

licensed premises is Northrop Auditorium;

(8) within 1,500 feet of a state university, except that:

(i) the minimum distance in the case of Winona and Southwest State University is 1,200 feet, measured by a direct line from the nearest corner of the administration building to the main entrance of the licensed establishment;

(ii) within 1,500 feet of St. Cloud State University one on-sale wine and two off-sale intoxicating liquor licenses may be issued, measured by a direct line from the nearest corner of the administration building to the main entrance of the licensed establishment;

(iii) at Mankato State University the distance is measured from the front door of the student union of the Highland campus;

(iv) a temporary license under section 340A.404, subdivision 10, may be issued to a location on the grounds of a state university for an event sponsored or approved by the state university; and

(v) this restriction does not apply to the area surrounding the premises leased by Metropolitan State University at 730 Hennepin Avenue South in Minneapolis; and

(9) within 1,500 feet of any public school that is not within a city.

(b) The restrictions of this subdivision do not apply to a manufacturer or wholesaler of intoxicating liquor or to a drugstore or to a person who had a license originally issued lawfully prior to July 1, 1967.

EFFECTIVE DATE. This section is effective the day following final enactment.

Presented to the governor February 22, 2005

Signed by the governor February 24, 2005, 2:55 p.m.

CHAPTER 4—S.F.No. 262

An act relating to local government; making technical changes to filing and recording laws; amending Minnesota Statutes 2004, sections 41.65, subdivision 3; 49.05, subdivision 2; 49.215, subdivision 3; 52.20, subdivisions 2, 3; 60B.16, subdivision 1; 60B.21, subdivision 1; 60B.25; 60B.52, subdivision 2; 60B.53, subdivision 2; 60B.55, subdivision 2; 66A.21, subdivision 2; 88.14, subdivision 3; 88.41; 88.49, subdivisions 2, 3, 5; 88.491, subdivision 2; 92.17; 93.52, subdivision 2; 93.55, subdivisions 1, 1a, 2, 5; 93.551; 94.19; 1031.341, subdivisions 1, 4; 117.065; 164.06, subdivision 2; 164.07, subdivision 11; 222.29; 238.25, subdivision 10; 273.165, subdivision 1; 281.322; 281.328, subdivision 1; 284.07; 284.08; 284.11; 284.18; 306.02, subdivision 1; 306.24; 307.06; 307.07; 315.01, subdivisions 3, 4; 315.17, subdivision 3; 315.19; 315.20, subdivisions 2, 3; 315.32; 315.365, subdivision 2; 315.44; 316.09; 317A.021, subdivision 4; 317A.051, subdivision 2; 318.02, subdivision 3; 322.02; 322.25, subdivision 4; 322A.86; 327A.04, subdivision 3; 327C.095, subdivisions 8, 11; 344.06; 344.08; 375.14; 381.12,

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subdivision 1; 382.08; 382.10; 384.02; 384.08; 385.02, subdivision 1; 386.03; 386.04; 386.05; 386.13; 386.16; 386.19; 386.20, subdivisions 1, 3; 386.23, subdivisions 1, 2; 386.26, subdivision 3; 386.29; 386.31; 386.32; 386.36; 386.37; 386.45; 387.01; 387.33, subdivision 2; 388.01; 388.10; 389.011, subdivisions 1, 3; 390.05; 394.27, subdivision 8; 394.301, subdivision 4; 394.33, subdivision 1; 394.35; 395.18; 395.22; 398.19; 410.11; 412.851; 429.061, subdivision 2; 444.17; 447.31, subdivision 4; 462.359, subdivision 2; 462.3595, subdivision 4; 462.36, subdivision 1; 462A.31, subdivision 7; 463.15, subdivision 4; 465.19; 471.928; 485.01; 485.03; 485.05; 489.03; 507.24, subdivision 1; 508.35; 508.37; 508.38; 519.091, subdivision 2; 541.023, subdivisions 2, 2a, 4, 6; 548.09, subdivision 1; 548.25; 550.31; 550.32; 559.17, subdivisions 2, 3; 559.209, subdivision 2; 559.21, subdivision 4; 559.23; 570.061, subdivision 2; 570.11; 570.14; 576.01, subdivision 2; 577.02; 577.10; 580.032, subdivisions 1, 3; 580.09; 580.15; 580.17; 580.23, subdivision 4; 580.24; 580.29; 600.21; repealing Minnesota Statutes 2004, sections 386.183; 386.34; 386.53; 580.16.

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

Section 1. Minnesota Statutes 2004, section 41.65, subdivision 3, is amended to read:

Subd. 3. **RESTRICTED AGRICULTURAL USE.** (a) Acquired property that has marginal land as defined in section 103F.511, subdivision 7, or wetlands must be restricted from agricultural use on the marginal land or wetlands.

(b) If the commissioner determines that all or a portion of acquired property should be taken out of agricultural use or particular agricultural uses should be restricted, the commissioner shall have the attorney general prepare an easement restricting the agricultural use and file record the easement with the county recorder where the property is located.

Sec. 2. Minnesota Statutes 2004, section 49.05, subdivision 2, is amended to read:

Subd. 2. **CERTIFICATES PRIOR TO FORECLOSURE SALES.** Prior to any sale under any foreclosure proceedings, the commissioner shall file for record in the office of the county recorder of the county where any land affected by any such foreclosure sale is situated, a certificate under the commissioner's hand, as such commissioner, stating therein the corporate name of the financial institution affected; its principal place of business; that possession of its property and business has been taken by the commissioner under the laws of the state, and the date of taking possession thereof; and that it is in process of liquidation by the commissioner, pursuant to the laws of this state, if such be the fact. A like certificate shall be filed for record recorded by the commissioner in the office where any such mortgage or lien is recorded. This certificate, or a duly certified copy thereof, shall be prima facie evidence of the facts therein set forth. Only one such certificate need be filed recorded as hereinbefore provided in this section, for each financial institution in liquidation. All foreclosure proceedings heretofore conducted, whether the certificate was filed for record recorded as to each such foreclosure or not, are hereby validated if one such certificate has been filed recorded as to each financial institution in liquidation, or if the commissioner shall after any foreclosure sale file record a certificate reciting the facts required to be set out in an original certificate, as they existed prior to the foreclosure sale.

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Sec. 3. Minnesota Statutes 2004, section 49.215, subdivision 3, is amended to read:

Subd. 3. **CERTIFICATE OF LIQUIDATION.** Upon compliance with the foregoing and upon filing with the commissioner an affidavit of the president and cashier or vice president conducting the duties of cashier of said financial institution that the provisions of subdivision 4 have been complied with and that all depositors and other creditors have been paid in full, or, if any dividends or any moneys set apart for the payment of claims remain unpaid and the places of residence of the depositors or other creditors are unknown to the persons making the affidavit, that sufficient funds have been turned over to the commissioner for payment into the state treasury to pay said depositors and other creditors, in the manner provided by subdivision 5, the commissioner shall issue a certificate of liquidation, and, upon the filing for record of said certificate of liquidation in the Office of the Secretary of State and the recording in the office of the county recorder of the county of the principal place of business of such financial institution immediately prior to its voluntary liquidation, the liquidation of said financial institution shall be complete, and its corporate existence shall thereupon terminate.

Sec. 4. Minnesota Statutes 2004, section 52.20, subdivision 2, is amended to read:

Subd. 2. **FILING RECORDING DOCUMENTS; COMMISSIONER'S APPROVAL; BOND.** Immediately after this meeting and before the committee shall proceed with the liquidation, the officers of the credit union shall file with the commissioner of commerce a certified copy of the minutes of this meeting, a written statement outlining the plan of liquidation, and a verified statement, in writing, signed by a majority of the officers, consenting to this liquidation containing the names and addresses of all officers and directors of the credit union. After the commissioner of commerce shall, by proper examination, determine that the credit union is solvent, the commissioner shall, within 60 days, issue a certificate of approval of the liquidation, which certificate shall be filed recorded with the county recorder in the county where the credit union is located. A "solvent" credit union is one which is able to pay all of its debts and deposits. From and after this special meeting the credit union shall cease to do business except for purposes of liquidation. Before commencing the liquidation the committee shall execute and file with the commissioner of commerce a bond running to the state of Minnesota for the benefit of the members and creditors of the credit union in such amount and with such sureties and in such form as shall be approved by the commissioner of commerce, conditioned for the faithful performance of all duties of its trust. A bond may be waived in case of a bulk sale of assets to one or more purchasers upon terms approved by the commissioner of commerce. Such purchasers may include other credit unions or an association of credit unions.

Sec. 5. Minnesota Statutes 2004, section 52.20, subdivision 3, is amended to read:

Subd. 3. **TIME OF DISSOLUTION.** Upon filing recording this certificate with the county recorder, the credit union shall be deemed dissolved and its corporate existence terminated except for the purpose of discharging its debts, collecting and distributing its assets, and doing all other acts required in order to liquidate. The credit union shall have a corporate existence and may sue and be sued.

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Sec. 6. Minnesota Statutes 2004, section 60B.16, subdivision 1, is amended to read:

Subdivision 1. **APPOINTMENT OF REHABILITATOR.** An order to rehabilitate the business of a domestic insurer, or an alien insurer domiciled in this state, shall appoint the commissioner and successors in office rehabilitator and shall direct the rehabilitator forthwith to take possession of the assets of the insurer and to administer them under the orders of the court. The ~~filing or~~ recording of the order with any county recorder in the state imparts the same notice as a deed, bill of sale, or other evidence of title duly ~~filed or~~ recorded with that county recorder.

Sec. 7. Minnesota Statutes 2004, section 60B.21, subdivision 1, is amended to read:

Subdivision 1. **ORDER TO LIQUIDATE.** An order to liquidate the business of a domestic insurer shall appoint the commissioner and successors in office liquidator and shall direct the liquidator forthwith to take possession of the assets of the insurer and to administer them under the orders of the court. The liquidator shall be vested by operation of law with the title to all of the property, contracts, and rights of action and all of the books and records of the insurer ordered liquidated, wherever located, as of the date of the filing of the petition for liquidation. The commissioner may recover and reduce the same to possession except that ancillary receivers in reciprocal states shall have, as to assets located in their respective states, the rights and powers which are prescribed in section 60B.55, subdivision 3, for ancillary receivers appointed in this state as to assets located in this state. The ~~filing or~~ recording of the order with any county recorder in this state imparts the same notice as a deed, bill of sale, or other evidence of title duly ~~filed or~~ recorded with that county recorder.

Sec. 8. Minnesota Statutes 2004, section 60B.25, is amended to read:

60B.25 POWERS OF LIQUIDATOR.

The liquidator shall report to the court monthly, or at other intervals specified by the court, on the progress of the liquidation in whatever detail the court orders. The liquidator shall coordinate activities with those of each guaranty association having an interest in the liquidation and shall submit a report detailing how coordination will be achieved to the court for its approval within 30 days following appointment, or within the time which the court, in its discretion, may establish. Subject to the court's control, the liquidator may:

(1) Appoint a special deputy to act under sections 60B.01 to 60B.61 and determine the deputy's compensation. The special deputy shall have all powers of the liquidator granted by this section. The special deputy shall serve at the pleasure of the liquidator.

(2) Appoint or engage employees and agents, actuaries, accountants, appraisers, consultants, and other personnel deemed necessary to assist in the liquidation without regard to chapter 14.

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(3) Fix the compensation of persons under clause (2), subject to the control of the court.

(4) Defray all expenses of taking possession of, conserving, conducting, liquidating, disposing of, or otherwise dealing with the business and property of the insurer. If the property of the insurer does not contain sufficient cash or liquid assets to defray the costs incurred, the liquidator may advance the costs so incurred out of the appropriation made to the Department of Commerce. Any amounts so paid shall be deemed expense of administration and shall be repaid for the credit of the Department of Commerce out of the first available money of the insurer.

(5) Hold hearings, subpoena witnesses and compel their attendance, administer oaths, examine any person under oath and compel any person to subscribe to testimony after it has been correctly reduced to writing, and in connection therewith require the production of any books, papers, records, or other documents which the liquidator deems relevant to the inquiry.

(6) Collect all debts and money due and claims belonging to the insurer, wherever located, and for this purpose institute timely action in other jurisdictions, in order to forestall garnishment and attachment proceedings against such debts; do such other acts as are necessary or expedient to collect, conserve, or protect its assets or property, including sell, compound, compromise, or assign for purposes of collection, upon such terms and conditions as the liquidator deems best, any bad or doubtful debts; and pursue any creditor's remedies available to enforce claims.

(7) Conduct public and private sales of the property of the insurer in a manner prescribed by the court.

(8) Use assets of the estate to transfer coverage obligations to a solvent assuming insurer, if the transfer can be arranged without prejudice to applicable priorities under section 60B.44.

(9) Acquire, hypothecate, encumber, lease, improve, sell, transfer, abandon, or otherwise dispose of or deal with any property of the insurer at its market value or upon such terms and conditions as are fair and reasonable, except that no transaction involving property the market value of which exceeds \$10,000 shall be concluded without express permission of the court. The liquidator may also execute, acknowledge, and deliver any deeds, assignments, releases, and other instruments necessary or proper to effectuate any sale of property or other transaction in connection with the liquidation. In cases where real property sold by the liquidator is located other than in the county where the liquidation is pending, the liquidator shall cause to be filed recorded with the county recorder for the county in which the property is located a certified copy of the order of appointment.

(10) Borrow money on the security of the insurer's assets or without security and execute and deliver all documents necessary to that transaction for the purpose of facilitating the liquidation.

(11) Enter into such contracts as are necessary to carry out the order to liquidate, and affirm or disavow any contracts to which the insurer is a party.

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(12) Continue to prosecute and institute in the name of the insurer or in the liquidator's own name any suits and other legal proceedings, in this state or elsewhere, and abandon the prosecution of claims the liquidator deems unprofitable to pursue further. If the insurer is dissolved under section 60B.23, the liquidator may apply to any court in this state or elsewhere for leave to be substituted for the insurer as plaintiff.

(13) Prosecute any action which may exist in behalf of the creditors, members, policyholders, or shareholders of the insurer against any officer of the insurer, or any other person.

(14) Remove any records and property of the insurer to the offices of the commissioner or to such other place as is convenient for the purposes of efficient and orderly execution of the liquidation.

(15) Deposit in one or more banks in this state such sums as are required for meeting current administration expenses and dividend distributions.

(16) Deposit with the State Board of Investment for investment pursuant to section 11A.24, all sums not currently needed, unless the court orders otherwise.

(17) Record or file any necessary documents for record in the office of any county recorder or record office in this state or elsewhere where property of the insurer is located.

(18) Assert all defenses available to the insurer as against third persons, including statutes of limitations, statutes of frauds, and the defense of usury. A waiver of any defense by the insurer after a petition for liquidation has been filed shall not bind the liquidator.

(19) Exercise and enforce all the rights, remedies, and powers of any creditor, shareholder, policyholder, or member, including any power to avoid any transfer or lien that may be given by law and that is not included within sections 60B.30 and 60B.32.

(20) Intervene in any proceeding wherever instituted that might lead to the appointment of a receiver or trustee, and act as the receiver or trustee whenever the appointment is offered.

(21) Enter into agreements with any receiver or commissioner of any other state relating to the rehabilitation, liquidation, conservation, or dissolution of an insurer doing business in both states.

(22) Collect from an insured any unpaid earned premium or retrospectively rated premium due the insurer based on the termination of coverage under section 60B.22. Premium on surety business is considered earned at inception if no policy term can be determined. All other premium will be considered earned and will be prorated over the determined policy term, regardless of any provision in the bond, guaranty, contract, or other agreement.

(23) Exercise all powers now held or hereafter conferred upon receivers by the laws of this state not inconsistent with sections 60B.01 to 60B.61.

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(24) The enumeration in this section of the powers and authority of the liquidator is not a limitation, nor does it exclude the right to do such other acts not herein specifically enumerated or otherwise provided for as are necessary or expedient for the accomplishment of or in aid of the purpose of liquidation.

