

*be delegated to any person so appointed by the board of supervisors for a period of time no greater than that to which a constable is elected and setting forth such compensation as the board shall deem reasonable. If the board of supervisors does not delegate these duties in any given year then the chairman of the board of supervisors shall succeed automatically to such duties.*

Approved April 10, 1961.

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CHAPTER 265—H. F. No. 146

[Coded]

*An act relating to the probate code and probate courts; authorizing allowances for services; authorizing attorney's lien and the satisfaction thereof; repealing Minnesota Statutes 1957, Sections 525.49 and 525.491.*

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

Section 1. [525.49] **Allowance to representative.** Every representative shall be allowed his necessary expenses incurred in the execution of his trust and shall have such compensation for his services as the court shall deem just and reasonable. An attorney performing services for the estate at the instance of the representative shall have such compensation therefor out of the estate as the court shall deem just and reasonable. Where, upon demand the representative refuses to prosecute or pursue a claim or asset of the estate or a claim is made against him on behalf of the estate and any party interested shall then by his own attorney prosecute or pursue and recover such fund or asset for the benefit of the estate, such attorney shall be allowed such compensation out of the estate as the court shall deem just and reasonable and commensurate with the benefit to the estate from the recovery so made. If a decedent by will makes provision for the compensation of his executor, that shall be taken as his full compensation unless he files a written instrument renouncing all claim for the compensation provided for in the will. Such amounts shall be allowed as credits to the representative in his account or at any time during administration, the representative may apply to the court by petition for an order directing the payment of his compensation (in whole or in part) out of the estate, and any attorney having rendered services, as aforesaid, may by petition apply to the

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**

court for an order directing the payment to him (in whole or in part) of such attorney's fees out of the estate. Upon payment by the representative of the whole amount allowed his attorney by the court the representative shall be fully released and discharged from all liability on account of such attorney's services.

When any person named as executor in a will or codicil defends it or prosecutes any proceedings in good faith and with just cause, for the purpose of having it admitted to probate, whether successful or not, or if any person successfully oppose the allowance of any will or codicil, he shall be allowed out of the estate his necessary expenses and disbursements in such proceedings together with such compensation for his services and those of his attorneys as the court shall deem just and proper.

**Sec. 2. [525.491] Attorney's lien.** When any attorney at law has been retained to appear for any heir, devisee, or legatee, such attorney may perfect his lien upon the client's interest in the estate for compensation for such services as he may have rendered respecting such interest, by serving upon the representative before the decree of distribution, is made, a notice of his intent to claim a lien for his agreed compensation, or the reasonable value of his services, and by filing such notice with proof of service thereof. The perfecting of such a lien, as herein provided, shall have the same effect as the perfecting of a lien as provided in section 481.13, and such lien may be enforced and the amount thereupon determined in the manner therein provided.

**Sec. 3.** Minnesota Statutes 1957, Sections 525.49 and 525.491, are hereby repealed.

Approved April 10, 1961.

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CHAPTER 266—H. F. No. 244

[Not Coded]

*An act relating to educational television; reappropriating money appropriated by Extra Session Laws 1959, Chapter 48.*

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

**Section 1. Educational television, reappropriation.** The

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**