

Section 1 is effective on approval by the Moorhead city council and compliance with Minnesota Statutes, section 645.021, subdivision 3.

Approved April 9, 1987

## CHAPTER 26—S.F.No. 499

*An act relating to real property; providing for prima facie effect of certain statements in an acknowledgment; authorizing owners to create tenancies in common by direct conveyances to themselves and others; permitting the severance of joint tenancies by direct conveyances between spouses; providing for time limits upon actions relating to certain estates in real property; providing for the discharge of prior judgments against bankrupt debtors; providing for validation of certain conveyances executed by religious corporations; amending Minnesota Statutes 1986, sections 500.19, subdivision 4; 519.06; 519.09; and 519.101; Laws 1971, chapter 26; proposing coding for new law in Minnesota Statutes, chapters 358 and 548; repealing Minnesota Statutes 1986, section 548.18.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

### Section 1. [358.50] EFFECT OF ACKNOWLEDGMENT.

An acknowledgment made in a representative capacity for and on behalf of a corporation, partnership, trust, or other entity and certified substantially in the form prescribed in this chapter is prima facie evidence that the instrument was executed and delivered with proper authority.

Sec. 2. Minnesota Statutes 1986, section 500.19, subdivision 4, is amended to read:

Subd. 4. **CONVERTING ESTATES.** An owner of an interest in real estate may convey the interest directly to that owner and one or more other persons as joint tenants or as tenants in common.

Sec. 3. Minnesota Statutes 1986, section 519.06, is amended to read:

### 519.06 CONTRACTS BETWEEN HUSBAND AND WIFE.

No contract between husband and wife relative to the real estate of either, or any interest therein, nor any power of attorney or other authority from the one to the other to convey real estate, or any interest therein, shall be valid, except as provided in section 500.19, ~~subdivision~~ subdivisions 4 and 5; but, in relation to all other subjects, either may be constituted the agent of the other, or contract with the other. In all cases where the rights of creditors or purchasers in good faith come in question, each spouse shall be held to have notice of the contracts and debts of the other as fully as if a party thereto.

Sec. 4. Minnesota Statutes 1986, section 519.09, is amended to read:

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

**519.09 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, ~~1970~~ 1975, 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. 5. Minnesota Statutes 1986, 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, ~~1970~~ 1975; 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, ~~1970~~ 1975, unless such action shall be commenced on or prior to the first day of January, ~~1985~~ 1988, and notice thereof filed for record at the time of the commencement of said action in the office of the county recorder in the county where said real property is situate.

**Sec. 6. [548.181] DISCHARGE OF JUDGMENTS AGAINST BANKRUPTCY DEBTORS.**

Subdivision 1. APPLICATION FOR DISCHARGE. A judgment debtor who has received a discharge under United States Code, title 11, or an interested party upon paying a filing fee of \$5, may apply to the court administrator of any court for the discharge of all judgments entered in that court against the judgment debtor that were ordered discharged by the bankruptcy discharge.

Subd. 2. APPLICATION REQUIREMENTS; SERVICE. An application under subdivision 1 must identify each judgment to be discharged, must be accompanied by a certified copy of the judgment debtor's bankruptcy discharge or a certificate by the clerk of the United States bankruptcy court of the discharge, must state the time the judgment creditor has to object as specified in subdivision 3 and the grounds for objection as specified in subdivision 4, must be served at the expense of the applicant on each judgment creditor in the manner provided for the service of a summons in a civil action, and must be accompanied by an affidavit of service.

Subd. 3. OBJECTION TO DISCHARGE. The court administrator shall discharge each judgment except a judgment in favor of a judgment creditor who has filed an objection to discharge of the judgment within 20 days after service of the application on the judgment creditor. An objection to discharge of a judgment must be served on the judgment debtor in the same manner as an answer in a civil action.

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Subd. 4. COURT ORDER. If a judgment creditor objects to the discharge of a judgment, on motion of the judgment debtor, the judgment creditor, or other interested party, the court shall order the judgment discharged except to the extent that: (1) the debt represented by the judgment was not discharged by the bankruptcy discharge; or (2) the judgment was an enforceable lien on real property when the bankruptcy discharge was entered. If the judgment was an enforceable lien on some, but not all, real property of the judgment debtor, the discharge shall only be entered as to real property not subject to an enforceable lien.

Sec. 7. Laws 1971, chapter 26, is amended to read:

Section 1. **RELIGIOUS CORPORATIONS, CERTAIN ~~DEEDS~~ CONVEYANCES, VALIDATED.** All ~~deeds heretofore~~ conveyances executed by any religious corporation, organized under Minnesota Statutes, Chapter 315, conveying real property within this state which were recorded prior to July 1, ~~1970~~ 1980, in the office of the ~~register of deeds~~ county recorder or registrar of titles of the county in which the real estate conveyed is situate, and the record thereof, are hereby legalized, validated and confirmed, notwithstanding that the church records do not disclose that the execution of such ~~deeds~~ conveyances was authorized by the congregation of said religious corporation in the manner provided by law.

Sec. 2. **APPLICATION.** This act shall not apply to any action or proceeding now pending in any of the courts of this state wherein the validity of any such ~~deed~~ conveyance is being litigated.

Sec. 8. **REPEALER.**

Minnesota Statutes 1986, section 548.18, is repealed.

Approved April 9, 1987

## CHAPTER 27—S.F.No. 128

*An act relating to liquor; authorizing municipalities to permit holders of both on-sale wine and nonintoxicating malt liquor licenses to sell intoxicating malt liquors; amending Minnesota Statutes 1986, section 340A.404, subdivision 5; and Laws 1979, chapter 200, section 1.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1986, section 340A.404, subdivision 5, is amended to read:

Subd. 5. **WINE LICENSES.** (a) A municipality may issue an on-sale wine license with the approval of the commissioner to a restaurant having facilities

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