(25) The power of the liquidator of a health maintenance organization includes the power to transfer coverage obligations to a solvent and voluntary health maintenance organization, insurer, or nonprofit health service plan, and to assign provider contracts of the insolvent health maintenance organization to an assuming health maintenance organization, insurer, or nonprofit health service plan permitted to enter into such agreements. The liquidator is not required to meet the notice requirements of section 62D.121. Transferees of coverage obligations or provider contracts shall have no liability to creditors or obligees of the health maintenance organization except those liabilities expressly assumed.

Sec. 9. Minnesota Statutes 2004, section 60B.52, subdivision 2, is amended to read:

Subd. 2. **TERMS OF ORDER.** The court may issue the order in whatever terms it deems appropriate. The filing ~~or~~ recording of the order with any county recorder in this state imparts the same notice as a deed, bill of sale, or other evidence of title duly filed ~~or~~ recorded with that county recorder.

Sec. 10. Minnesota Statutes 2004, section 60B.53, subdivision 2, is amended to read:

Subd. 2. **TERMS OF ORDER.** If it appears to the court that the best interests of creditors, policyholders, and the public so require, the court may issue an order to liquidate in whatever terms it deems appropriate. The filing ~~or~~ recording of the order with any county recorder in this state imparts the same notice as a deed, bill of sale, or other evidence of title duly filed ~~or~~ recorded with that county recorder.

Sec. 11. Minnesota Statutes 2004, section 60B.55, subdivision 2, is amended to read:

Subd. 2. **TERMS OF ORDER.** The court may issue an order appointing an ancillary receiver in whatever terms it deems appropriate. The filing ~~or~~ recording of the order with any county recorder in this state imparts the same notice as a deed, bill of sale, or other evidence of title duly filed ~~or~~ recorded with that county recorder.

Sec. 12. Minnesota Statutes 2004, section 66A.21, subdivision 2, is amended to read:

Subd. 2. **EXISTING DOMESTIC MUTUAL INSURANCE COMPANIES, JOINT AGREEMENT; APPROVAL.** The separation can be effected only as a result of a joint agreement entered into, approved and filed as follows:

(1) The board of directors of the ceding and assuming corporations shall, by majority vote, enter into a joint agreement, prescribing the terms and conditions of the separation and the mode of carrying the same into effect, with such other details and provisions as they deem necessary. The agreement shall provide for an adjustment of

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final figures as may be necessary after a verifying examination of the corporation by the commissioner of commerce as hereinafter provided.

(2) The agreement shall be submitted to the members of the ceding corporation, at a special meeting duly called for the purpose of considering and acting upon the agreement. Notice for such special meeting shall be deemed sufficient if mailed to the policyholders' last known address as shown on the policy records of the corporation. If the holders of two-thirds of the voting power of the members present or represented at the meeting shall vote for the adoption of the agreement, then that fact shall be certified on the agreement by the secretary of the corporation and the agreement so adopted and certified shall be signed and acknowledged by the president and secretary of both the ceding and assuming corporations.

(3) The agreement so adopted, certified and acknowledged shall be delivered to the commissioner of commerce. It shall be the duty of the commissioner to determine, after a verifying examination, if the provisions thereof are fair and equitable to all concerned and to verify the reasonableness and accuracy of the apportionment of assets, liabilities, and surplus provided for in the agreement.

If the commissioner is satisfied that the agreement is fair and reasonable and that its provisions relating to transfers of assets and assumption of liabilities are equitable to claimants and policyholders, the commissioner shall place a certificate of approval on the agreement and shall file it in the commissioner's office. A copy of the agreement, certified by the commissioner of commerce shall be filed for record in the Office of the Secretary of State and recorded in the office of the county recorder of the counties in this state in which any of the corporate parties to the agreement have their home offices and of any counties in which any of the corporate parties have land, title to which will be transferred under the terms of the agreement.

Sec. 13. Minnesota Statutes 2004, section 88.14, subdivision 3, is amended to read:

Subd. 3. **ENTRY TO DISPOSE; LIEN.** When any such slashings, debris, or refuse are not disposed of or are left unattended for a period exceeding 30 days, contrary to the instructions of the commissioner, or forest officer, the commissioner, or any forest officer or fire warden, may go upon the premises with as many workers as may be necessary and burn or otherwise dispose of the same and the expense thereof shall be a lien upon the land on which they are situated and upon all contiguous lands of the same owner, and also upon all logs and other timber products cut or manufactured upon all these lands. This lien shall have the same effect and may be enforced in the same manner as a judgment in favor of the state for money. An itemized statement verified by the oath of the commissioner, or forest officer, of the amount of the costs and expenses incurred in burning or otherwise disposing of these slashings, debris, or refuse shall be filed recorded, within 90 days from the time the disposal thereof is completed, in the office of the county recorder, or, if the property is registered, in the office of the registrar of titles of the county in which the timber or timber products were cut or manufactured; and the amount of the lien shall be a valid claim that may be collected in a civil action from the person who cut or manufactured

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the wood, timber, or timber products from which the slashings, debris, or refuse were produced. Any moneys so collected shall be paid into the state treasury and credited to the general fund.

Sec. 14. Minnesota Statutes 2004, section 88.41, is amended to read:

88.41 COUNTY AUDITORS; TABULAR STATEMENTS; POWERS AND DUTIES.

At as early a date as possible after letting the contract or contracts under any improvement authorized by sections 88.28 to 88.46, and as soon as the cost of the improvement and expenses connected therewith can be ascertained, the auditor of the county shall make in tabular form a list and statement as provided by General Statutes 1923, section 6703, and the cost of making the improvement of each tract, together with its proportionate share of the total expense, shall be assessed against such tract, and the provisions of General Statutes 1923, section 6703, so far as applicable, shall govern the proceedings under sections 88.28 to 88.46. The auditor is hereby authorized to exercise all the rights and authority granted by General Statutes 1923, section 6703, and in all places where the term "ditch" or "drainage ditch" shall appear therein, the same, for all purposes of sections 88.28 to 88.46 shall be construed as reading "improvement," and General Statutes 1923, section 6703, used and applied accordingly. The auditor, after preparing this statement, shall cause a duplicate thereof to be filed recorded in the office of the county recorder in and for the county, as provided in General Statutes 1923, section 6705, and the provisions thereof shall apply to the proceedings under sections 88.28 to 88.46. The auditor and county recorder are hereby authorized to exercise the rights and authority and perform the duties here specified, and the provisions of General Statutes 1923, sections 6712 and 6713, shall apply to and govern the proceedings under sections 88.28 to 88.46. The county auditor, the county treasurer, and the county recorder are each hereby authorized and required to perform in all proceedings under sections 88.28 to 88.46 the duties specified in General Statutes 1923, sections 6712 and 6713; and in all cases where the term "ditch" or "ditches" or any other similar term appears therein, the same, for all purposes of sections 88.28 to 88.46, shall be construed as reading "improvement."

Sec. 15. Minnesota Statutes 2004, section 88.49, subdivision 2, is amended to read:

Subd. 2. PREPARATION, FORM, APPROVAL. The contract shall be prepared by the director of the Division of Lands and Forestry on a recordable form approved by the attorney general and prescribe such terms and conditions as will reasonably tend to produce merchantable timber upon the lands described therein and specify the kind or species of seeds to be planted or seedlings to be set out and the quantity or number thereof, or other acts or steps that the commissioner shall deem necessary in respect to afforestation or reforestation of the lands; the time or times when the same shall be done; the kind and amount, if any, of culture or other attention to be given in aid of the growth of timber thereon; the uses, if any, which may be made of the land while the same remains an auxiliary forest; the period of time, not exceeding 50 years, during which the land may continue to be an auxiliary forest, with privilege of renewal by

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mutual agreement between the owner and the state acting through the commissioner, with the approval of the county board and the Executive Council, for an additional period not exceeding 50 years; the rate of taxation which may be levied annually on the land, exclusive of merchantable timber growing thereon at the time of the making of the contract and exclusive of mineral or other things of value thereunder, the rate to be determined as hereinafter provided; the keeping open to the public, as public hunting and fishing grounds, of all approved auxiliary forest lands, except when such lands are closed to public hunting or fishing by order of the director of the Division of Lands and Forestry in order to protect such lands from fire, loss of life or property provided, however, that the term keeping open shall not apply to private roads or improvements should the owner desire to close same; and such other conditions, provisions, and stipulations, as the commissioner, in the exercise of scientific knowledge and business judgment, may deem necessary or proper. Every such contract shall be approved by the Executive Council.

As far as practicable all contracts shall be uniform and equal in respect to all lands or classes of lands substantially similar in capacity for, or adaptability to, any particular kind or species of tree culture or forest growth.

Sec. 16. Minnesota Statutes 2004, section 88.49, subdivision 3, is amended to read:

Subd. 3. **RECORDING.** The commissioner shall submit such contract in recordable form to the owner of the land covered thereby. If the owner shall indicate to the commissioner an unwillingness to execute the same, or if the owner or any of the persons having an interest therein or lien thereon fail to execute it within 60 days from the time of its submission to the owner, all proceedings relating to the making of this land into an auxiliary forest shall be at an end.

When the contract shall have been executed it shall forthwith be recorded in the office of the county recorder at the expense of the owner in a permanent book or record which shall be designated "record of auxiliary forests" and shall always be open to public inspection; and or, if the title to the land be registered, there shall in addition to such record be filed with the registrar of titles a duplicate of the contract. At the time the contract is filed recorded with the county recorder for record the owner, at the owner's expense, shall furnish to record with the county recorder a certificate from the county attorney to the effect that no change in record title thereof has occurred, that no liens or other encumbrances have been placed thereon, and that no taxes have accrued thereon since the making of the previous certificate. It shall be the duty of the county attorney to furnish this certificate without further compensation.

All the provisions of the contract shall be deemed covenants running with the land from the date of the filing of the contract for record.

Sec. 17. Minnesota Statutes 2004, section 88.49, subdivision 5, is amended to read:

Subd. 5. **CANCELLATION.** Upon the failure of the owner faithfully to fulfill and perform such contract or any provision thereof, or any requirement of sections

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88.47 to 88.53, or any rule adopted by the commissioner thereunder, the commissioner may cancel the contract in the manner herein provided. The commissioner shall give to the owner, in the manner prescribed in section 88.48, subdivision 4, 60 days' notice of a hearing thereon at which the owner may appear and show cause, if any, why the contract should not be canceled. The commissioner shall thereupon determine whether the contract should be canceled and make an order to that effect. Notice of the commissioner's determination and the making of the order shall be given to the owner in the manner provided in section 88.48, subdivision 4. On determining that the contract should be canceled and no appeal therefrom be taken, the commissioner shall send notice thereof to the auditor of the county and to the town clerk of the town affected and file with the recorder a certified copy of the order, who shall forthwith note the cancellation upon the record thereof, and thereupon the land therein described shall cease to be an auxiliary forest and, together with the timber thereon, become liable to all taxes and assessments that otherwise would have been levied against it had it never been an auxiliary forest from the time of the making of the contract, any provisions of the statutes of limitation to the contrary notwithstanding, less the amount of taxes paid under the provisions of section 88.51, subdivision 1, together with interest on such taxes and assessments at six percent per annum, but without penalties.

The commissioner may in like manner and with like effect cancel the contract upon written application of the owner.

The commissioner shall cancel any contract if the owner has made successful application under sections 290C.01 to 290C.11, the Sustainable Forest Incentive Act, and has paid to the county treasurer the difference between the amount which would have been paid had the land under contract been subject to the Minnesota Tree Growth Tax Law and the Sustainable Forest Incentive Act from the date of the filing recording of the contract and the amount actually paid under section 88.51, subdivisions 1 and 2. This tax difference must be calculated based on the years the lands would have been taxed under the Tree Growth Tax Law and the Sustainable Forest Incentive Act. The sustainable forest tax difference is net of the incentive payment of section 290C.07. If the amount which would have been paid, had the land under contract been under the Minnesota Tree Growth Tax Law and the Sustainable Forest Incentive Act from the date of the filing of the contract, is less than the amount actually paid under the contract, the cancellation shall be made without further payment by the owner.

When the execution of any contract creating an auxiliary forest shall have been procured through fraud or deception practiced upon the county board or the commissioner or any other person or body representing the state, it may be canceled upon suit brought by the attorney general at the direction of the commissioner. This cancellation shall have the same effect as the cancellation of a contract by the commissioner.

Sec. 18. Minnesota Statutes 2004, section 88.491, subdivision 2, is amended to read:

Subd. 2. **EFFECT OF EXPIRED CONTRACT.** When auxiliary forest contracts expire, or prior to expiration by mutual agreement between the land owner and the

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appropriate county office, the lands previously covered by an auxiliary forest contract automatically qualify for inclusion under the provisions of the Sustainable Forest Incentive Act; provided that when such lands are included in the Sustainable Forest Incentive Act prior to expiration of the auxiliary forest contract they will be transferred and a tax paid as provided in section 88.49, subdivision 5, upon application and inclusion in the sustainable forest incentive program. The land owner shall pay taxes in an amount equal to the difference between:

(1) the sum of:

(i) the amount which would have been paid from the date of the ~~filing~~ recording of the contract had the land under contract been subject to the Minnesota Tree Growth Tax Law; plus

(ii) beginning with taxes payable in 2003, the taxes that would have been paid if the land had been enrolled in the sustainable forest incentive program; and

(2) the amount actually paid under section 88.51, subdivisions 1 and 2.

Sec. 19. Minnesota Statutes 2004, section 92.17, is amended to read:

92.17 EFFECT OF CERTIFICATE; RECORD.

A certificate of sale entitles the holder to possession of the land described in it, but the fee remains in the state until a patent is issued. The certificates, assignments, and patents may be ~~filed for record~~ recorded with the county recorder.

Sec. 20. Minnesota Statutes 2004, section 93.52, subdivision 2, is amended to read:

Subd. 2. **VERIFIED STATEMENT FILING REQUIREMENT.** Except as provided in subdivision 3, from and after January 1, 1970, every owner of a fee simple interest in minerals, hereafter referred to as a mineral interest, in lands in this state, which interest is owned separately from the fee title to the surface of the property upon or beneath which the mineral interest exists, shall ~~file for record in the office of the county recorder or, if registered property, in the office of the registrar of titles~~ file for record in the office of the registrar of titles in the county where the mineral interest is located a verified statement, in triplicate, citing sections 93.52 to 93.58 and setting forth the owner's address, interest in the minerals, and both (1) the legal description of the property upon or beneath which the interest exists, and (2) the book and page number or the document number, in the records of the county recorder or registrar of titles, of the instrument by which the mineral interest is created or acquired. No statement may be ~~filed for record~~ recorded which contains mineral interests from more than one government section unless the instrument by which the mineral interest is created or acquired includes mineral interests from more than one government section. The county recorder and registrar of titles shall file with the county auditor a copy of each document so recorded within 60 days after recording in the office of county recorder or registrar of titles.

Sec. 21. Minnesota Statutes 2004, section 93.55, subdivision 1, is amended to read:

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Subdivision 1. **FORFEITURE; FAILURE TO FILE RECORD.** If the owner of a mineral interest fails to file record the verified statement required by section 93.52, before January 1, 1975, as to any interests owned on or before December 31, 1973, or within one year after acquiring such interests as to interests acquired after December 31, 1973, and not previously filed recorded under section 93.52, the mineral interest shall forfeit to the state after notice and opportunity for hearing as provided in this section. However, before completing the procedures set forth in subdivision 2, the commissioner of natural resources may lease the severed mineral interest as provided in subdivisions 1a and 3.

