

service of a summons in the municipal court and file with the clerk of the conciliation court such original demand with proof of service thereof. If the opposing party or his attorney cannot be found and service of the demand be made within the ten day period the aggrieved party may file with the clerk within the ten day period the original and a copy of the demand, together with an affidavit by himself or his attorney showing that due and diligent search has been made and that the opposing party or his attorney cannot be found and the filing of this affidavit shall serve in lieu of making service and filing proof of service. When such an affidavit is filed, the clerk shall mail the copy of the demand to the opposing party at his last known residence address. Such original demand or proof of service shall show the office address of the attorney for each party that has such attorney, and the addresses of all parties to the action.

(b) Pay to the clerk of the conciliation court \$2 \$3.

(c) File with the clerk of conciliation court an affidavit by the aggrieved party or his attorney stating that the removal is made in good faith and not for the purpose of delay.

Approved May 25, 1965.

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#### CHAPTER 772—H. F. No. 1443

*An act abolishing dower and curtesy and statutory interest in lieu of dower and curtesy in all lands conveyed prior to January 1, 1950, and limiting the time for the commencement of actions for the recovery of estates in dower or by the curtesy or estates in lieu of dower or by the curtesy, and limiting the time for the commencement of actions by any person claiming by reason of failure of a spouse to join in a conveyance of land which constituted the homestead of the grantor at the time of the conveyance where such conveyance was made prior to January 1, 1950; amending Minnesota Statutes 1961, Sections 519.09, and 519.101.*

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

Section 1, Minnesota Statutes 1961, Section 519.09, is amended to read:

**519.09 Conveyances; dower and curtesy abolished.** All inchoate estates or statutory interests in lieu of dower and curtesy in all lands in this state which have been conveyed prior to January 1,

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

~~1940 1950~~, by the husband or wife of the one entitled to such inchoate dower or curtesy, or statutory interest, by a conveyance in writing, are hereby abolished.

Sec. 2. Minnesota Statutes 1961, Section 519.101, is amended to read:

519.101 **Actions not maintainable.** No action for the recovery of real property, or of any right therein, or the possession thereof, shall be maintained by any person having any estate in dower or by the curtesy or any estate or statutory interest in lieu of dower or by the curtesy therein, or by anyone claiming, by, through or under any such person, where it appears that the husband or wife of such person conveyed such real property, or any interest therein, by a conveyance in writing, prior to the first day of January, ~~1940 1950~~; and no action shall be maintained for the recovery of real property, or of any right therein, or the possession thereof, by any person claiming by reason of failure of a spouse to join in a conveyance of land which constituted the homestead of the grantor at the time of the conveyance where such conveyance was made prior to January 1, ~~1940 1950~~, unless such action shall be commenced on or prior to the first day of January, ~~1958 1966~~, and notice thereof filed for record at the time of the commencement of said action in the office of the Register of Deeds in the county where said real property is situate.

Approved May 25, 1965.

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#### CHAPTER 773—H. F. No. 1444

*An act relating to affidavits as evidence and the recording thereof in the office of the register of deeds; amending Minnesota Statutes 1961, Section 507.29.*

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

Section 1. Minnesota Statutes 1961, Section 507.29, is amended to read:

507.29 **Conveyancing and recording; affidavits as evidence.** Any affidavit relating to the identification, the marital status or relation, the relation as to service in the armed forces of the United States, the death, or the time of death, of any person who is a party to any instrument affecting the title to real estate, *or an affidavit relating to the identification of any corporation or other legal entity*

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