

Sec. 7. REPEALER.

Minnesota Statutes 2002, section 349A.02, subdivision 2, is repealed.

Sec. 8. EFFECTIVE DATE.

This act is effective the day following final enactment. Sections 2 and 7 apply to the appointment of a director of the State Lottery made on or after January 1, 2004.

Presented to the governor May 15, 2004

Signed by the governor May 19, 2004, 1:40 p.m.

CHAPTER 234—H.F.No. 2419

An act relating to real property; providing for certain purchase money mortgages; providing for certain mortgage foreclosures; amending Minnesota Statutes 2002, sections 507.02; 507.03; 580.04; 580.24; 580.25.

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

Section 1. Minnesota Statutes 2002, section 507.02, is amended to read:

507.02 CONVEYANCES BY SPOUSES; POWERS OF ATTORNEY.

If the owner is married, no conveyance of the homestead, except a mortgage for purchase money unpaid thereon under section 507.03, a conveyance between spouses pursuant to section 500.19, subdivision 4, or a severance of a joint tenancy pursuant to section 500.19, subdivision 5, shall be valid without the signatures of both spouses. A spouse's signature may be made by the spouse's duly appointed attorney-in-fact.

A husband and wife, by their joint deed, may convey the real estate of either. A spouse, by separate deed, may convey any real estate owned by that spouse, except the homestead, subject to the rights of the other spouse therein; and either spouse may, by separate conveyance, relinquish all rights in the real estate so conveyed by the other spouse. Subject to the foregoing provisions, either spouse may separately appoint an attorney-in-fact to sell or convey any real estate owned by that spouse, or join in any conveyance made by or for the other spouse. Use of a power of attorney is subject to section 518.58, subdivision 1a. A minor spouse has legal capacity to join in a conveyance of real estate owned by the other spouse, so long as the minor spouse is not incapacitated because of some reason other than that spouse's minor age.

Sec. 2. Minnesota Statutes 2002, section 507.03, is amended to read:

507.03 PURCHASE-MONEY MORTGAGE; NONJOINER OF SPOUSE.

When a married individual purchases real property during marriage and mortgages the real property to secure the payment of the purchase price or any portion of it, the other spouse shall not be entitled to any inchoate, contingent, or marital property right or interest in the real property as against the mortgagee or those claiming under

New language is indicated by underline, deletions by ~~strikeout~~.

the mortgagee even though the other spouse did not join in the mortgage. A statement in the mortgage to the effect that the mortgage is a purchase money mortgage constitutes prima facie evidence of that fact.

If any portion of the money secured by the mortgage is used for the payment of the purchase price of the real property or any portion of it, the entire mortgage debt shall be deemed purchase money within the meaning of this section, except that any money used to pay off the balance owing under a contract for deed under which the purchaser has the right to possession of the property shall not be deemed purchase money under this section.

This section applies to every purchase-money mortgage regardless of when it was granted or created, except that this section does not affect an action or proceeding involving the validity or enforceability of a purchase money mortgage if:

(1) the action or proceeding is pending as of August 1, 2004, or is commenced before August 1, 2005; and

(2) a notice of the pendency of the action or proceeding is recorded or filed before August 1, 2005, in the office of the county recorder or registrar of titles of the county to which the property affected by the action or proceeding is located.

Sec. 3. Minnesota Statutes 2002, section 580.04, is amended to read:

580.04 REQUISITES OF NOTICE.

Each notice shall specify:

(1) the name of the mortgagor and ~~of~~ the mortgagee, and of ~~the~~ each assignee of the mortgage, if any, and the original or maximum principal amount secured by said the mortgage;

(2) the date of the mortgage, and when and where recorded, except where the mortgage is upon registered land, in which case the notice shall state that fact, and when and where registered;

(3) the amount claimed to be due ~~thereon~~, and taxes, if any, paid by the mortgagee at on the mortgage on the date of the notice;