Sec. 22. Minnesota Statutes 2004, section 93.55, subdivision 1a, is amended to read:

Subd. 1a. **LEASE OF FORFEITED INTEREST.** If the owner of a severed mineral interest fails to file record the verified statement required by section 93.52 before the dates specified in subdivision 1, the commissioner of natural resources may lease the mineral interest as provided in this subdivision and subdivision 3 before completing the procedures set forth in subdivision 2. In any lease issued under this subdivision, the commissioner shall cite, as authority for issuing the lease, this subdivision, subdivision 3, and the United States Supreme Court decision in *Texaco, Inc., et al. v. Short, et al.*, 454 U.S. 516 (1982), where the Supreme Court determined, under Amendment XIV to the Constitution of the United States, that enactment of a state law requiring an owner of severed mineral interests to timely file record a statement of claim to the mineral interests was constitutional, without individual advance notice of operation of the law, before the owner loses the mineral interests for failing to timely file record the statement of claim. A lessee holding a lease issued under this subdivision may not mine under the lease until the commissioner completes the procedures set forth in subdivision 2 and a court has adjudged the forfeiture of the mineral interest to be absolute. "Mine" for the purposes of this subdivision is defined to exclude exploration activities, exploratory boring, trenching, test pitting, test shafts and drifts, and related activities.

Sec. 23. Minnesota Statutes 2004, section 93.55, subdivision 2, is amended to read:

Subd. 2. **NOTICE AND HEARING.** The commissioner shall notify the last owner of record ~~on~~ file in either the county recorder's or registrar of titles' office of a hearing on an order to show cause why the mineral interest should not forfeit to the state absolutely. The notice shall be served in the same manner as provided for the service of summons in a civil action to determine adverse claims under chapter 559 and shall contain the following: (1) the legal description of the property upon or beneath which the interest exists; (2) a recitation that the statement of severed mineral interest either did not comply with the requirements specified by section 93.52 for such a statement or was not filed recorded within the time specified in this section, or both; and (3) that the court will be requested to enter an order adjudging the forfeiture of the mineral interest to be absolute in the absence of a showing that there was substantial compliance with laws requiring the registration and taxation of severed mineral interests. For the purposes of this section, substantial compliance with laws requiring

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the registration and taxation of severed mineral interests means: (1) that the records in the office of the county recorder or registrar of titles specified the true ownership of the severed mineral interest during the time period within which the statement of severed mineral interest should have been ~~registered~~ recorded with the county recorder or the registrar of titles, or that probate, divorce, bankruptcy, mortgage foreclosure, or other proceedings affecting the title had been timely initiated and diligently pursued by the true owner during the time period within which the severed mineral interest statement should have been ~~registered~~ recorded, and (2) that all taxes relating to severed mineral interests had been timely paid, including any taxes which would have been due and owing under section 273.165, subdivision 1, had the interest been properly ~~filed for record~~ recorded as required by section 93.52 within the time specified in this section. For the purposes of this section, "timely paid" means paid within the time period during which tax forfeiture would not have been possible had a real property tax been assessed against the property.

Sec. 24. Minnesota Statutes 2004, section 93.55, subdivision 5, is amended to read:

Subd. 5. **APPLICABILITY.** The forfeiture provisions of this section do not apply to mineral interests valued and taxed under other laws relating to the taxation of minerals, gas, coal, oil, or other similar interests, so long as a tax is imposed and no forfeiture under the tax laws is complete. However, if the mineral interest is valued under other tax laws, but no tax is imposed, the mineral interest forfeits under this section if not ~~filed~~ recorded as required by this section.

Sec. 25. Minnesota Statutes 2004, section 93.551, is amended to read:

93.551 VALIDATION OF CERTAIN STATEMENTS; CORRECTION OF CERTAIN ERRORS.

A statement of severed mineral interests which was ~~filed~~ recorded within the time limits specified by section 93.55 is validly and timely ~~filed~~ recorded even if the interest claimed by the owner does not correctly set forth the whole or fractional interest actually owned; the statement erroneously contained interests from more than one government section; the statement was not properly verified; or the interest, if registered property, was erroneously ~~filed~~ recorded with the county recorder, or, if the interest was not registered property, was ~~filed~~ recorded with the registrar of titles. The owner may ~~file~~ record an amendment or supplement to the original statement for the purpose of correcting any or all of the errors described in this section.

Sec. 26. Minnesota Statutes 2004, section 94.19, is amended to read:

94.19 CERTIFICATE OF ACCEPTANCE; RECORD.

(a) The certificate of acceptance shall be executed in duplicate and one filed in the Office of the Secretary of State and the other ~~filed for record~~ recorded in the office of the county recorder of the county in which the land is situated; and, after being recorded, kept with the records of the institution in connection with which the land is used.

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~~Upon~~ (b) After the certificates of acceptance being so are filed and recorded under paragraph (a), the conveyance and transfer of the rights, interests, and estates involved shall be deemed complete.

Sec. 27. Minnesota Statutes 2004, section 103I.341, subdivision 1, is amended to read:

Subdivision 1. **LIEN FOR SEALING COSTS.** The commissioner and the Board of Water and Soil Resources have a governmental services lien under section 514.67 for the costs of sealing a well or boring that the commissioner or board has contracted to be sealed under section 103I.315, subdivision 2; or 103I.335. The lien attaches to the real property where the well or boring is located. The lien is perfected by filing recording the lien with the county recorder or registrar of titles where the well or boring and the property are located and serving or mailing by return receipt a copy of the lien to the property owner.

Sec. 28. Minnesota Statutes 2004, section 103I.341, subdivision 4, is amended to read:

Subd. 4. **SATISFACTION OF LIEN.** The amount due and interest of a lien under this section may be paid at any time. When the amount of the lien including accrued interest is paid, the commissioner or board must execute a satisfaction of the lien and record the satisfaction with the county recorder or registrar of titles where the lien was filed recorded.

Sec. 29. Minnesota Statutes 2004, section 117.065, is amended to read:

117.065 NOTICES OF PENDENCY AND ABANDONMENT; REQUIRED FILINGS RECORDINGS.

At the time of filing the petition the petitioner shall ~~file~~ file for record a notice of the pendency of the proceeding, describing with reasonable certainty the lands affected and for what purpose they are to be taken. The notice shall be filed recorded as follows:

- (1) if the lands are registered lands, with the registrar of titles;
- (2) if the lands are nonregistered, with the county recorder;
- (3) if the lands are both registered and nonregistered, with both the registrar and the county recorder.

If the proceeding be abandoned in whole or in part the petitioner shall within ten days thereafter ~~file~~ record a notice to that effect, describing with reasonable certainty the lands so abandoned. The notice of abandonment shall be filed recorded in the same places as the notice of the pendency of the proceeding.

Sec. 30. Minnesota Statutes 2004, section 164.06, subdivision 2, is amended to read:

Subd. 2. **EXTINGUISHING INTEREST IN ABANDONED ROAD.** (a) After providing notice under section 366.01, subdivision 8, the town board may by resolution

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disclaim and extinguish a town interest in a town road without action under subdivision 1 if:

- (1) the extinguishment is found by the town board to be in the public interest;
- (2) the interest is not a fee interest;
- (3) the interest was established more than 25 years earlier;
- (4) the interest is not recorded or filed with the county recorder;
- (5) no road improvement has been constructed on a right-of-way affected by the interest within the last 25 years; and
- (6) no road maintenance on a right-of-way affected by the interest has occurred within the last 25 years.

(b) The resolution shall be filed and ~~recorded~~ with the county auditor and recorded with the county recorder.

Sec. 31. Minnesota Statutes 2004, section 164.07, subdivision 11, is amended to read:

Subd. 11. **ORDER.** The order establishing, altering or vacating any road shall be recorded by the town clerk, and a copy thereof certified as true and correct by the town clerk shall be forthwith ~~filed for record~~ recorded with the county recorder or registrar of titles of the county within which the land and premises are located. The certified copy of the order shall be first presented to the county auditor who shall enter the same in the transfer records and note upon the certified copy over the auditor's official signature, the words "entered in the transfer record." The order or a certified copy shall be received in all courts as competent evidence of the facts therein contained and be prima facie evidence of the regularity of the proceedings prior to the making thereof, except upon the hearing of an appeal.

Sec. 32. Minnesota Statutes 2004, section 222.29, is amended to read:

222.29 CONTRACTOR'S BOND; LIABILITY OF COMPANY.

Any railway contracting for the construction or repair of its road shall take from the contractor a sufficient bond, conditioned that the contractor will pay all laborers, mechanics, and other persons performing any part of the work, all just debts due them or incurred in carrying on such work, which bond or a certified copy thereof shall be ~~filed~~ recorded with the county recorder of each county where any part of the work is done. All persons to whom such contractor shall be indebted for any such work, and such railway company in case it shall have paid any debt, claim, or demand as hereinafter provided, may bring an action on such bond for the price of such work or amount of such payment. If the contractor giving the bond shall fail to pay any indebtedness for such work or services; or, if any railway company shall fail to take and file such bond, such company shall be liable for the amount of all such debts incurred by such contractor under or pursuant to such contract. Such laborers, mechanics, or other persons shall give the notice and take the action prescribed in section 222.30.

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Sec. 33. Minnesota Statutes 2004, section 238.25, subdivision 10, is amended to read:

Subd. 10. **FINAL CERTIFICATE.** Upon completion of the proceedings, the attorney for the person operating the cable communications system shall make a certificate describing the access acquired and the purpose or purposes for which acquired, and reciting the fact of final payment of all awards or judgments in relation thereto. The certificate must be filed with the court administrator and a certified copy thereof filed for record recorded with the county recorder. The record is notice to all parties of the access to the premises described in the petition.

Sec. 34. Minnesota Statutes 2004, section 273.165, subdivision 1, is amended to read:

Subdivision 1. **MINERAL INTEREST.** "Mineral interest," for the purpose of this subdivision, means an interest in any minerals, including but not limited to gas, coal, oil, or other similar interest in real estate, which is owned separately and apart from the fee title to the surface of such real property. Mineral interests which are filed for record recorded in the ~~offices~~ office of either the county recorder or registrar of titles, whether or not filed pursuant to sections 93.52 to 93.58, are taxed as provided in this subdivision unless specifically excluded by this subdivision. A tax of 40 cents per acre or portion of an acre of mineral interest is imposed and is payable annually. If an interest is a fractional undivided interest in an area, the tax due on the interest per acre or portion of an acre is equal to the product obtained by multiplying the fractional interest times 40 cents, computed to the nearest cent. However, the minimum annual tax on any mineral interest is \$3.20. No such tax on mineral interests is imposed on the following: (1) mineral interests valued and taxed under other laws relating to the taxation of minerals, gas, coal, oil, or other similar interests; or (2) mineral interests which are exempt from taxation pursuant to constitutional or related statutory provisions. Taxes received under this subdivision must be apportioned to the taxing districts included in the area taxed in the same proportion as the surface interest local tax rate of a taxing district bears to the total local tax rate applicable to surface interests in the area taxed. The tax imposed by this subdivision is not included within any limitations as to rate or amount of taxes which may be imposed in an area to which the tax imposed by this subdivision applies. The tax imposed by this subdivision does not cause the amount of other taxes levied or to be levied in the area, which are subject to any such limitation, to be reduced in any amount. Twenty percent of the revenues received from the tax imposed by this subdivision must be distributed under the provisions of section 116J.64.

Sec. 35. Minnesota Statutes 2004, section 281.322, is amended to read:

281.322 FAILURE TO SERVE NOTICES TO EXTINGUISH LIEN.

No notice of expiration of the time of redemption upon any real estate tax judgment sale certificate, forfeited tax sale certificate, or state assignment certificate issued pursuant to any law of this state at or pursuant to any such sale held between January 1, 1936, and April 24, 1941, or held thereafter, shall be issued or served after the expiration of six years from the date of the certificate, nor shall such certificate be

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recorded in the office of the county recorder or filed in the office of the registrar of titles of the proper county after the expiration of seven years from the date of the certificate.

Sec. 36. Minnesota Statutes 2004, section 281.328, subdivision 1, is amended to read:

Subdivision 1. **VALIDATION OF CERTIFICATES.** Any state assignment certificate duly issued prior to January 1, 1972, for which the time for redemption expired as certified by the county auditor of the county issuing the certificate, and the person to whom the certificate was issued, or the person's heirs and assigns, paid the taxes on the real property described in the certificate since the date thereof, is hereby validated and legalized as against the objection that such certificate was not recorded or filed in the office of the county recorder or registrar of titles within seven years from the date of the certificate, as provided by this chapter. Any such state assignment certificate may, after April 6, 1979, be recorded or filed in the office of the proper county recorder or registrar of titles.

Sec. 37. Minnesota Statutes 2004, section 284.07, is amended to read:

284.07 COUNTY AUDITOR'S CERTIFICATE TO BE PRIMA FACIE EVIDENCE.

The county auditor's certificate of forfeiture filed as provided by section 281.23, subdivision 9, and acts supplemental thereto, or by any other law hereafter enacted providing for the filing and recording of such a certificate or a certified copy of such certificate or of the record thereof, shall, for all purposes, be prima facie evidence that all requirements of the law respecting the taxation and forfeiture of the lands therein described were complied with, and that at the date of the certificate absolute title to such lands had vested in the state by reason of forfeiture for delinquent taxes, as set forth in the certificate.

Sec. 38. Minnesota Statutes 2004, section 284.08, is amended to read:

284.08 ACTIONS TO TRY TITLE; VENUE; LIS PENDENS; SERVICE.

Any person claiming adversely to the state, or its successor in interest, any right, title, or interest in or lien upon any land claimed to have been forfeited to the state for taxes may maintain an action against the state, or its successor in interest, for the purpose of determining the title to such land and the adverse claims and the rights of the parties, respectively, therein. Such action shall be brought in the district court of the county in which the land lies. The complaint shall be filed in the office of the court administrator before the commencement of the action. A notice of the pendency of the action, describing the land, shall be ~~filed for record~~ recorded in the office of the county recorder of the county, or, in the case of registered land, shall be filed with in the office of the registrar of titles, and the action shall not be deemed to be commenced unless, in addition to other requirements, such notice is so filed. In the case of such lands held by the state in trust for its taxing districts and agencies, the summons, together with a copy of the complaint, shall be served upon the county auditor, also upon the county attorney, who shall defend the action. In the case of such lands otherwise held by the

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state the summons, together with a copy of the complaint, shall be served upon the attorney general, who shall defend the action.

Sec. 39. Minnesota Statutes 2004, section 284.11, is amended to read:

284.11 STATE MAY BRING ACTION TO QUIET TITLE.

The title of the state, or its successor in interest, to any lands claimed to have been absolutely forfeited to the state for delinquent taxes may be quieted and all adverse claims thereto and the rights of all parties therein, respectively, may be determined, and, in the case of registered lands, the issuance of new certificates of title thereto may be obtained, by action brought by the state, or its successor in interest, as herein provided; provided, that before any such action shall be commenced the county auditor's certificate of forfeiture shall be filed as provided by section 281.23, subdivision 8, and acts supplementary thereto, or by any other law hereafter enacted providing for the filing and recording of such a certificate.

Sec. 40. Minnesota Statutes 2004, section 284.18, is amended to read:

284.18 REGISTERED LANDS; FILING RECORDING WITH REGISTRAR.

In case any of the lands involved in the action are registered, a copy of the summons, embracing a description of the registered lands but omitting the unregistered lands, shall be filed recorded with the registrar of titles, and such further notice shall be given as the court may direct before the issuance of any new certificate of title shall be ordered; provided, that failure to file record such copy of the summons or to give such other notice shall not otherwise affect the validity of the proceedings.

Sec. 41. Minnesota Statutes 2004, section 306.02, subdivision 1, is amended to read:

Subdivision 1. **PURPOSE AND METHOD OF FORMATION.** A corporation or association may: (1) be formed to procure and hold or sell lands or lots exclusively for the purpose of a public cemetery; (2) acquire and manage all real and personal property necessary or proper to establish, embellish, care for, and manage a cemetery, and may construct and operate on that property a crematory and other proper means of disposing of the dead; and (3) sell and convey cemetery lots or sell and convey real or personal property acquired by it but not needed for cemetery purposes. The corporation or association may be formed by three or more persons, who shall execute and verify the certificate or articles of incorporation as required in the matter of the formation of other corporations. The certificate of incorporation shall be filed for record recorded in the office of the county recorder of the county where the cemetery is located and upon filing, the association is a corporation.

