

Section 1. **MARTIN COUNTY; PROBATE COURT; CONCILIATION COURT.** Subdivision 1. Minnesota Statutes 1969, Chapter 491, relating to a municipal court acting as a court of conciliation shall apply, except as hereinafter provided, to the probate court of Martin county having and exercising municipal court jurisdiction pursuant to Minnesota Statutes, Section 525.011.

Subd. 2. When the county board of Martin county shall by resolution declare that it is expedient that the judge of probate shall act as a conciliation judge and cause a copy of such resolution to be filed with the clerk of the probate court, the judge of probate shall thereafter act as a court of conciliation and while so acting he may, for convenience, be designated as a judge of conciliation and shall have and exercise the rights, powers, and duties granted by Minnesota Statutes 1969, Chapter 491, except as herein provided. The board may at any time rescind such resolution.

Subd. 3. The court of conciliation shall have territorial jurisdiction co-extensive with the geographic boundaries of the county of Martin. The court has jurisdiction to hear, conciliate, try, and determine civil actions at law where the amount in controversy does not exceed the sum of \$500.

Subd. 4. Instead of the filing fee provided by Minnesota Statutes 1969, Section 491.02, the filing fee to be paid by plaintiff shall be the sum of \$5.

Subd. 5. Any party aggrieved by any order or judgment of the court may appeal to the district court in the manner provided by law.

Subd. 6. The judge of probate having conciliation court powers as provided by this act shall receive in addition to the annual salary prescribed by law the sum of \$500.

Approved May 15, 1971.

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CHAPTER 305—H.F.No.1247

[Not Coded]

*An act relating to Crow Wing county; statements of tax liens and tax sales; creating an assurance fund; increasing fees.*

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

Changes or additions indicated by underline, deletions by ~~strikeout~~.

**Section 1. CROW WING COUNTY; TAX LIENS AND SALES; AUDITOR'S SEARCH FEES.** Notwithstanding the provisions of Minnesota Statutes, Section 272.46, for services performed by the Crow Wing county auditor pursuant to section 272.46 the applicant shall pay to the auditor a search fee in the amount of \$1 for each lot or tract of land described in the certificate. One half of the search fee shall be paid by the auditor to the county in accordance with section 384.151, subdivision 5, and one half shall be paid to the treasurer in accordance with section 2 of this act.

**Sec. 2. ASSURANCE FUND; INVESTMENT.** One half of all money received by the Crow Wing county auditor under the provisions of section 1 of this act shall immediately be paid by him to the county treasurer as an assurance fund. The treasurer shall invest the money upon order of the district court, and subject to its approval. The fund shall be invested only in bonds of the United States, this state or any county or municipality of this state. The treasurer shall render to the district court, at least once each year, a full and detailed report, showing all receipts, disbursements, and investments on account of the fund.

**Sec. 3. DAMAGES THROUGH ERRONEOUS STATEMENTS OF TAX LIENS OR TAX SALE.** Any person who, without negligence on his part, sustains loss or damage by reason of an omission, mistake or misfeasance of the Crow Wing county auditor or his deputy, in the performance of their duties under section 272.46 may institute an action in the district court to recover compensation out of the assurance fund for such loss or damage.

**Sec. 4. PARTIES DEFENDANT; JUDGMENT; EXECUTION.** If an action is brought for the recovery of loss or damage occasioned solely by the omission, mistake or misfeasance of the Crow Wing county auditor or his deputy in the performance of their duties, the Crow Wing county treasurer, in his official capacity, shall be the sole defendant. If the action is brought to recover for loss or damage occasioned either wholly, or in part, by the fraud or wrongful act of some person other than the auditor or his deputy, or to recover for loss or damage caused jointly by the fraud or wrongful act, and by their omission, mistake or misfeasance, the treasurer and the other person shall be joined as defendants. In an action where there are defendants other than the treasurer, no execution shall issue against the treasurer until execution against all other defendants against whom judgment has been recovered has been returned unsatisfied, either in whole or in part. An officer returning the execution shall certify that the amount still due cannot be collected. The court, being satisfied as to the truth of the return, shall order the treasurer to pay the amount due out of the assurance fund. If the fund is insufficient to pay the amount, the unpaid balance shall bear interest at the legal rate and shall be paid out of the first moneys coming into

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the fund. The county attorney shall defend the treasurer in such actions.

Sec. 5. **LIMITATION OF ACTION.** Any action to recover damages out of the assurance fund shall be commenced within six years from the time when the right to commence it accrued. If at the time the right accrued, the person entitled to bring the action is a minor, insane, imprisoned, or absent from the United States in its service or the service of the state, he, or anyone claiming under him, may commence the action within two years after the disability is removed.

Sec. 6. **LOCAL APPROVAL.** This act shall become effective only after its approval by a majority of the governing body of the county of Crow Wing and upon compliance with Minnesota Statutes, Section 645.021.

Approved May 15, 1971.

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#### CHAPTER 306—H.F.No.1248

[Not Coded]

*An act authorizing the county board of Brown county to annually appropriate money as a contingent fund for the use by the chairman of the board for incidental costs and expenses.*

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

Section 1. **BROWN COUNTY; INCIDENTAL COSTS AND EXPENSES.** In addition to the amount authorized by Minnesota Statutes, Section 375.16, the county board of Brown county may annually appropriate from the county revenue fund a sum not exceeding \$500 as a contingent fund for use by the chairman of the county board, or any member of the county board acting in the capacity of the chairman, at his discretion to pay for incidental costs and expenses incurred in expediting the business of the county of Brown. The fund shall be under the exclusive control of the chairman of the county board or any member of the county board acting in the capacity of the chairman, subject to post-audit by the county board.

Sec. 2. This act takes effect when approved by the county board of Brown county, and upon compliance with Minnesota Statutes, Section 645.021.

Approved May 15, 1971.

Changes or additions indicated by underline, deletions by ~~strikeout~~.