(4) a description of the mortgaged premises, conforming substantially to that contained in the mortgage;

(5) the time and place of sale;

(6) the time allowed by law for redemption by the mortgagor, the mortgagor's personal representatives or assigns; and

(7) if the party foreclosing the mortgage desires to preserve the right to reduce the redemption period under section 582.032 after the first publication of the notice, the notice must also state in capital letters: "THE TIME ALLOWED BY LAW FOR REDEMPTION BY THE MORTGAGOR, THE MORTGAGOR'S PERSONAL REPRESENTATIVES OR ASSIGNS, MAY BE REDUCED TO FIVE WEEKS IF A JUDICIAL ORDER IS ENTERED UNDER MINNESOTA STATUTES, SECTION

New language is indicated by underline, deletions by ~~strikeout~~.

582.032, DETERMINING, AMONG OTHER THINGS, THAT THE MORTGAGED PREMISES ARE IMPROVED WITH A RESIDENTIAL DWELLING OF LESS THAN FIVE UNITS, ARE NOT PROPERTY USED IN AGRICULTURAL PRODUCTION, AND ARE ABANDONED.”

Sec. 4. Minnesota Statutes 2002, section 580.24, is amended to read:

580.24 REDEMPTION BY CREDITOR.

(a) ~~If no such redemption be is~~ made by the mortgagor, the mortgagor's personal representatives or assigns, the most senior creditor having a legal or equitable lien, legal or equitable, upon the mortgaged premises, or some part thereof of it, subsequent to the foreclosed mortgage, may redeem within seven days after the expiration of the redemption period determined under section 580.23 or 582.032, whichever is applicable; and each subsequent creditor having a lien may redeem, in succession, according to the order of priority of their respective liens, within seven days after the time allowed the prior lienholder, respectively, may redeem by paying the amount aforesaid and all liens prior to the lienholder's own held by the person from whom redemption is made; provided that required under this section. However, no creditor shall be is entitled to redeem unless, within the period allowed for redemption by the mortgagor, the creditor file:

(1) files for record with each county recorder and registrar of titles where the foreclosed mortgage is recorded a notice of the creditor's intention to redeem with the county recorder or registrar of titles of each county where the mortgage is recorded;

(2) files for record in each office where the notice is filed all documents necessary to create the lien on the mortgaged premises and to evidence the creditor's ownership of the lien; and

(3) after complying with clauses (1) and (2), delivers to the sheriff who conducted the foreclosure sale or the sheriff's successor in office a copy of each of the documents required to be filed under clauses (1) and (2), with the office, date and time of filing for record stated on the first page of each document.

The sheriff shall maintain for public inspection all documents delivered to the sheriff and shall note the date of delivery on each document. The sheriff may charge a fee of \$100 for the documents delivered to the sheriff relating to each lien. The sheriff shall maintain copies of documents delivered to the sheriff for a period of six months after the end of the mortgagor's redemption period.

(b) Saturdays, Sundays, legal holidays, and the first day following the expiration of the prior redemption period must be included in computing the seven-day redemption period. When the last day of the period falls on Saturday, Sunday, or a legal holiday, that day must be omitted from the computation. All mechanic's lienholders who have coordinate liens shall have one combined seven-day period to redeem.

(c) The amount required to redeem from the holder of the sheriff's certificate of sale is the amount required under section 580.23. The amount required to redeem from a person holding a certificate of redemption is:

New language is indicated by underline, deletions by ~~strikeout~~.

- (1) the amount paid to redeem as shown on the certificate of redemption; plus
- (2) interest on that amount to the date of redemption; plus
- (3) the amount claimed due on the person's lien, as shown on the affidavit under section 580.25, clause (3).

The amount required to redeem may be paid to the holder of the sheriff's certificate of sale or the certificate of redemption, as the case may be, or to the sheriff for the holder.

Sec. 5. Minnesota Statutes 2002, section 580.25, is amended to read:

580.25 REDEMPTION, HOW MADE.

Redemption shall be made as follows provided in this section.