Sec. 42. Minnesota Statutes 2004, section 306.24, is amended to read:

306.24 FILING RECORDING OF JUDGMENT.

A certified copy of the judgment in an action to quiet title under section 306.22 may be filed recorded in the office of the county recorder in the county in which the parcel is located.

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Sec. 43. Minnesota Statutes 2004, section 307.06, is amended to read:

307.06 TRANSFER TO ASSOCIATION; HOW EFFECTED.

Any private cemetery established, platted, and recorded under the laws of this state may consolidate with and transfer its property, for cemetery purposes only, to any cemetery association or corporation organized under the laws of this state which is contiguous to, or adjacent to, such cemetery corporation.

To so consolidate and transfer its property it shall be necessary:

(1) that a resolution be passed by a two-thirds vote of the lot owners and members of such private cemetery, represented, present, and voting at a special meeting called for that purpose, which resolution shall recite what cemetery corporation or association it is proposed to consolidate with and transfer its property to, and the terms and conditions thereof; and 30 days' notice of such meeting shall be previously given by mail to each lot owner of such private cemetery whose address can be determined using reasonable diligence of the time and place when such meeting is to be held, reciting the purpose thereof, which notice shall be signed by at least five lot owners; and

(2) that the resolution shall be signed and acknowledged by the presiding officer and secretary of such meeting and shall be filed recorded with the county recorder of the county in which the private cemetery is situated.

Sec. 44. Minnesota Statutes 2004, section 307.07, is amended to read:

307.07 EFFECT OF TRANSFER.

When such resolution shall have been passed and certified to by the presiding officer and secretary of such meeting and ~~filed for record~~ recorded in the office of the county recorder, as aforesaid, and the terms and conditions of consolidation shall have been accepted by the board of directors or trustees of such cemetery corporation, such private cemetery shall become a part of such cemetery corporation or association, and subject thereafter to all the rules and regulations and laws governing such cemetery corporation or association. It shall be lawful for the owners of such private cemetery to transfer and convey to such cemetery corporation or association all unsold lots in such private cemetery to such cemetery corporation or association to be used for burial purposes only, and any such conveyance heretofore made is hereby legalized and such cemetery corporation or association shall hold in trust, to and for the uses and purposes aforesaid, all streets, alleys, ways, and commons, and the other public uses, in such private cemetery in lieu of the owner thereof.

Sec. 45. Minnesota Statutes 2004, section 315.01, subdivision 3, is amended to read:

Subd. 3. **APPOINTMENT.** When the constitution, rules, or usages of a church, denomination, congregation, or religious society require that trustees be chosen by a minister, presiding elder, or other officers, or by a body, the person who chose the trustees, or the presiding officer and secretary of the body shall execute, acknowledge, and deliver to the trustees a certificate, stating the names of the trustees, the time when and the person or body by which they were chosen, and their corporate name. When

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the certificate is ~~filed for record~~ recorded as required by law, the trustees and their successors become a corporate body under the name specified in the certificate, and have the rights, powers, and privileges of other religious corporations organized under this chapter.

Sec. 46. Minnesota Statutes 2004, section 315.01, subdivision 4, is amended to read:

Subd. 4. **DESIGNATION.** When the constitution, rules, and usages of a church or religious denomination declare that the ministers, elders, deacons, or other officers elected by a church or congregation according to the constitution, rules, or usages, are the trustees of the church or congregation, those designated persons may assemble and execute and acknowledge a certificate stating their corporate name. When this certificate is ~~filed~~ recorded with the county recorder of the proper county, they and their successors are a corporate body under the name in the certificate.

Sec. 47. Minnesota Statutes 2004, section 315.17, subdivision 3, is amended to read:

Subd. 3. **FILING RECORDING CERTIFICATE; POWERS.** Upon signing, acknowledging, and filing recording the certificate ~~for record~~ with the county recorder of the county of its location, the parish becomes a corporation by the name specified in its certificate. Through its officers, it may transact parish business, including calling a rector and determining the rector's salary. In its corporate name, it may acquire or receive, by purchase, gift, grant, devise, or bequest, any property, real, personal, or mixed, and hold, sell, transfer, mortgage, convey, loan, let, or otherwise use the property for the use and benefit of the parish if the use does not contravene the laws and usages of the Protestant Episcopal church of the state. It may not divert a gift, grant, or bequest from the purpose specified in writing by the donor, or deviser. It may not sell, convey, or mortgage its church or church site unless first authorized so to do in a meeting of the parish called for that purpose, nor in contravention of the canons of the diocese or of the general convention of the Protestant Episcopal church of the United States.

Sec. 48. Minnesota Statutes 2004, section 315.19, is amended to read:

315.19 ARTICLES AMENDED.

A parish of the Protestant Episcopal church, incorporated under the laws of the state or territory of Minnesota, may amend its articles of incorporation and change and fix the time of its annual parish meeting. To do so, it must adopt, at its annual parish meeting by majority vote of those present, a resolution fixing or changing the date of its annual parish meeting. It must put the resolution in a certificate executed by its rector or other presiding officer and by its clerk and ~~file~~ record the certificate ~~for record~~ with the county recorder of the county of its location.

Sec. 49. Minnesota Statutes 2004, section 315.20, subdivision 2, is amended to read:

Subd. 2. **CERTIFICATE, BY WHOM SIGNED.** The certificate must be signed and acknowledged by the bishop of the diocese and by a majority of the members of

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the chapter, and ~~filed for record~~ recorded with the county recorder of the county where the cathedral is located.

Sec. 50. Minnesota Statutes 2004, section 315.20, subdivision 3, is amended to read:

Subd. 3. **CERTIFICATE FILED; POWERS.** Upon the signing, acknowledging, and filing recording of the certificate ~~for record~~ with the county recorder of the county of its location, the cathedral becomes a corporation under the name in its certificate. Through its chapter, it may transact the business of the cathedral. In its corporate name, it may acquire or receive, by purchase, gift, grant, devise, or bequest, any property, real, personal, or mixed, and hold, sell, transfer, mortgage, convey, loan, let, or otherwise use the property for the use and benefit of the cathedral if the use does not contravene the laws and usages of the Protestant Episcopal church in the United States of America of this state. It may not divert any gift, grant, or bequest from the purpose specified in writing by the donor or devisor. It may not sell, convey, or mortgage its church or church site, except with the consent of the bishop, in writing, and when first authorized to do so at a meeting of the chapter called for that purpose, nor in contravention of the canons of the diocese or of the general convention of the Protestant Episcopal church in the United States of America.

Sec. 51. Minnesota Statutes 2004, section 315.32, is amended to read:

315.32 TRUSTEES, POWERS; CERTIFICATE, RECORDING.

The board of trustees or other governing body of a religious organization under section 315.21 may, by unanimous vote of its members, alter or amend the articles of incorporation under section 315.31, when authorized by resolution so to do at a special meeting of the religious organization. The meeting must be called for that expressly stated purpose, and a majority of the members of the religious organization must be present. The resolution must be passed by vote of a majority of the members present and voting. The board of trustees or other governing body shall record the resolution in a certificate executed and acknowledged by its president and secretary, or by its other presiding and recording officers, under the corporate seal of the religious organization. The certificate is presumptive evidence of the facts stated in it. The certificate must be ~~filed for record~~ recorded with the county recorder of the county where the religious organization is located. The amendment is effective on filing.

Sec. 52. Minnesota Statutes 2004, section 315.365, subdivision 2, is amended to read:

Subd. 2. **HOW MERGER EFFECTED.** To accomplish the merger and consolidation, the property corporations must execute an agreement containing:

- (1) the names of the property corporations who are parties to it;
- (2) the name and location of the principal office of the surviving corporation with which the property corporations are to be merged and consolidated;
- (3) the persons who constitute the governing board of the surviving corporation until their successors are elected and qualified;

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(4) the general purposes of the surviving corporation and the general description of the area to be served by it;

(5) the date of adoption of the authorization for the merger and consolidation by the meeting of the united, reunited, merged, or consolidated religious body to which the merging or consolidating property corporations pertain; and

(6) other provisions appropriate for the certificate of incorporation of property corporations of this character formed under Minnesota law.

The agreement must be executed by the corporate officers of each property corporation that is party to it and must be accompanied by the certificate of the secretary or other recording officer of the new religious body. The certificate must certify that the body has adopted in accordance with its constitution, canon law, or other general provisions for the governance of its affairs, a resolution authorizing the merger and consolidation. The agreement must also be accompanied by a certificate of the secretary or other recording officer of each of the property corporations, certifying that the members and governing body of each property corporation have adopted resolutions directing the execution of the agreement.

The agreement, when executed and certified, must be filed for record with the county recorder of the county where the surviving corporation's principal place of business is to locate. It must also be ~~filed for record~~ recorded with the county recorder of each other county of this state where the principal place of business of any of the property corporations was located according to the property corporation's certificate of incorporation.

The merger and consolidation takes effect when the agreement and certificates are filed for record with the county recorder.

Sec. 53. Minnesota Statutes 2004, section 315.44, is amended to read:

315.44 YMCA, YWCA; FORMATION, CERTIFICATE.

Three or more persons may form a corporation known as a Young Men's Christian Association or a Young Women's Christian Association by adopting, signing, and acknowledging a certificate of incorporation containing:

- (1) the names and places of residence of the incorporators;
- (2) the name of the corporation, the location of its principal place of business, and the period of its duration;
- (3) the objects of its organization expressly stated;
- (4) the number of its directors, not less than five, who shall manage its affairs, how and when elected, and the time and place of annual meetings; and
- (5) the terms of admission to active membership.

The certificate must be ~~filed~~ recorded with the county recorder of the county of its principal place of business.

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Sec. 54. Minnesota Statutes 2004, section 316.09, is amended to read:

316.09 CERTIFIED COPY OF ORDER FILED.

A certified copy of the order or judgment of dissolution shall be filed for record with the secretary of state and thereafter recorded with the county recorder of the county of the principal place of business of the corporation, and the dissolution of the corporation shall not be deemed complete until such copy is so filed ~~for record~~ and recorded.

Sec. 55. Minnesota Statutes 2004, section 317A.021, subdivision 4, is amended to read:

Subd. 4. **METHOD OF ELECTION.** An election by a corporation to become governed by this chapter must be made by resolution approved by the affirmative vote of the members with voting rights of the same proportion that is required for amendment of the articles of the corporation before the election. If there are no members with voting rights, the corporation must elect to be governed by this chapter by a resolution adopted by a majority vote of the directors entitled to vote at a meeting of the board, with proper notice given. The notice must include a statement that a purpose of the meeting is to consider an election to become governed by this chapter. The resolution, articles of amendment, if required, and a certified copy of corporate documents previously filed recorded with the county recorder that would be filed with the secretary of state under this chapter, must be filed with the secretary of state and are effective upon filing. If an amendment of the articles is not required, the resolution must state that the articles of the corporation conform to the requirements of this chapter.

Sec. 56. Minnesota Statutes 2004, section 317A.051, subdivision 2, is amended to read:

Subd. 2. **RELIGIOUS CORPORATIONS.** This chapter does not apply to a religious corporation authorized by chapter 315 unless it is formed under this chapter or elects to be governed by this chapter as provided in section 317A.021. Regardless of whether it is formed or elects to be governed by this chapter, a religious corporation may elect to be governed by sections 317A.601 to 317A.671 without electing to come under the entire chapter. If a religious corporation elects to be governed by sections 317A.601 to 317A.671, it shall ~~file~~ record its documents with the county recorder of the county where its registered office is located instead of the secretary of state.

Sec. 57. Minnesota Statutes 2004, section 318.02, subdivision 3, is amended to read:

Subd. 3. **POWERS.** Any such association heretofore or hereafter organized shall have the power in its name:

(1) To continue as a business trust for the time limited in its "declaration of trust" or in any amendments, or if no time limit is specified, then perpetually;

(2) To sue and be sued;

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(3) To adopt, use, and, at will, alter a business trust seal, but failure to affix the business trust seal, if any, shall not affect the validity of any instrument;

(4) To conduct in this state and elsewhere the business to be engaged in by such association and to contract and enter into obligations and do any acts necessary and incidental to the transaction of its business or expedient for the attainment of the purposes stated in its "declaration of trust" or in any amendments;

(5) To acquire including by will or gift, purchase, sell, contract for, hold, lease, mortgage, encumber, convey, transfer, or otherwise deal in and dispose of real and personal property within or without the state by and through its officers, agents or trustees in the manner provided in its "declaration of trust" or in any amendments. All deeds, contracts, mortgages and other legal instruments heretofore or hereafter acquired by or executed by any such association, and whether or not recorded in the office of the county recorder or filed in the office of the registrar of titles, shall have the same force and effect as a like instrument would have if executed, or recorded or filed in said offices, as in the case of corporations.

Sec. 58. Minnesota Statutes 2004, section 322.02, is amended to read:

322.02 FORMATION.

Two or more persons desiring to form a limited partnership shall:

(1) Sign and acknowledge or swear to a certificate, which shall state:

(a) the name of the partnership;

(b) the character of the business;

(c) the location of the principal place of business;

(d) the name and place of residence of each member; general and limited partners being, respectively designated;

(e) the term for which the partnership is to exist;

(f) the amount of cash and a description of and the agreed value of the other property contributed by each limited partner;

(g) the additional contributions, if any, agreed to be made by each limited partner and the times at which or events on the happening of which they shall be made;

(h) the time, if agreed upon, when the contribution of each limited partner is to be returned;

(i) the share of the profits or the other compensation by way of income which each limited partner shall receive by reason of that partner's contribution;

(j) the right, if given, of a limited partner to substitute an assignee as contributor in that partner's place, and the terms and conditions of the substitution;

(k) the right, if given, of the partners to admit additional limited partners;

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(l) the right, if given, of one or more of the limited partners to priority over other limited partners, as to contributions or as to compensation by the way of income, and the nature of such priority;

(m) the right, if given, of the remaining general partner or partners to continue the business on the death, retirement, or insanity of a general partner; and

(n) the right, if given, of a limited partner to demand and receive property other than cash in return for that partner's contribution; and

(2) ~~File for~~ Record the certificate in the office of the county recorder of the county where the principal place of business is situated.

A limited partnership is formed if there has been substantial compliance in good faith with the requirements of this section.

Sec. 59. Minnesota Statutes 2004, section 322.25, subdivision 4, is amended to read:

Subd. 4. **DECREE OF COURT.** If the court finds that the petitioner has a right to have the writing executed by a person who refuses to do so, it shall order the county recorder in the office where the certificate is recorded to record the cancellation or amendment of the certificate; and where the certificate is to be amended, the court shall also cause to be ~~filed for record~~ recorded in that office a certified copy of its decree setting forth the amendment.

Sec. 60. Minnesota Statutes 2004, section 322A.86, is amended to read:

322A.86 RELATIONSHIP TO SECTIONS 322.01 TO 322.31.

A domestic limited partnership existing on January 1, 1981, shall be governed by sections 322.01 to 322.31 unless (1) the limited partnership elects to come under the provisions of sections 322A.01 to 322A.85, and the certificate of limited partnership is amended to reflect the intention, the election and a certified copy of all previously filed limited partnership documents is filed with the secretary of state, and the election is ~~filed~~ recorded with the county recorder; and (2) to so elect is not prohibited by the terms of the certificate of limited partnership in effect prior to January 1, 1981. A domestic limited partnership formed after December 31, 1980 shall be governed by sections 322A.01 to 322A.85.

