

(2) An affidavit or return of service of such notice upon the occupant of the mortgaged premises to be made by the officer or person making such service or, in case the premises were vacant or unoccupied at the time the service must be made, an affidavit or return showing that fact, to be made by the officer or person attempting to make such service;

(3) An affidavit by the person foreclosing the mortgage, or his attorney, or someone knowing the facts, setting forth the facts relating to the military service status of the owner of the mortgaged premises at the time of sale.

(4) *An affidavit by the person foreclosing the mortgage, or his attorney, or someone having knowledge of the facts, setting forth the fact of service of notice of sale upon the secretary of the treasury of the United States or his delegate in accordance with the provisions of Section 7425 of the Internal Revenue Code of 1954 as amended by Section 109 of the Federal Tax Lien Act of 1966. Any such affidavit recorded prior to the effective date of this clause shall be effective as prima facie evidence of the facts therein contained as though recorded subsequent to the effective date of this clause.*

Such affidavits and returns shall be recorded by the register of deeds and they and the records thereof, and certified copies of such records, shall be prima facie evidence of the facts therein contained.

The affidavit provided for in clause (3) hereof may be made and filed for record for the purpose of complying with the provisions of the Soldiers' and Sailors' Civil Relief Act of 1940, passed by the Congress of the United States and approved on October 17, 1940, and may be made and filed for record at any time subsequent to the date of the mortgage foreclosure sale.

Approved May 15, 1967.

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#### CHAPTER 429—H. F. No. 1109

*An act relating to garnishment; setting the fee paid to the garnishee for disclosure at \$2; amending Minnesota Statutes 1965, Sections 571.47, Subdivision 2; 571.48, Subdivision 2; and 571.57.*

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

Section 1. Minnesota Statutes 1965, Section 571.47, Subdivision 2, is amended to read:

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

Subd. 2. **Garnishment; disclosure; forms; summons, notice, and affidavit.** The garnishee summons and notice to defendant, together with the affidavit of service, shall be substantially in the following form:

STATE OF MINNESOTA, )  
 County of . . . . . ) ss  
 DISTRICT COURT  
 . . . . . Judicial District

.....  
 Against Plaintiff  
 .....

.....  
 And Defendant  
 .....  
 Garnishee

#### GARNISHMENT SUMMONS

THE STATE OF MINNESOTA,

to the above named Garnishee:

You are hereby summoned and required to serve upon the plaintiff or his attorney, within 20 days after the service of this summons upon you, a written disclosure under oath, touching your indebtedness to the defendant, .....

.....  
 (Give full name and residence of defendant)

above named, and any property, money, or effects of said defendant in your possession or under your control. The amount of plaintiff's claim against the defendant is \$ . . . . . ; and you are hereby required to retain in your possession such property, money, and effects in an amount not exceeding twice the amount of such claim.

.....  
 Attorney for plaintiff

Dated . . . . . 19 . . . .

.....  
 Address

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

NOTICE TO DEFENDANT

To.....Defendant.....:

SIR.....:

Take notice that a Garnishment Summons, of which the above is a true copy, and which is herewith served upon you, was personally served upon .....

The Garnishee ..... named therein, by delivering a copy thereof to ..... the said Garnishee ....., at ..... in said County, on the ..... day of ....., 19.., and that at said time and place the said Garnishee ..... was paid in advance the sum of \$1 \$2 fees.

.....  
Attorney for plaintiff

.....  
Address

AFFIDAVIT OF SERVICE

STATE OF MINNESOTA, )  
 ) ss  
County of ..... )

....., being duly sworn, on oath says, that on the ..... day of ....., 19.., at the ..... of ....., in said county, be served the within Summons on the within named Garnishee ..... by delivering a copy thereof to ..... the said Garnishee ....., and paid ..... to ..... in advance the sum of \$1 \$2 fees; and that on the ..... day of ....., 19.., at the ..... in said County, he served upon the within named Defendant ..... a copy of the within Summons, together with a notice to said Defendant ....., of which the foregoing is a copy, stating the time, place and manner of service of said Summons upon said Garnishee ....., signed by ..... Said service was made by leaving with ..... a copy of said Summons and Notice at the last usual place of abode of said Defendant ....., in said ..... said ..... being a person of suitable age and discretion then resident therein.

.....  
FEES: Service of Summons, \$..... Notice, \$..... \$.....  
Copy of Summons, .. \$..... Notice, \$..... \$.....  
Mileage ..... \$..... Notice, \$..... \$.....

