

(1) Has been confirmed by order filed in the action and a certificate of sale was thereafter executed in proper form but not recorded or filed within 20 days thereafter such certificate and the later record thereof are hereby legalized with the same effect as if such certificate had been executed, acknowledged, and recorded or filed within such 20 days;

(2) Was made and presented to the court and the sale confirmed by an order filed in the action, but the report was not filed with the clerk until after the filing therein of the order of confirmation, and in which the certificate of sale was executed in proper form but recorded more than 20 days after such confirmation, but within one year from the date of sale, such certificate and the record thereof and the subsequently filed report of sale are hereby legalized with the same effect as if such certificate had been executed, acknowledged and recorded within such 20 days and as if such report of sale had been filed in the action at the time of filing the order of confirmation.

Sec. 3. **APPLICATION.** The provisions of this act shall not affect any action or proceeding now pending or which shall be commenced within six months after the passage hereof, in any of the courts of the state involving the validity of such foreclosure.

Approved March 7, 1973.

CHAPTER 9—H.F.No.121

An act relating to real property; prescribing requirements for the execution of instruments affecting real property; amending Minnesota Statutes 1971, Sections 505.03, Subdivision 1; 507.23; 507.24; 508.06; and 508.40; and repealing Minnesota Statutes 1971, Section 507.22.

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

Section 1. Minnesota Statutes 1971, Section 505.03, Subdivision 1, is amended to read:

505.03 REAL PROPERTY; EXECUTION OF INSTRUMENTS; SURVEYOR'S CERTIFICATE. Subdivision 1. On the plat shall be written an instrument of dedication, which shall be signed and acknowledged by the owner of the land ~~in the presence~~

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~~of two witnesses, who shall subscribe their names thereto as such.~~ All signatures on the plat shall be written with black ink (not ball point). The instrument shall contain a full and accurate description of the land platted and set forth what part of the land is dedicated, and also to whom, and for what purpose these parts are dedicated. The surveyor shall certify on the plat that the plat is a correct representation of the survey, that all distances are correctly shown on the plat, that all monuments have been correctly placed in the ground as shown, that the outside boundary lines are correctly designated on the plat. If there are no wet lands or public highways to be designated in accordance with section 505.02, he shall so state. The certificate shall be sworn to before any officer authorized to administer an oath. The plat shall, except in cities whose charters provide for official supervision of plats by municipal officers or bodies, together with an abstract and certificate of title, be presented for approval to the council of the city or village or town board of towns wherein there reside over 5,000 people in which the land is located; and, if the land is located outside the limits of any city, village or such town, then to the board of county commissioners of the county in which the land is located.

Sec. 2. Minnesota Statutes 1971, Section 507.23, is amended to read:

507.23 INCOMPLETE CONVEYANCE, HOW PROVEN.

When any grantor dies, or departs from or resides out of the state, not having acknowledged his conveyance, the execution thereof may be proved ~~by any competent subscribing witness thereto before any court of record; if all the subscribing witnesses are dead or out of the state, the execution may be proved before any such court by proving the handwriting of the grantor and of any subscribing witness.~~

Sec. 3. Minnesota Statutes 1971, Section 507.24, is amended to read:

507.24 RECORDABLE, WHEN. To entitle any conveyance, power of attorney, or other instrument affecting real estate to record, it shall be executed, acknowledged by the parties executing the same, and the acknowledgment certified, as required by law provided, however, ~~that an instrument creating or conveying only an easement shall be deemed executed as required by law if the same is acknowledged.~~ All such instruments may be recorded in every county where any of the lands lie. If the conveyance, power of attorney, or other instrument affecting real estate is executed out of state, it shall be entitled to record if executed as above provided or according to the laws of the place of execution so as to be entitled to record in such place.

Sec. 4. Minnesota Statutes 1971, Section 508.06, is amended to read:

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508.06 CONTENTS OF APPLICATION; RIGHTS AND PRIVILEGES OF CLAIMANTS. The application shall set forth substantially:

(1) The full name, age, and residence of the applicant; if the application is made by any person acting in behalf of another, the application shall likewise state the full name and residence of the person so acting, and the capacity in which he acts;

(2) Whether the applicant is or is not married and, if married, the full name and residence of the husband or wife; it shall state that the applicant is under no disability and whether the applicant has ever been divorced and, if so, when, where, and by what court the divorce was granted;

(3) A correct description of the land, together with the assessed value thereof, exclusive of improvements, according to the last official assessment;

(4) The estate or interest of the applicant in the land, and whether or not it is subject to an estate of homestead;

(5) The names of all persons or parties, except the applicant, who appear of record, or who are known to the applicant to have or to claim any right, title, estate, lien, or interest in the land;

(6) Whether the land is occupied or unoccupied; if occupied by any other person than the applicant, it shall state the full name and address of each occupant and the nature of the estate, interest, lien, or charge which such occupant or occupants have, or claim to have, in the land;

(7) Whether the land is subject to any lien or encumbrance, recorded or unrecorded, together with the character and amount of the same, and the name and post-office address of each holder thereof; if recorded, it shall state the place, book, and page of record;

(8) Whether any person, other than the applicant, has or claims to have any estate or interest in the land, either in law or equity, in possession, remainder, reversion, or expectancy, together with the full name and address of every such person and the nature and character of such estate or interest;

(9) If the application is on behalf of a minor, it shall state the age of such minor and that a duly certified copy of the letters of guardianship has been recorded with the register of deeds in the county wherein the land is situated;

(10) When the place of residence of any person whose residence is required to be given is unknown to the applicant, it may be so stated in the application and also that, after due and diligent search, the applicant has been unable to ascertain the same;

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(11) If it is desired to fix and establish the boundary lines of the land, the full names and post-office addresses of all owners of adjoining lands which are in any manner affected thereby shall be fully stated; otherwise the decree shall not have the effect to fix or determine the boundary lines.

Any person having or claiming any right, title, interest, or estate in land, or any lien or charge upon or against the same, may assent in writing to the registration thereof, and the person thus assenting need not be named as a defendant in the registration proceeding or, if already named as a defendant therein, need not be served with the summons therein. Such assent shall be executed and acknowledged in the manner ~~now~~ required by law for the execution and acknowledgment of a deed and filed with the clerk of the court.

Sec. 5. Minnesota Statutes 1971, Section 508.40, is amended to read:

508.40 OWNER'S DUPLICATE RECEIPT. At the time the original certificate of title is entered, the registrar shall make a duplicate thereof, endorsing across the face of such duplicate the words "Owner's Duplicate Certificate" and deliver the same to the owner or his authorized attorney. The registrar shall, in every case, when it is practicable so to do, take from such owner a receipt for such duplicate certificate, which shall be signed by the owner in person. In the case of multiple owners the receipt may be executed by any one of such owners. Such receipt, when signed and delivered in the office of the registrar, shall be witnessed by him or his deputy. If such receipt is signed elsewhere, it shall be ~~witnessed and~~ acknowledged in the same manner as a deed. Such receipt shall be prima facie evidence of the genuineness of such signature.

Sec. 6. Minnesota Statutes 1971, Section 507.22, is repealed.

Approved March 7, 1973.

CHAPTER 10—H.F.No.197

An act relating to highway traffic regulations; trailer and towing equipment; flags to be displayed; amending Minnesota Statutes 1971, Section 169.82.

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