafter be organized in such city is hereby authorized to become incorporated pursuant to the provisions of Chapter 58, General Statutes 1923, and the laws amendatory thereto, and adopt a constitution and by-laws as a relief association, and is authorized to provide for and permit and allow such police relief association, so incorporated, and organized, to pay out of and from any funds it may have received from any source a service, disability or dependency pension in such amounts and in such manner as its articles of incorporation and constitution and by-laws shall designate, not exceeding, however, the following sum per month to each of its pensioned members who shall have reached the age of 55 years or more, and shall have served 20 years or more in such department, or their widows and children under 16 years of age, viz.:

When such members shall have reached the age of 55 years or more and shall have served as a member of such paid municipal police department for a period of 20 years or more