Sec. 61. Minnesota Statutes 2004, section 327A.04, subdivision 3, is amended to read:

Subd. 3. **EXCEPTION.** If a major construction defect is discovered prior to the sale of a dwelling, the statutory warranty set forth in section 327A.02, subdivision 1, clause (c) may be waived for the defect identified in the waiver instrument, after full oral disclosure of the specific defect, by an instrument which sets forth in detail: the specific defect; the difference between the value of the dwelling without the defect and the value of the dwelling with the defect, as determined and attested to by an independent appraiser, contractor, insurance adjuster, engineer or any other similarly knowledgeable person selected by the vendee; the price reduction; the date the

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construction was completed; the legal description of the dwelling; the consent of the vendee to the waiver; and the signatures of the vendee, the vendor, and two witnesses.

A single waiver agreed to pursuant to this subdivision may not apply to more than one major construction defect in a dwelling.

The waiver shall not be effective unless filed for recording ~~recorded~~ with the county recorder or registrar of titles who shall file the waiver for record.

Sec. 62. Minnesota Statutes 2004, section 327C.095, subdivision 8, is amended to read:

Subd. 8. **REQUIRED FILING OF NOTICE.** Subdivisions 6 and 7 apply to manufactured home parks upon which notice has been filed ~~recorded~~ with the county recorder or registrar of titles in the county where the manufactured home park is located. Any person may file the notice required under this subdivision with the county recorder or registrar of titles. The notice must be in the following form:

“MANUFACTURED HOME PARK NOTICE

THIS PROPERTY IS USED AS A MANUFACTURED HOME PARK union shall

.....

PARK OWNER

.....

.....

.....

LEGAL DESCRIPTION OF PARK

.....

COOPERATIVE ASSOCIATION (IF APPLICABLE)”

Sec. 63. Minnesota Statutes 2004, section 327C.095, subdivision 11, is amended to read:

Subd. 11. **AFFIDAVIT OF COMPLIANCE.** After a park is sold, a park owner or other person with personal knowledge may file record an affidavit with the county recorder or registrar of titles in the county in which the park is located certifying compliance with subdivision 6 or 7 or that subdivisions 6 and 7 are not applicable. The affidavit may be used as proof of the facts stated in the affidavit. A person acquiring an interest in a park or a title insurance company or attorney who prepares, furnishes, or examines evidence of title may rely on the truth and accuracy of statements made in the affidavit and is not required to inquire further as to the park owner’s compliance with subdivisions 6 and 7. When an affidavit is filed ~~recorded~~, the right to purchase provided under subdivisions 6 and 7 terminate, and if registered property, the registrar

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of titles shall delete the memorials of the notice and affidavit from future certificates of title.

Sec. 64. Minnesota Statutes 2004, section 344.06, is amended to read:

344.06 CONTROVERSY; DECISION BY FENCE VIEWERS.

If a controversy arises concerning the rights in partition fences of the respective occupants or their obligation to maintain the fences, either party may apply to the fence viewers, who, after due notice to the parties, may assign to each a share in the fence and direct the time within which the fence must be erected or repaired. The assignment may be ~~filed for record~~ recorded with the county recorder after which it is binding upon the parties and upon all succeeding occupants of the lands.

Sec. 65. Minnesota Statutes 2004, section 344.08, is amended to read:

344.08 RECORDED DIVISION; BINDING ON HEIRS AND ASSIGNS.

All divisions of fences which are made by fence viewers under this chapter, or which are made by owners of adjoining lands, in writing, witnessed by two witnesses, signed and acknowledged by the parties, and ~~filed for record~~ recorded with the county recorder, are valid against the parties to the divisions and their heirs and assigns.

Sec. 66. Minnesota Statutes 2004, section 375.14, is amended to read:

375.14 OFFICES AND SUPPLIES FURNISHED FOR COUNTY OFFICERS.

The county board shall provide offices at the county seat for the auditor, treasurer, county recorder, sheriff, court administrator of the district court, and an office for the county engineer at a site determined by the county board, with suitable furniture and safes and vaults for the security and preservation of the books and papers of the offices, and provide heating, lighting, and maintenance of the offices. The board shall furnish all county officers with all books, stationery, letterheads, envelopes, postage, telephone service, office equipment, electronic technology, and supplies necessary to the discharge of their respective duties and make like provision for the judges of the district court as necessary to the discharge of their duties within the county or concerning matters arising in it. The board is not required to furnish any county officer with professional or technical books or instruments except when the board deems them directly necessary to the discharge of official duties as part of the permanent equipment of the office.

Sec. 67. Minnesota Statutes 2004, section 381.12, subdivision 1, is amended to read:

Subdivision 1. **SURVEYOR, EMPLOYMENT.** When the county board determines that the monuments established by the United States in the public lands survey to mark section, quarter section, and meander corners have been destroyed or are becoming obscure, it may employ a licensed surveyor to preserve, restore and mark the corners with a durable magnetic monument. The surveyor shall make full and accurate notes and records from which the entire survey can be relocated, and shall file a

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certified copy of the same, with a filed plat, in the office of the county recorder or the office of the county surveyor if an office is maintained in a building maintained by the county for county purposes on a full-time basis. The monuments are prima facie evidence of the original United States public land survey corners.

Sec. 68. Minnesota Statutes 2004, section 382.08, is amended to read:

382.08 RECORDING FEES PAID BY COUNTY.

The fees for ~~filed~~ and recording official bonds, oaths of office, certificates, or other evidences of election or qualification for office, required by law to be ~~filed or~~ recorded with the county recorder or court administrator of the district court, shall be paid by the county.

Sec. 69. Minnesota Statutes 2004, section 382.10, is amended to read:

382.10 BONDS RECORDED.

Official bonds of county officers when approved by the county board, and their oaths of office and the bonds and oaths of their deputies, except county recorder, shall be ~~filed and~~ recorded in the office of the county recorder.

Sec. 70. Minnesota Statutes 2004, section 384.02, is amended to read:

384.02 BOND.

Each county auditor, before entering upon the duties of office, shall give a bond to the state to be approved by the county board in such penal sum not less than \$5,000 nor more than \$20,000 as such board requires, conditioned for the faithful discharge of the duties of office, upon which shall be endorsed an oath of office. The bond so endorsed shall be ~~filed and~~ recorded in the office of the county recorder.

Sec. 71. Minnesota Statutes 2004, section 384.08, is amended to read:

384.08 DEPUTIES.

Any county auditor may by certificate in writing appoint deputies who, before entering upon their duties, shall ~~file~~ record with the county recorder such certificates, with their oaths of office endorsed thereon. Such deputies may sign all papers and do all other things which county auditors may do. Auditors shall require bonds of their deputies in such amount and with such sureties as they deem proper, shall be responsible for their acts, and may revoke their appointment at pleasure.

Sec. 72. Minnesota Statutes 2004, section 385.02, subdivision 1, is amended to read:

Subdivision 1. **APPOINTMENT OF DEPUTIES.** County treasurers may by certificate in writing appoint one or more deputies, who, before entering upon their duties, shall ~~file~~ record with the county recorder such certificates, with their oaths of office endorsed ~~thereon~~. Such deputies may sign all papers and do all other things which county treasurers may themselves do. County treasurers are responsible for the acts of their deputies and may revoke their appointments at pleasure.

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Sec. 73. Minnesota Statutes 2004, section 386.03, is amended to read:

386.03 RECEPTION BOOKS INDEX.

Every county recorder shall keep ~~two books~~ an index, to be denominated, respectively, ~~the as a grantor's and grantee's reception book index~~, each page of which shall be divided into seven columns, in the following forms: which shall contain the following information: date of reception, year, month, day, hour and minute, grantor and grantee, where situated, to whom delivered after recording, fees received, instrument number, and kind of instrument.

Date of Reception, Year, Day, Hour and Minute			Where Situat	To Whom Delivered after Record	Fees Received	Book and Page Record- ed and Kind of Instru- ment
	Grantor	Grantee				
Date of Reception, Year, Day, Hour and Minute			Where Situat	To Whom Delivered after Record	Fees Received	Book and Page Record- ed and Kind of Instru- ment
	Grantee	Grantor				

The recorder shall enter in each book the index, in the order and manner aforesaid, as soon as the same are received, all deeds and other instruments left, and all copies left, as cautions or notices of liens, authorized by law to be recorded. ~~The pages of each of The reception books index shall be lettered~~ maintained in alphabetical order, a convenient number of consecutive pages being allotted to each letter of the alphabet, and every entry made therein shall be made in the grantor's reception book index under the initial letter of the grantor's surname, and in the grantee's reception book under the grantee's surname, and all such entries shall appear therein consecutively and in the order as to time in which the instruments were received. The recorder shall make an entry in the record immediately after the copy of for each instrument recorded specifying the time of the day, month, and year when the same was recorded.

Sec. 74. Minnesota Statutes 2004, section 386.04, is amended to read:

386.04 NUMERICAL REGISTER AND RECEPTION BOOK INDEX.

The board of county commissioners of any county in this state wherein the recorder's office keeps a deed index and mortgage index are hereby authorized to combine the reception books index required by section 386.03 and the consecutive index book required by section 386.32, the record book to be designated the Numerical Register and Reception Book Indexes, each page of which shall be divided into nine

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columns in the following form: or designated the Numerical Register and Reception Indexes for use with electronic media. The record shall include the date of reception; number of instrument; grantor; grantee; where the land is situated; the month, day, year, and hour and whether a.m. or p.m.; to whom it will be delivered; where it is recorded; kind of instrument; and fees received.

NUMERICAL REGISTER AND RECEPTION BOOK...COUNTY, MINNESOTA

Date of					
Reception					
No. of					
Instrument	Grantor	Grantee	Where	Situated	Section
Year					Township
Mo.					Range
Day					
A.M.					
P.M.					

To Whom	Where	Kind of	Fees
Delivered	Recorded	Instrument	Received
After	Book		
Reception	Page		

The recorder shall make the entries in this book or index in accordance with the requirements of sections 386.03 and 386.32 either by manual or electronic means.

Sec. 75. Minnesota Statutes 2004, section 386.05, is amended to read:

386.05 TRACT INDEX BOOKS.

Every county board may shall procure at the expense of its county, and keep in the office of the county recorder, suitable books, substantially bound, arranged in numerical order, and so ruled that opposite to or electronic media so as to allow information to be arranged or retrieved by the description of each section of land or sectional lot, and town or city lot and block, shall be a blank space, of a convenient size, in which shall be entered the letters or numerals indicating the volume of the records referred to, designating deeds by the letter "D," and mortgages by the letter "M," or by using red ink for mortgages and black ink for deeds, and other records by appropriate initials or abbreviations, together with the page of the volume upon which arranged in numerical order, give appropriate initial or abbreviation for the type of instrument, and recite the book and page or the recorded document number by which every record affecting the title to the whole or any part thereof may be found. Such tract index shall be kept as one of the records in the office of the county recorder, and

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such recorder shall note therein ~~the~~ the date, time, and minute of every instrument affecting the title to any land ~~which shall be filed for record~~, to be made opposite to each parcel of land the title to which may be affected by such instrument. Instead of causing a tract index to be made, the board may purchase any existing tract index or abstracts; and thereafter the recorder shall make the appropriate entries therein. In either ~~such case~~, the recorder may make abstracts, for persons demanding the same.

Sec. 76. Minnesota Statutes 2004, section 386.13, is amended to read:

386.13 TRANSCRIBING RECORDS OF STATE LANDS.

The county commissioners of any county in this state are hereby authorized to direct the county recorder of any county containing any lands heretofore granted to the state from the United States government (except sections 16 and 36), and including all lands so granted in lieu of lands in sections 16 or 36, to transcribe from the records of the commissioner of finance lists of all such lands including reference to the laws granting the same and by all patents issued thereunder to the state, which transcripts after due examination thereof shall be certified to without charge by the commissioner of finance as being true and correct transcripts, and thereupon such transcripts, shall be recorded by the county recorder in whose county such land is situate, which recording shall be done ~~in books to be~~ as provided therefor by the county. Such county recorder shall receive the same fees allowed by law for recording original instruments in the office, which fees shall be paid by the county auditor upon the approval of the county commissioners of said county.

Sec. 77. Minnesota Statutes 2004, section 386.16, is amended to read:

386.16 COUNTY RECORDER TO SUPERVISE; COMPENSATION.

The work provided for in section 386.15 shall be performed by the county recorder of the county. The county recorder, for performing the work, shall receive as compensation therefor such sum as may be fixed by the board of county commissioners not exceeding two cents for each description so transcribed, compared with the original records, and checked back.

Sec. 78. Minnesota Statutes 2004, section 386.19, is amended to read:

386.19 RECORD BOOKS, INDEXES.

The county recorder shall keep suitable word for word records of all instruments left with the recorder for record keeping. The recorder shall keep an alphabetical index either by manual or electronic means, to record, under the proper letter of the alphabet, the name of each grantor and grantee of any instrument left for record.

Sec. 79. Minnesota Statutes 2004, section 386.20, subdivision 1, is amended to read:

Subdivision 1. **RECORDATION.** (a) Certificates of discharge from the United States Army, the United States Navy, and the United States Marine Corps and releases or transfers from active duty therein may be recorded in the office of the county recorder of any county in this state by the person to whom such discharge, release or

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transfer was issued without the payment of any fee to the county recorder for recording the same. Upon the request of the person having such instrument recorded, the county recorder shall not stamp, mark, or make any endorsement upon any such certificate of discharge, release or transfer, but after the recording thereof has been completed the recorder shall return the certificate of discharge, release, or transfer in the condition received.

~~(b) In any county where the compensation of the county recorder consists of fees only, the county recorder shall be entitled to a fee of 60 cents for recording such instrument, which shall be paid by the county upon presentation of a verified claim by the county recorder.~~

~~(c) The release of any information pertaining to military certificates of discharge is governed by section 196.08.~~

Sec. 80. Minnesota Statutes 2004, section 386.20, subdivision 3, is amended to read:

Subd. 3. **RECORD BOOKS.** The county recorder of any county is hereby authorized and empowered to procure at the expense of the county proper record books or electronic media for recording such certificates of discharge with sufficient indexes thereto.

Sec. 81. Minnesota Statutes 2004, section 386.23, subdivision 1, is amended to read:

Subdivision 1. **MUST BE TRANSCRIBED.** The county recorder in any county is hereby authorized and directed to transcribe, in appropriate records or electronic media to be provided for such purpose, all certificates now on file in the recorder's office, which were filed prior to May 10, 1862, made by sheriffs upon sales of real estate on mortgage foreclosures, judgments, and executions.

Sec. 82. Minnesota Statutes 2004, section 386.23, subdivision 2, is amended to read:

Subd. 2. **COMPENSATION.** The county recorder shall receive as compensation ~~therefor the sum of \$1.75 for transcribing each of such certificates, and 25 cents each for comparing and certifying all such certificates, filed prior to May 10, 1862, and not heretofore compared and certified, to be paid out of the county funds, and shall be allowed by the board of county commissioners of such county upon the completion of the work.~~

Sec. 83. Minnesota Statutes 2004, section 386.26, subdivision 3, is amended to read:

Subd. 3. **IN FUTURE; RECORD AT LENGTH.** It is hereby made the duty of the county recorder in any such county to record at length in suitable books or by electronic media to be provided by the county for such purpose all instruments hereafter received either for filing or recording. The recorder shall receive the same fees therefor as are allowed for the recording of other like instruments.