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

Subscribed and sworn to before me  
this ..... day of ....., 19..

.....  
Notary Public  
..... County, Minnesota.

Sec. 2. Minnesota Statutes 1965, Section 571.48, Subdivision 2, is amended to read:

Subd. 2. **Forms.** The garnishee summons and notice to defendant, together with the affidavit of service, shall be substantially in the following form:

STATE OF MINNESOTA, )  
 ) ss  
County of ..... )

### IN JUSTICE COURT

Before .....  
Justice of the Peace

.....  
Plaintiff

.....  
Address

.....  
Defendant

.....

.....  
Garnishee

THE STATE OF MINNESOTA, TO THE  
ABOVE NAMED GARNISHEE .....

You are hereby summoned and required to serve upon the plaintiff or his attorney, .....

(Name and address of attorney)

within 12 days after the service of this summons upon you, a written disclosure under oath, touching your indebtedness to defendant ..... above named, and any prop-

(Name and address)  
erty, money or effects of the said Defendant in your possession or under your control. The amount of plaintiff's claim is \$.....;

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

and you are hereby required to retain in your possession such property, money, and effects in an amount not exceeding twice the amount of such claim.

Given under my hand, this ..... day of ....., 19...

.....  
Justice of the Peace.

### NOTICE TO DEFENDANT

STATE OF MINNESOTA, )  
County of ..... ) ss

To ..... Defendant .....:

SIR ....: Take Notice that a Garnishee Summons, of which the within is a true copy, and which is herewith served upon you, was personally served upon ..... The Garnishee ....., named therein, by delivering a copy thereof to the said Garnishee ....., at the ..... of ..... in said County, on the ..... day of ....., 19.., and that at said time and place the said Garnishee ..... was paid ..... in advance the sum of \$1 \$2 fees.

.....  
Justice of the Peace.

STATE OF MINNESOTA, )  
County of ..... ) ss

I hereby certify and return that on the ..... day of ....., 19.., at the ..... of ..... in said County, I served the within Summons upon the within named Garnishee ....., by delivering a copy thereof to the said Garnishee ....., and paid ..... him in advance the sum of \$1 \$2 fees; and I further certify that on the ..... day of ....., 19.., at the ..... of ..... in said County, I served upon the within named Defendant ....., a copy of the within Summons, together with a Notice to Said Defendant ....., of which the foregoing is a copy, stating the time, place and manner of service of said Summons upon said Garnishee ....., signed by .....

.....  
Constable.

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

FEES: Service of Summons, \$ . . . . . Notice, \$ . . . . . \$ . . . . .  
 Copy of Summons, \$ . . . . . Notice, \$ . . . . . \$ . . . . .  
 Mileage . . . . . \$ . . . . . Notice, \$ . . . . . \$ . . . . .

Sec. 3. Minnesota Statutes 1965, Section 571.57, is amended to read:

**571.57 Garnishee fees.** A garnishee shall be paid \$1 \$2 fees at the time of service of garnishee summons and if required to appear and submit to oral examination shall be tendered his fees and mileage for attendance at the rate allowed by law to a witness, and in extraordinary cases, may be allowed such further sum as the court shall deem reasonable for his counsel fees and other necessary expenses. If he be charged as a garnishee, the amount of such fees and allowances may be recovered by plaintiff out of the property in his hands. If charged as garnishee on account of specific articles of personal property, the garnishee shall not be required to deliver the same to an officer until payment of his reasonable charges for storage.

Approved May 15, 1967.

#### CHAPTER 430—H. F. No. 1346

[Not Coded]

*An act conveying to the village of Bayport all right, title, and interest to certain real estate, located in the town of Baytown.*

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

**Section 1. Conveyance of state lands; village of Bayport.**  
**Subdivision 1.** The state transfers and conveys all its right, title, and interest to the village of Bayport to the following real estate located in the county of Washington, state of Minnesota, legally described as follows, to-wit:

All that part of the Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , Section 15, Township 29 North, Range 20 West lying northeast of the Chicago, St. Paul, Minneapolis & Omaha Railroad right-of-way, except for the following described parcel:

Beginning at the Northeast corner of the Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , Section 15, Township 29 North, Range 20 West; thence south along the East Section line of said Section 15, a distance of 723.55 feet; thence west at a right angle with the East line of said Section 15 a distance of 77.90 feet; thence North  $18^{\circ} 03'$  West 183.30 feet; thence North  $39^{\circ} 34'$  East 133.50 feet; thence North  $49^{\circ} 55'$  West 213.35 feet; thence

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