The person desiring to redeem shall pay to the person holding the right acquired under such sale, or for that person to the sheriff who made the sale, or a successor in office, the amount required by law for such the redemption, and shall produce to such the person or officer receiving the redemption payment:

(1) a copy of the docket of the judgment, or of the deed or mortgage, or of the record or files evidencing any other lien under which the person claims a right to redeem, certified by the officer in whose with custody such of the docket, record, or files shall be, or the original deed or mortgage, with the certificate of record endorsed thereon on it;

(2) a copy of any assignment necessary to establish evidence the person's claim, verified by the affidavit of that person or a subscribing witness thereto, or some person acquainted with the signature of the assignor ownership of the lien, certified by the officer with custody of the assignment, or the original of each instrument of assignment with the certificate of record endorsed on it. If the redemption is under an assignment of a judgment, the assignment shall be filed in the court rendering entering the judgment, as provided by law, and the person so redeeming shall produce a certified copy thereof of it and of the record of its filing, and the copy of the docket shall show that the proper entry was made upon the docket. No further evidence of the assignment of the judgment is required unless the mortgaged premises or part of it is registered property, in which case the judgment and all assignments of the judgment must be entered as a memorial upon the certificate of title to the mortgaged premises and the original judgment and each assignment with the certificate of record endorsed on it, or a copy certified by the registrar of titles, must be produced; and

(3) an affidavit of the person or the person's agent, showing the amount then actually claimed due on the person's lien and required to be paid on the lien in order to redeem from the person.

If redemption is made to the sheriff, the sheriff may charge a fee of \$250 for issuing the certificate of redemption and any related service. No other fee may be charged by the sheriff for a redemption.

New language is indicated by underline, deletions by ~~strikeout~~.

Within 24 hours after such a redemption is made, the person redeeming shall cause the documents so required to be produced to be filed with the county recorder, or registrar of titles, who shall be entitled to may receive fees as prescribed in section 357.18 or 508.82. If such the redemption shall be is made at any place other than the county seat, it shall be is sufficient forthwith to deposit such the documents in the nearest post office, addressed to such the recorder or registrar of titles, with the postage prepaid. A person recording documents produced for redemption shall, on the same day, deliver copies of the documents to the sheriff for public inspection. The sheriff may receive a fee of \$20 for the documents delivered following a redemption. The sheriff shall note the date of delivery on the documents and shall maintain for public inspection all documents delivered to the sheriff for a period of six months after the end of the mortgagor's redemption period.

Sec. 6. EFFECTIVE DATE; APPLICATION.

Sections 3 to 5 are effective January 1, 2005, and apply to foreclosures where the mortgagor's period of redemption expires on or after the effective date.

Presented to the governor May 15, 2004

Signed by the governor May 19, 2004, 1:50 p.m.

CHAPTER 235—S.F.No. 388

An act relating to vehicle forfeiture; clarifying and modifying certain definitions, standards, and procedures for vehicle forfeitures associated with driving while impaired; amending Minnesota Statutes 2002, sections 169A.60, subdivisions 1, 14; 169A.63, subdivisions 1, 2, 7, 8, 9, 10.

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

Section 1, Minnesota Statutes 2002, section 169A.60, subdivision 1, is amended to read:

Subdivision 1. **DEFINITIONS.** (a) As used in this section, the following terms have the meanings given in this subdivision.

(b) "Family or household member" has the meaning given in section 169A.63, subdivision 1.

(c) "Motor vehicle" means a self-propelled motor vehicle other than a motorboat in operation or an off-road recreational vehicle.

(e) (d) "Plate impoundment violation" includes:

(1) a violation of section 169A.20 (driving while impaired) or 169A.52 (license revocation for test failure or refusal), or a conforming ordinance from this state or a conforming statute or ordinance from another state, that results in the revocation of a

New language is indicated by underline, deletions by ~~strikeout~~.