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

Sec. 84. Minnesota Statutes 2004, section 386.29, is amended to read:

386.29 TRANSCRIBING ABSTRACT RECORDS.

The board of county commissioners of any county that has undertaken to have the abstract records in the office of the county recorder transcribed under any law fixing a maximum limit that may be expended for such purpose but is unable to complete such work on account of such limit having been reached may authorize the county recorder or employ any other competent person to complete the same under the supervision and direction of the county recorder at such salary or upon such basis of compensation as may be agreed upon; ~~provided that, if such employment be upon a salary basis, it shall not exceed the sum of \$80 per month and, if upon a per line basis, at not to exceed five cents per line.~~

Sec. 85. Minnesota Statutes 2004, section 386.31, is amended to read:

386.31 CONSECUTIVE NUMBERING.

Each county recorder shall endorse plainly upon each instrument received for record ~~or filing~~ as soon as received a number consecutive, to the extent practicable, to the number affixed to the instrument next previously received and enter such number as a part of the entry relating to such instrument in all the indexes kept in the office and on the margin of the record of the instrument, and such number shall be prima facie evidence of priority of registration. If more than one instrument shall be received at the same time, by mail or other like enclosure, the recorder shall affix such number in the order directed by the sender; if no direction be given, then in the order in which the instruments actually come to the recorder's hand in opening the enclosures.

Sec. 86. Minnesota Statutes 2004, section 386.32, is amended to read:

386.32 CONSECUTIVE INDEX.

Each county recorder shall keep an index of all records ~~or files~~ kept in the office showing the number of the instrument consecutively, the kind, the time of its reception, and where the same is recorded ~~or filed, thus:~~

Number of Instrument	Kind of Instrument	Time of Reception	Where Recorded or Filed	Book	Page	File No.
-------------------------	-----------------------	----------------------	----------------------------	------	------	----------

Such entries shall be made as soon as the instrument is received, excepting only the place of record, which shall be filled in as soon as such instrument is recorded.

Sec. 87. Minnesota Statutes 2004, section 386.36, is amended to read:

386.36 FARM NAMES RECORDED.

The owner of farm lands in the state may designate a specific name of the farm lands and this name, together with a description of the farm lands according to the government survey thereof, may be filed ~~recorded~~ with the county recorder of the county wherein the lands, or a part thereof, are situated, and this name, together with the description of the lands, shall be recorded by the county recorder ~~in a book to be~~

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provided for such purpose, upon payment of a fee as prescribed in section 357.18, but no two names so designated and recorded shall be alike in the same county.

Sec. 88. Minnesota Statutes 2004, section 386.37, is amended to read:

386.37 ABSTRACTS OF TITLE.

In a county in which the county recorder performs abstract services, the county recorder, upon being paid lawful fees therefor, shall make out, under the recorder's certificate and seal, as the same appears of record or on file in the office, and deliver to any person requesting the same:

(1) a full and perfect abstract of title to any real estate together with all encumbrances, liens and instruments in any manner affecting such title;

(2) a continuation of any abstract of title, to any real estate that has been certified to by an official abstracter of the county within ~~ten days~~ a reasonable amount of time after such request;

(3) an abstract of title to any real estate, together with all encumbrances, liens, and instruments in any manner affecting such title, from a certain date to a given date, within ~~ten days~~ a reasonable amount of time after such request; or

(4) an abstract of title to any real estate covering encumbrances and liens, only, affecting such title between any two given dates, within ~~ten days~~ a reasonable amount of time after such request.

Sec. 89. Minnesota Statutes 2004, section 386.45, is amended to read:

386.45 BANKRUPTCY DOCUMENTS MAY BE RECORDED, USED AS EVIDENCE.

(a) When a petition for bankruptcy, or a decree of adjudication, or an order approving the trustee's bond is made, pursuant to the Federal Bankruptcy Act of 1898, as amended by the Bankruptcy Act of 1938, chapter 575, Statutes at Large, volume 52, page 840, section 21 g, or a petition is made pursuant to the Bankruptcy Reform Act of 1978, hereinafter referred to as the "Bankruptcy Code," the bankrupt, debtor, trustee, receiver, custodian, referee, or any creditor may record a certified copy of the petition, decree, order, or a certificate of a clerk of the United States Bankruptcy Court relating to any matter involving the status of or disposition of the proceedings or pleadings, property of the estate or property of the debtor or documents or orders filed recorded in the proceeding, all pursuant to the Bankruptcy Code, in the office of the county recorder ~~or file~~ the instruments in the office of the registrar of titles of any county in this state.

(b) Any certificate so recorded, or a certified copy thereof, is admissible as evidence in any action involving any instrument to which it relates or involving the title to the real estate affected by the certificate and is prima facie evidence of the facts stated therein.

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

Sec. 90. Minnesota Statutes 2004, section 387.01, is amended to read:

387.01 QUALIFICATIONS; BOND; OATH.

Every person who files as a candidate for county sheriff must be licensed as a peace officer in this state. Every person appointed to the office of sheriff must become licensed as a peace officer before entering upon the duties of the office. Before entering upon duties every sheriff shall give bond to the state in a sum not less than \$25,000 in counties whose population exceeds 150,000, and not less than \$5,000 in all other counties, to be approved by the county board, conditioned that the sheriff will well and faithfully in all things perform and execute the duties of office, without fraud, deceit, or oppression, which bond, with an oath of office, shall be ~~filed for record~~ recorded with the county recorder.

Sec. 91. Minnesota Statutes 2004, section 387.33, subdivision 2, is amended to read:

Subd. 2. **MEMBERS; QUALIFICATIONS, CONDITIONS.** The commission shall consist of three members who shall be citizens of the state and residents of the county, and shall be appointed by the chair of the county board, and the appointment of each commissioner, to be confirmed by majority vote of the county board. When first created one commissioner shall be appointed for one year, who shall be president of the commission, one for the term of two years, and one for the term of three years, and all commissioners shall hold their office until their successors are appointed and qualified. No commissioner shall at the time of appointment or while serving, hold any other office or employment under said county, any city, the United States, the state of Minnesota, or any public corporation or political division thereof, other than the office of notary public. Each commissioner, before entering upon duties, shall subscribe and ~~file record~~ record with the county recorder of said county an oath for the faithful discharge of duties. There shall be appointed each year thereafter, in the manner of the original appointments, one member of the commission whose term of office shall be for three years, and each member of the commission shall be president of the commission during the last year of the term for which appointed.

Sec. 92. Minnesota Statutes 2004, section 388.01, is amended to read:

388.01 ELECTION; QUALIFICATIONS; TERM.

There shall be elected in each county a county attorney who shall be licensed to practice law in this state, and whose term of office shall be four years and until a successor qualifies. Before entering upon duties the county attorney shall take an oath. The oath must be ~~filed for record~~ recorded with the county recorder.

Sec. 93. Minnesota Statutes 2004, section 388.10, is amended to read:

388.10 ASSISTANTS.

The county attorney of any county in this state who has no assistant is hereby authorized to appoint, with the consent of the county board of the county, one or more attorneys for assistance in the performance of duties. Each assistant shall have the same duties and be subject to the same liabilities as the county attorney and hold office during the pleasure of the county attorney. Each assistant shall be appointed in writing

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and the assistant's oath and appointment shall be ~~filed for record~~ recorded with the county recorder. The county board of such county shall fix the salary of each assistant county attorney appointed pursuant to the provisions of this section, and the salary when so fixed by such county board shall thereafter be paid by the county in equal monthly installments upon the warrant of the county auditor during the period for which such salary is so fixed or during such portion thereof as an assistant county attorney continues in office.

Sec. 94. Minnesota Statutes 2004, section 389.011, subdivision 1, is amended to read:

Subdivision 1. **QUALIFICATIONS.** A county surveyor elected or appointed after July 1, 1961, or a surveyor designated to perform the professional duties of a county surveyor after July 1, 1961, must be licensed in Minnesota as a land surveyor as provided in chapter 326. The professional duties of a county surveyor include any of the duties involved in the practice of land surveying as provided in chapter 326. A county surveyor or other surveyor designated to perform the duties of a county surveyor must be licensed in Minnesota as a land surveyor while holding such office or while such designation is in effect. Failure on the part of a land surveyor to keep the license current is grounds for the board of county commissioners to declare the office vacant and to appoint a qualified person to such office. As used in this section, the term land surveyor means a surveyor licensed in Minnesota as a land surveyor.

A county surveyor or other licensed surveyor designated to perform the duties of a county surveyor after July 1, 1961, before entering upon duties, in addition to such bond and oath of office as is required to be filed, shall ~~file~~ record certified evidence of license as a land surveyor ~~for record~~ with the county recorder and each license period thereafter while holding such office or designation shall ~~file record~~ certified evidence of the license renewal for the then current period with the county recorder on or before the license expiration date.

A county surveyor holding that office on July 1, 1961, who was elected or appointed for a term beginning prior to July 1, 1959, is eligible for reelection or appointment to the office of county surveyor in the county in which last elected or appointed if subsequently elected or appointed to that office while not a licensed land surveyor, in lieu of a license as a land surveyor, the county surveyor shall ~~file record~~ with the county recorder a certified copy of the certificate of election or the resolution of appointment for the term beginning prior to July 1, 1959.

Sec. 95. Minnesota Statutes 2004, section 389.011, subdivision 3, is amended to read:

Subd. 3. **BOND, OATH.** A county surveyor appointed or elected after July 1, 1961, before entering on duties shall give bond to the state, approved by the county board, in the sum of \$2,000 conditioned on the faithful discharge of the duties. The bond, together with the surveyor's oath, and certified evidence of a license as a land surveyor or the certificate of election must be ~~filed for record~~ recorded with the county recorder.

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

Sec. 96. Minnesota Statutes 2004, section 390.05, is amended to read:

390.05 DEPUTIES.

A coroner shall appoint one or more deputies. When the coroner is absent or unable to act, deputies have the same powers and are subject to the same liabilities as coroners. A deputy shall be appointed in writing. The oath and appointment shall be ~~filed for record~~ recorded with the county recorder. The deputy shall act by name as deputy coroner and hold office at the same time as the coroner.

Sec. 97. Minnesota Statutes 2004, section 394.27, subdivision 8, is amended to read:

Subd. 8. **FILING ORDERS.** A certified copy of any order issued by the board of adjustment acting upon an appeal from an order, requirement, decision or determination by an administrative official, or a request for a variance, shall be ~~filed~~ recorded with the county recorder or registrar of titles ~~for record~~. The order issued by the board of adjustment shall include the legal description of the property involved. The board by ordinance shall designate the county official or employee responsible for meeting the requirements of this subdivision.

Sec. 98. Minnesota Statutes 2004, section 394.301, subdivision 4, is amended to read:

Subd. 4. **COPY FILED.** A certified copy of any conditional use permit shall be ~~filed~~ recorded with the county recorder or registrar of titles ~~for record~~. The conditional use permit shall include the legal description of the property involved. The board by ordinance shall designate the county official or employee responsible for meeting the requirements of the subdivision.

Sec. 99. Minnesota Statutes 2004, section 394.33, subdivision 1, is amended to read:

Subdivision 1. **NOT INCONSISTENT.** The governing body of any town including any town with the powers of a statutory city pursuant to law may continue to exercise the authority to plan and zone as provided by law, but after the adoption of official controls for a county or portion thereof by the board of county commissioners no town shall enact or enforce official controls inconsistent with or less restrictive than the standards prescribed in the official controls adopted by the board. Nothing in this section shall limit any town's power to adopt official controls, including shoreland regulations which are more restrictive than provided in the controls adopted by the county. Upon the adoption or amendment of any official controls the governing body of the town shall ~~file~~ record a certified copy thereof with the county recorder or registrar of titles ~~for record~~. A certified copy of any official controls of any town which are in effect on August 1, 1974, shall also be filed by the governing body of the town with the county recorder or registrar of titles for record within one year from August 1, 1974.

Sec. 100. Minnesota Statutes 2004, section 394.35, is amended to read:

394.35 FILING RECORDING WITH THE COUNTY RECORDER.

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Upon the adoption of any ordinance or other official control including any maps or charts supplemented to or as part thereof, the county auditor shall file record a certified copy thereof with the county recorder ~~for record~~. Ordinances, resolutions, maps or regulations ~~filed~~ recorded with the county recorder or registrar of titles pursuant to sections 394.21 to 394.37 do not constitute encumbrances on real property.

Sec. 101. Minnesota Statutes 2004, section 395.18, is amended to read:

395.18 CONDITION OF THE CONTRACT.

The warrant provided for in section 395.16 shall not be delivered until the applicant shall have signed a contract in duplicate, attested by the county auditor, to the effect that the applicant, for and in consideration of the seed and feed specified received from the county, promises to pay to the county the amount allowed for the same, on or before the first day of October following, with interest at the rate of six percent per annum, that such amount shall be a first lien upon the crop raised from the seed and, in addition thereto, shall be taxable against the real property of the applicant for which seed and feed was furnished. The contract shall also contain a true description of the land upon which the applicant intends to and will sow and plant such seed, in due season next following, and shall specify that the written application shall be a part of this contract. The auditor shall forthwith ~~file record~~ one of such duplicate contracts with the county recorder of the county, for which the applicant shall pay the required ~~filng~~ recording fee and file the other duplicate in the auditor's office.

Sec. 102. Minnesota Statutes 2004, section 395.22, is amended to read:

395.22 PENALTY FOR VIOLATION.

Any person who shall, contrary to the provisions of sections 395.14 to 395.24, sell, transfer, take, or carry away, or in any manner dispose of, the seed or feed, or any part thereof, furnished by the county under sections 395.14 to 395.24 or shall use or dispose of such seed or feed, or any part thereof, for any other purpose than that of planting or sowing with same as stated in the application and contract, or shall sell, transfer, take, or carry away, or in any manner dispose of, the crop or any part thereof, produced from the sowing or planting of such seed, before the same is paid for, shall be guilty of a misdemeanor; and upon conviction thereof shall pay a fine of not less than \$50 nor more than \$100 or may be imprisoned in the county jail for a term of not less than 30 nor more than 90 days, and shall pay all the costs of prosecution, and whoever under any of the provisions of sections 395.14 to 395.24 shall be found guilty of false swearing shall be deemed to have committed perjury and shall upon conviction suffer the pains and penalties of that crime. Upon the ~~filng~~ recording of the contract in the office of the county recorder, and the sowing of the seed obtained therefor, the title and right of possession to the growing crop and to the grain produced from the seed shall be in the county which shall have furnished the seed until the debt incurred for such seed or feed, shall have been paid, and any seizure thereof or interference therewith except by the applicant and those in the applicant's employ, for the purpose of harvesting, threshing, and marketing the same to pay such debt, shall be deemed a conversion thereof and treble damages may be recovered against the person so converting the same by the county furnishing such seed and feed.

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Sec. 103. Minnesota Statutes 2004, section 398.19, is amended to read:

398.19 PLAN FOR DEVELOPMENT OF PARKS; FILING RECORDING.

Within 18 months of the activation of a park district, the board for such park district shall develop and approve a written plan for development of parks within the district. Certified copies of such plan shall be ~~filed~~ recorded by the secretary of the board with the county recorders for the counties having land within the district and with the department of parks of the state of Minnesota. Such plans shall be revised and brought up to date at least every five years.

Sec. 104. Minnesota Statutes 2004, section 410.11, is amended to read:

410.11 ADOPTION; NOTICE, EFFECTIVE DATE.

If 51 percent of the votes cast on the proposition are in favor of the proposed charter, it shall be considered adopted; and, if any provisions thereof are submitted in the alternative, those ratified by a majority of the votes cast thereon shall prevail. If the charter is adopted, the city clerk shall file with the secretary of state, ~~the county recorder of the county in which the city lies,~~ and in the city clerk's office a copy of the charter accompanied by a certificate attesting to the accuracy of the copy and giving the date of the election and the vote by which the charter was adopted and record a certified copy with the county recorder of the county in which the city lies. ~~The charter shall take effect 30 days after the election, or at such other time as is fixed in the charter, and shall then supersede all other charter provisions relating to such city. Thereupon the courts shall take judicial notice of the new charter and, upon the election of officers thereunder, the officials of the former corporation shall deliver to them the records, money and other public property in their control.~~

Sec. 105. Minnesota Statutes 2004, section 412.851, is amended to read:

412.851 VACATION OF STREETS.

The council may by resolution vacate any street, alley, public grounds, public way, or any part thereof, on its own motion or on petition of a majority of the owners of land abutting on the street, alley, public grounds, public way, or part thereof to be vacated. When there has been no petition, the resolution may be adopted only by a vote of four-fifths of all members of the council. No such vacation shall be made unless it appears in the interest of the public to do so after a hearing preceded by two weeks' published and posted notice. The council shall cause written notice of the hearing to be mailed to each property owner affected by the proposed vacation at least ten days before the hearing. The notice must contain, at minimum, a copy of the petition or proposed resolution as well as the time, place, and date of the hearing. In addition, if the street, alley, public grounds, public way, or any part thereof terminates at or abuts upon any public water, no vacation shall be made unless written notice of the petition or proposed resolution is served by certified mail upon the commissioner of natural resources at least 30 days before the hearing on the matter. The notice to the commissioner of natural resources is for notification purposes only and does not create a right of intervention by the commissioner. After a resolution of vacation is adopted, the clerk shall prepare a notice of completion of the proceedings which shall contain

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the name of the city, an identification of the vacation, a statement of the time of completion thereof and a description of the real estate and lands affected thereby. The notice shall be presented to the county auditor who shall enter the same in the transfer records and note upon the instrument, over official signature, the words "entered in the transfer record." The notice shall then be filed recorded with the county recorder. Any failure to file the notice shall not invalidate any such vacation proceedings.

Sec. 106. Minnesota Statutes 2004, section 429.061, subdivision 2, is amended to read:

Subd. 2. **ADOPTION; INTEREST.** At such meeting or at any adjournment thereof the council shall hear and pass upon all objections to the proposed assessment, whether presented orally or in writing. The council may amend the proposed assessment as to any parcel and by resolution adopt the same as the special assessment against the lands named in the assessment roll. Notice of any adjournment of the hearing shall be adequate if the minutes of the meeting so adjourned show the time and place when and where the hearing is to be continued.

The council may consider any objection to the amount of a proposed assessment as to a specific parcel of land at an adjourned hearing upon further notice to the affected property owner as it deems advisable. At the adjourned hearing the council or a committee of it may hear further written or oral testimony on behalf of the objecting property owner and may consider further written or oral testimony from appropriate city officials and other witnesses as to the amount of the assessment. The council or committee shall prepare a record of the proceedings at the adjourned hearing and written findings as to the amount of the assessment. The amount of the assessment as finally determined by the council shall become a part of the adopted assessment roll. No appeal may be taken as to the amount of any assessment adopted under this section unless written objection signed by the affected property owner is filed with the municipal clerk prior to the assessment hearing or presented to the presiding officer at the hearing. All objections to the assessments not received at the assessment hearing in the manner prescribed by this subdivision are waived, unless the failure to object at the assessment hearing is due to a reasonable cause.

If the adopted assessment differs from the proposed assessment as to any particular lot, piece, or parcel of land, the clerk must mail to the owner a notice stating the amount of the adopted assessment. Owners must also be notified by mail of any changes adopted by the council in interest rates or prepayment requirements from those contained in the notice of the proposed assessment.

The assessment, with accruing interest, shall be a lien upon all private and public property included therein, from the date of the resolution adopting the assessment, concurrent with general taxes; but the lien shall not be enforceable against public property as long as it is publicly owned, and during such period the assessment shall be recoverable from the owner of such property only in the manner and to the extent provided in section 435.19. Unless otherwise provided in the resolution, all assessments shall be payable in equal annual installments extending over such period, not exceeding 30 years, as the resolution determines, payable on the first Monday in

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January in each year, but the number of installments need not be uniform for all assessments included in a single assessment roll if a uniform criterion for determining the number of installments is provided by the resolution. Assessments on property located in a targeted neighborhood as defined in Laws 1987, chapter 386, article 6, section 4, may be payable in variable annual installments if the resolution provides for a variable payment. The first installment of each assessment shall be included in the first tax rolls completed after its adoption and shall be payable in the same year as the taxes contained therein; except that the payment of the first installment of any assessment levied upon unimproved property may be deferred until a designated future year, or until the platting of the property or the construction of improvements thereon, upon such terms and conditions and based upon such standards and criteria as may be provided by resolution of the council. If special assessments against the property have been deferred pursuant to this subdivision, the governmental unit shall file record with the county recorder in the county in which the property is located a certificate containing the legal description of the affected property and of the amount deferred. In any event, every assessment the payment of which is so deferred, when it becomes payable, shall be divided into a number of installments such that the last installment thereof will be payable not more than 30 years after the levy of the assessment. All assessments shall bear interest at such rate as the resolution determines. To the first installment of each assessment shall be added interest on the entire assessment from a date specified in the resolution levying the assessment, not earlier than the date of the resolution, until December 31 of the year in which the first installment is payable, and to each subsequent installment shall be added interest for one year on all unpaid installments; or alternatively, any assessment may be made payable in equal annual installments including principal and interest, each in the amount annually required to pay the principal over such period with interest at such rate as the resolution determines, not exceeding the maximum period and rate specified above. In the latter event no prepayment shall be accepted under subdivision 3 without payment of all installments due to and including December 31 of the year of prepayment, together with the original principal amount reduced only by the amounts of principal included in such installments, computed on an annual amortization basis. When payment of an assessment is deferred, as authorized in this subdivision, interest thereon for the period of deferment may be made payable annually at the same times as the principal installments of the assessment would have been payable if not deferred; or interest for this period may be added to the principal amount of the assessment when it becomes payable; or, if so provided in the resolution levying the assessment, interest thereon to December 31 of the year before the first installment is payable may be forgiven.

Sec. 107. Minnesota Statutes 2004, section 444.17, is amended to read:

444.17 ESTABLISHMENT OF DISTRICT.

The governing body of a municipality may by ordinance adopted by a two-thirds vote of all of its members, establish within its territorial limits a storm sewer improvement tax district. The ordinance shall describe with particularity the territory or area within the municipality to be included within the district. No such ordinance shall be adopted until after a public hearing has been held on the question. A notice of

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the time, place and purpose of the hearing shall be published for two successive weeks in the official newspaper of the municipality or in a qualified newspaper of general circulation in the municipality and the last notice shall be at least seven days prior to the day of the hearing. The ordinance when adopted shall be filed recorded with the county auditor and county recorder.

Sec. 108. Minnesota Statutes 2004, section 447.31, subdivision 4, is amended to read:

Subd. 4. **FILING RESOLUTIONS.** The hospital district is created or reorganized on the effective date of the last resolution required to authorize it. However, certified copies of each resolution must be sent by the clerk or other recording officer of the governing body or board adopting it to the county auditor of each county containing territory in the hospital district. On receiving the required resolutions, each county auditor shall file record certified copies of them as a public record with the county recorder of the auditor's county. The county auditor of the county containing most of the population of the district shall send a certified copy of each resolution to the secretary of state to be filed as a public record.

Sec. 109. Minnesota Statutes 2004, section 462.359, subdivision 2, is amended to read:

Subd. 2. **ADOPTION.** After the planning agency has adopted a major thoroughfare plan and a community facilities plan, it may, for the purpose of carrying out the policies of the major thoroughfare plan and community facilities plan, prepare and recommend to the governing body a proposed official map covering the entire municipality or any portion thereof. The governing body may, after holding a public hearing, adopt and amend the official map by ordinance. A notice of the time, place and purpose of the hearing shall be published in the official newspaper of the municipality at least ten days prior to the date of the hearing. The official map or maps shall be prepared in sufficient detail to permit the establishment of the future acquisition lines on the ground. In unplatted areas a minimum of a centerline survey shall have been made prior to the preparation of the final draft of the official map. The accuracy of the future acquisition lines shown on the official map shall be attested to by a licensed land surveyor. After adoption, a copy of the official map, or sections thereof with a copy of the adopting ordinance attached shall be filed recorded with the county recorder as provided in sections 462.351 to 462.364.

Sec. 110. Minnesota Statutes 2004, section 462.3595, subdivision 4, is amended to read:

Subd. 4. **FILING RECORDING OF PERMIT.** A certified copy of any conditional use permit shall be filed recorded with the county recorder or registrar of titles of the county or counties in which the municipality is located for record. The conditional use permit shall include the legal description of the property included.

Sec. 111. Minnesota Statutes 2004, section 462.36, subdivision 1, is amended to read:

Subdivision 1. **REQUIRED DOCUMENTS.** A certified copy of every ordinance, resolution, map, or regulation adopted under the provisions of sections 462.358,

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462.359, and 462.3595 shall be filed with the county recorder of the county or counties in which the municipality adopting it is located. A certified copy of every variance to abstract or registered property granted under section 462.358 shall be filed recorded with the county recorder or the registrar of titles of the county or counties in which the municipality granting it is located; except that the requirement to ~~file record~~ a variance is satisfied if a certified copy of the resolution citing the existence of the variance is filed recorded identifying the location where the variance documents are available for inspection. Ordinances, resolutions, maps, regulations or variances filed recorded pursuant to this subdivision do not constitute encumbrances on real property. The order issued by the governing body or board of appeals and adjustments as the case may be, shall include the legal description of the property involved. Failure to ~~file record~~ an ordinance, resolution, map, regulation, variance, or order shall not affect its validity or enforceability.

Sec. 112. Minnesota Statutes 2004, section 462A.31, subdivision 7, is amended to read:

Subd. 7. **RECORDING OF GROUND LEASE.** Any ground lease held by a neighborhood land trust shall include the legal description of the real property subject to the ground lease and shall be recorded with the county recorder or filed with the registrar of titles in the county in which the real property subject to the ground lease is located.

Sec. 113. Minnesota Statutes 2004, section 463.15, subdivision 4, is amended to read:

Subd. 4. **OWNER, OWNER OF RECORD, AND LIEN HOLDER OF RECORD.** "Owner," "owner of record," and "lien holder of record" means a person having a right or interest in property described in subdivision 3 and evidence of which is filed and recorded in the office of the county recorder or registrar of titles in the county in which the property is situated.

Sec. 114. Minnesota Statutes 2004, section 465.19, is amended to read:

465.19 CITY TO OWN OLD CHANNEL IF IT PAYS FOR U.S. CHANNEL CHANGE.

When any portion of the channel of any river navigable for commercial purposes within the limits of any city in this state is changed by or under the authority of the United States government or any other authority for the improvement of navigation and the cost of such change or any portion thereof is borne by the city within which change is made the old bed of the river or portion thereof abandoned by reason of any such change, shall belong to and become the property in fee simple of the city in which the same is situate without further act or ceremony. The filing and recording, in the office of the county recorder of the county in which such city is located, of a copy of this bill section together with the filing of a plat or map certified by the secretary of defense of the United States or the United States government engineer in charge of the changes of the channel hereinbefore referred to, showing the respective locations of the water line of the old or original bed of the river and such changed location, shall

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constitute sufficient evidence of title of such city to the old river bed and lands hereinbefore referred to. Upon the request of any such city the governor and the commissioner of finance shall also execute and deliver to such city a deed of conveyance transferring all of the right, title, and interest of the state of Minnesota in and to such old river bed and lands within the limits of such city, and the lands so reclaimed or acquired may be held, used, or disposed of by such city as the common council shall determine to be for the best interests of such city.

Sec. 115. Minnesota Statutes 2004, section 471.928, is amended to read:

471.928 RECORDING.

Any ordinance adopted pursuant to sections 471.924 to 471.929 must be filed recorded with the county recorder. The county auditor shall file a certified copy of the ordinance ~~for record~~.

Sec. 116. Minnesota Statutes 2004, section 485.01, is amended to read:

485.01 APPOINTMENT; BOND; DUTIES.

A clerk of the district court for each county within the judicial district, who shall be known as the court administrator, shall be appointed by a majority of the district court judges in the district. The clerk, before entering upon the duties of office, shall give bond to the state, to be approved by the chief judge of the judicial district, conditioned for the faithful discharge of official duties. The bond, with an oath of office, shall be ~~filed for record~~ recorded with the county recorder. The clerk shall perform all duties assigned by law and by the rules of the court. The clerk and all deputy clerks must not practice as attorneys in the court in which they are employed.

The duties, functions, and responsibilities which have been and may be required by law or rule to be performed by the clerk of district court shall be performed by the court administrator.

Sec. 117. Minnesota Statutes 2004, section 485.03, is amended to read:

485.03 DEPUTIES.

(a) The county board shall determine the number of permanent full time deputies, clerks and other employees in the office of the court administrator of district court and shall fix the compensation for each position. The county board shall also budget for temporary deputies and other employees and shall fix their rates of compensation. This paragraph does not apply to a county in a judicial district under section 480.181, subdivision 1, paragraph (b).

(b) The court administrator shall appoint in writing the deputies and other employees, for whose acts the court administrator shall be responsible, and whom the court administrator may remove at pleasure. Before each enters upon official duties, the appointment and oath of each shall be ~~filed~~ recorded with the county recorder.

Sec. 118. Minnesota Statutes 2004, section 485.05, is amended to read:

485.05 DEPUTY COURT ADMINISTRATOR IN ST. LOUIS COUNTY.

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This is to certify that, whose address is, in the of, and state of, is now the owner of an estate, of and in the following described land situated in the county of and state of Minnesota,

Subject to the encumbrances, liens, and interest noted by the memorial underwritten or endorsed hereon; and subject to the following rights or encumbrances subsisting, as provided in Laws 1905, chapter 305, section 24, namely:

- (1) Liens, claims, or rights arising under the laws or the Constitution of the United States, which the statutes of this state cannot require to appear of record;
- (2) Any real property tax or special assessment;
- (3) Any lease for a period not exceeding three years, when there is actual occupation of the premises under the lease;
- (4) All rights in public highways upon the land;
- (5) Such right of appeal or right to appear and contest the application as is allowed by law;
- (6) The rights of any person in possession under deed or contract for deed from the owner of the certificate of title;
- (7) Any outstanding mechanics lien rights which may exist under sections 514.01 to 514.17.

In witness whereof, I have hereunto subscribed my name and affixed the seal of my office, this day of,

.....
Registrar of Titles, in and for the county of and State of Minnesota.

All certificates issued subsequent to the first certificate of title shall be in like form except that they shall be entitled "Transfer from number (here give the number of the next previous certificate relating to the same land)," and shall also contain the words "Originally registered (date, volume, and page or certificate of title number of registration)."

Sec. 122. Minnesota Statutes 2004, section 508.37, is amended to read:

508.37 TRACT INDEXES, RECEPTION BOOKS INDEXES.

Subd. 1a. **BOOKS INDEXES.** The registrar shall likewise keep tract indexes, in which the registrar shall enter an accurate description of all registered land, together with the names of the respective owners thereof, and a reference to the number of the certificate of title. The registrar shall keep two books indexes, to be known as the grantors' and grantees' reception books indexes respectively.

The grantors' reception book shall be a grantors' index of instruments filed with the registrar. Each page shall be divided into columns. The surname and given name

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of the grantor shall be entered under the first column and under the succeeding columns there shall be entered respectively the name of the grantee; the date of registration, specifying the month, day, year and hour and whether ante meridian or post meridian; the number of the instrument; the book and page of the register of titles where the land is registered; the type of instrument; and a description of the property by lot or section, block or township, range, addition and other pertinent information.

The grantees' reception book shall be a grantees' index of instruments filed with the registrar. Each page shall be divided into columns. The surname and given name of the grantee shall be entered under the first column and under the succeeding columns there shall be entered respectively the name of the grantor; the date of registration, specifying the month, day, year and hour and whether ante meridian or post meridian; the number of the instrument; the book and page of the register of titles where the land is registered; the type of instrument; and a description of the property by lot or section, block or township, range, addition and other pertinent information.

The reception indexes shall include the surname and given name of the grantor and grantee; the date of registration, specifying the month, day, year, and hour and whether a.m. or p.m.; the number of the instrument; the number of the certificate or, where applicable, the book and page, where the land is registered.

Subd. 2. **ENTRIES.** The registrar shall enter in each of these books indexes in the order and manner aforesaid, and as soon as the same are received recorded, all instruments affecting the title to land which are filed recorded with the registrar and, as far as may be the particulars of the instruments in the appropriate column of these books places in the indexes. The pages of each of the reception books shall be lettered in alphabetical order, a convenient number of consecutive pages being allotted to each letter of the alphabet, and each entry shall be made in the grantors' reception book under the initial letter of the grantor's surname, and in the grantees' reception book, under the initial letter of the grantee's surname, and all the entries under each letter shall appear in the order as to time in which the instruments were filed. Retrieval of information from these indexes must be by as convenient an alphabetical search as possible.

Sec. 123. Minnesota Statutes 2004, section 508.38, is amended to read:

508.38 FORMS OF RECORDS ADOPTED.

Instruments affecting the title to land, filed with the registrar, shall be numbered by the registrar consecutively, to the extent practicable and the registrar shall endorse upon each instrument over the registrar's official signature name, OFFICE OF THE REGISTRAR OF TITLES, ... COUNTY, MINNESOTA, CERTIFIED FILED ON, together with the date, hour, and minute when the instrument is filed, the document number thereof, and a reference to the proper certificate of title. Instruments shall be copied or reproduced as provided by section 15.17, as amended. Instruments shall then be returned in person or by mail to the party who presented the instruments for filing or to any other party to whom the registrar is directed to deliver the instruments. When the memorial of any instrument is made upon any certificate, the date, number, and time of filing thereof shall also be endorsed upon the certificate. All records and papers

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relating to registered land in the office of the registrar, shall be open to the inspection of the public at such times and under such conditions as the court may prescribe. Duplicates of all instruments, voluntary or involuntary, filed and registered with the registrar, may be presented with the originals, and shall thereupon be endorsed with the file number, and other memoranda on the originals, and may be attested and sealed by the registrar, and returned to the person presenting the same. The registrar shall furnish certified copies of the instruments filed and registered in the registrar's office, upon payment of a fee as provided in section ~~357.18~~ 508.82.

Sec. 124. Minnesota Statutes 2004, section 519.091, subdivision 2, is amended to read:

Subd. 2. **EXCEPTIONS.** Subdivision 1 does not apply if:

(1) the marital property interest is determined under a decree of dissolution, legal separation, or annulment; or

(2) an action claiming the marital property interest is begun before July 1, 1990, and a notice is ~~filed for record~~ recorded within that period in the office of the county recorder or registrar of titles in the county where the property is located.

Sec. 125. Minnesota Statutes 2004, section 541.023, subdivision 2, is amended to read:

Subd. 2. **APPLICATION.** (a) This section shall apply to every right, claim, interest, incumbrance, or lien founded by any instrument, event, or transaction that is at least 40 years old.

(b) This section applies to repurchase options or other rights of repurchase that encumber an interest in land based upon an instrument other than a deed of conveyance granted by a governmental body, agency, or subdivision, unless within 40 years of the recording ~~or filing~~ of the instrument a notice is recorded ~~or filed~~ under subdivision 1. This paragraph does not revive repurchase options or rights of repurchase barred by subdivision 1.

(c) This section does not apply to actions to enforce rights, claims, interests, encumbrances, or liens arising out of private covenants, conditions, or restrictions to which section 500.20, subdivision 2a, or successor statutes do not apply.

Sec. 126. Minnesota Statutes 2004, section 541.023, subdivision 2a, is amended to read:

Subd. 2a. **REGISTERED PROPERTY NOT AFFECTED.** (a) Except as provided in paragraph (b), this section does not apply to real property while it remains registered according to chapter 508 or 508A.

(b) This subdivision does not affect an action or proceeding involving the validity of a claim of title based upon a source of title which has been of record at least 40 years if:

(i) the action or proceeding is pending on August 1, 2001, or is commenced before February 1, 2002; and

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(ii) a notice of the pendency of the action or proceeding is recorded or filed before February 1, 2002, in the office of the registrar of titles of the county in which the real property affected by the action or proceeding is located.

Sec. 127. Minnesota Statutes 2004, section 541.023, subdivision 4, is amended to read:

Subd. 4. **NOTICES, FILING OR RECORDING; FEE.** County recorders are hereby directed to accept for recording or filing notices conforming with the provisions hereof, and to charge therefor fees corresponding with the fees charged for filing recording notices of lis pendens of similar length. Such notices may be discharged in the same manner as notices of lis pendens, and, when so discharged, shall, together with all information included therein, cease to constitute either actual or constructive notice.

Sec. 128. Minnesota Statutes 2004, section 541.023, subdivision 6, is amended to read:

Subd. 6. **LIMITATIONS; CERTAIN TITLES NOT AFFECTED.** This section shall not affect any rights of the federal government; nor increase the effect as notice, actual or constructive, of any instrument now of record; nor bar the rights of any person, partnership or corporation in possession of real estate. This section shall not impair the record title or record interest, or title obtained by or through any congressional or legislative grant, of any railroad corporation or other public service corporation or any trustee or receiver thereof or of any educational or religious corporation in any real estate by reason of any failure to file or record further evidence of such title or interest even though the record thereof is now or hereafter more than 40 years old; nor shall this section require the filing recording of any notice as provided for in this act as to any undischarged mortgage or deed of trust executed by any such corporation or any trustee or receiver thereof or to any claim or action founded upon any such undischarged mortgage or deed of trust. The exceptions of this subdivision shall not include (a) reservations or exceptions of land for right-of-way or other railroad purposes contained in deeds of conveyance made by a railroad company or by trustees or receivers thereof, unless said reserved or excepted land shall have been put to railroad use within 40 years after the date of said deeds of conveyance, (b) nor any rights under any conditions subsequent or restrictions contained in any such deeds of conveyance.

Sec. 129. Minnesota Statutes 2004, section 548.09, subdivision 1, is amended to read:

Subdivision 1. **ENTRY AND DOCKETING; SURVIVAL OF JUDGMENT.** Except as provided in section 548.091, every judgment requiring the payment of money shall be entered by the court administrator when ordered by the court and will be docketed by the court administrator upon the filing of an affidavit as provided in subdivision 2. Upon a transcript of the docket being filed with the court administrator in any other county, the court administrator shall also docket it. From the time of docketing the judgment is a lien, in the amount unpaid, upon all real property in the county then or thereafter owned by the judgment debtor, but it is not a lien upon

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registered land unless it is also filed recorded pursuant to sections 508.63 and 508A.63. The judgment survives, and the lien continues, for ten years after its entry. Child support judgments may be renewed pursuant to section 548.091.

Sec. 130. Minnesota Statutes 2004, section 548.25, is amended to read:

548.25 VACATING REAL ESTATE JUDGMENT; WITHIN WHAT TIME.

No judgment or decree quieting title to land or determining the title thereto or adverse claims therein heretofore entered or hereafter to be entered shall be adjudged invalid or set aside, unless the action or proceeding to vacate or set aside such judgment or decree shall be commenced, or application for leave to defend be made, within five years from the time of filing recording a certified copy of such judgment or decree in the office of the county recorder of the county in which the lands affected by such judgment or decree are situated.

Sec. 131. Minnesota Statutes 2004, section 550.31, is amended to read:

550.31 CREDITOR TO FILE RECORD ORDER WITH COUNTY RECORDER.

For the purpose of such redemption a creditor whose claim against the estate of a decedent shall have been so allowed shall file ~~for~~ record in the office of the county recorder of the county in which the real estate sought to be redeemed is situated, within the year of redemption, a certified copy of the order of the court allowing such claim, and thereupon such claim shall constitute a lien upon the unexempt real estate of the decedent sold upon foreclosure or execution. The creditor shall also within such time file a notice in the office of such county recorder briefly describing the sale of the decedent's lands, a description of the lands sold, and stating, in a general way, the nature, date and amount of the claim of the creditor, and that the creditor intends to redeem such lands from the sale thereof described in such notice. In the case of redemption from execution sales such notice shall also be filed in the office of the court administrator of the district court in which such lands are situated.

Sec. 132. Minnesota Statutes 2004, section 550.32, is amended to read:

550.32 FILING RECORDING TO DETERMINE PRIORITY.

In the event more than one such proved and allowed claim shall be so ~~filed and~~ recorded for the purposes of such redemption, then, as between the owners of such claims, their right to redeem shall be in the order in which such claims were originally ~~filed recorded~~, succession commencing with the oldest in point of time; that as to the creditors of the decedent having a lien or liens, either legal or equitable, upon the lands of a decedent and existing otherwise than by allowance in probate, the creditors of the decedent whose claims have been allowed in probate shall be subsequent or junior thereto.

Sec. 133. Minnesota Statutes 2004, section 559.17, subdivision 2, is amended to read:

Subd. 2. **ASSIGNMENT; CONDITIONS.** A mortgagor may assign, as additional security for the debt secured by the mortgage, the rents and profits from the mortgaged real property, if the mortgage:

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(1) was executed, modified or amended subsequent to August 1, 1977;

(2) secured an original principal amount of \$100,000 or more or is a lien upon residential real estate containing more than four dwelling units; and

(3) is not a lien upon property which was:

(i) entirely homesteaded as agricultural property; or

(ii) residential real estate containing four or fewer dwelling units where at least one of the units is homesteaded. The assignment may be enforced, but only against the nonhomestead portion of the mortgaged property, as follows:

(a) if, by the terms of an assignment, a receiver is to be appointed upon the occurrence of some specified event, and a showing is made that the event has occurred, the court shall, without regard to waste, adequacy of the security, or solvency of the mortgagor, appoint a receiver who shall, with respect to the excess cash remaining after application as provided in section 576.01, subdivision 2, apply it as prescribed by the assignment. If the assignment so provides, the receiver shall apply the excess cash in the manner set out herein from the date of appointment through the entire redemption period from any foreclosure sale. Subject to the terms of the assignment, the receiver shall have the powers and duties as set forth in section 576.01, subdivision 2; or

(b) if no provision is made for the appointment of a receiver in the assignment or if by the terms of the assignment a receiver may be appointed, the assignment shall be binding upon the assignor unless or until a receiver is appointed without regard to waste, adequacy of the security or solvency of the mortgagor, but only in the event of default in the terms and conditions of the mortgage, and only in the event the assignment requires the holder thereof to first apply the rents and profits received as provided in section 576.01, subdivision 2, in which case the same shall operate against and be binding upon the occupiers of the premises from the date of filing recording by the holder of the assignment in the office of the county recorder or the office of the registrar of titles for the county in which the property is located of a notice of default in the terms and conditions of the mortgage and service of a copy of the notice upon the occupiers of the premises. The holder of the assignment shall apply the rents and profits received in accordance with the terms of the assignment, and, if the assignment so provides, for the entire redemption period from any foreclosure sale. A holder of an assignment who enforces it in accordance with this clause shall not be deemed to be a mortgagee in possession with attendant liability.

Nothing contained herein shall prohibit the right to reinstate the mortgage debt granted pursuant to section 580.30, nor the right to redeem granted pursuant to sections 580.23 and 581.10, and any excess cash, as that term is used herein, collected by the receiver under clause (a), or any rents and profits taken by the holder of the assignment under clause (b), shall be credited to the amount required to be paid to effect a reinstatement or redemption.

Sec. 134. Minnesota Statutes 2004, section 559.17, subdivision 3, is amended to read:

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Subd. 3. **EXPIRATION, SATISFACTION, RELEASE, AND ASSIGNMENT.**

(a) An assignment of rents and profits under this section, whether in the mortgage or in a separate instrument, shall expire:

(1) with respect to the rents and profits from all of the mortgaged property, when an action or proceeding to foreclose the mortgage is barred by section 541.03, or upon recording in the office of the county recorder or filing in the office of the registrar of titles of the county where the mortgaged property is located, of a satisfaction of the mortgage or a certificate of release complying with section 507.401 in lieu of a satisfaction of the mortgage; or

(2) with respect to the rents and profits from a portion of the mortgaged property, upon recording in the office of the county recorder or filing in the office of the registrar of titles of the county where that portion of the mortgaged property is located, of a release of that portion of the mortgaged property from the lien of the mortgage, or a certificate of release complying with section 507.401 in lieu of a release of that portion of the mortgaged property.

No separate reassignment of the rents and profits or satisfaction or release of the assignment is required.

(b) An assignment of a mortgage, whether or not the mortgage mentions an assignment of rents and profits, is sufficient to assign both the mortgage and the assignment of rents and profits permitted by this subdivision which secures the debt secured by the mortgage, and no separate assignment of the assignment of rents and profits shall be required.

Sec. 135. Minnesota Statutes 2004, section 559.209, subdivision 2, is amended to read:

Subd. 2. **CONTENTS.** A mediation notice must contain the following notice with the blanks properly filled in.

"TO:(Name of Contract for Deed Purchaser)....

YOU HAVE DEFAULTED ON THE CONTRACT FOR DEED OF THE AGRICULTURAL PROPERTY DESCRIBED AS(Size and Reasonable Location of Property, Not Legal Description)....

AS THE CONTRACT FOR DEED VENDOR,(Contract for Deed Vendor).... INTENDS TO TERMINATE THE CONTRACT AND TAKE BACK THE PROPERTY.

YOU HAVE THE RIGHT TO HAVE THE CONTRACT FOR DEED DEBT REVIEWED FOR MEDIATION. IF YOU REQUEST MEDIATION, A DEBT THAT IS IN DEFAULT WILL BE MEDIATED ONLY ONCE. IF YOU DO NOT REQUEST MEDIATION, THIS DEBT WILL NOT BE SUBJECT TO FUTURE MEDIATION IF THE CONTRACT FOR DEED VENDOR BEGINS REMEDIES TO ENFORCE THE DEBT.

IF YOU PARTICIPATE IN MEDIATION, THE DIRECTOR OF THE AGRICULTURAL EXTENSION SERVICE WILL PROVIDE AN ORIENTATION MEET-

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ING AND A FINANCIAL ANALYST TO HELP YOU PREPARE FINANCIAL INFORMATION. IF YOU DECIDE TO PARTICIPATE IN MEDIATION, IT WILL BE TO YOUR ADVANTAGE TO ASSEMBLE YOUR FARM FINANCE AND OPERATION RECORDS AND TO CONTACT A COUNTY EXTENSION OFFICE AS SOON AS POSSIBLE. MEDIATION WILL ATTEMPT TO ARRIVE AT AN AGREEMENT FOR HANDLING FUTURE FINANCIAL RELATIONS.

TO HAVE THE CONTRACT FOR DEED DEBT REVIEWED FOR MEDIATION YOU MUST FILE A MEDIATION REQUEST WITH THE DIRECTOR WITHIN 14 DAYS AFTER YOU RECEIVE THE NOTICE. THE MEDIATION REQUEST FORM IS AVAILABLE AT ANY COUNTY RECORDER'S OR COUNTY EXTENSION OFFICE.

FROM:(Name and Address of Contract for Deed Vendor)....”

Sec. 136. Minnesota Statutes 2004, section 559.21, subdivision 4, is amended to read:

Subd. 4. LAW PREVAILS OVER CONTRACT; PROCEDURE; CONDITIONS. (a) The notice required by this section must be given notwithstanding any provisions in the contract to the contrary, except that earnest money contracts, purchase agreements, and exercised options that are subject to this section may, unless by their terms they provide for a longer termination period, be terminated on 30 days' notice, or may be canceled under section 559.217. The notice must be served within the state in the same manner as a summons in the district court, and outside of the state, in the same manner, and without securing any sheriff's return of not found, making any preliminary affidavit, mailing a copy of the notice or doing any other preliminary act or thing whatsoever. Service of the notice outside of the state may be proved by the affidavit of the person making the same, made before an authorized officer having a seal, and within the state by such an affidavit or by the return of the sheriff of any county therein.

(b) If a person to be served is a resident individual who has departed from the state, or cannot be found in the state; or is a nonresident individual or a foreign corporation, partnership, or association, service may be made by publication as provided in this paragraph. Three weeks' published notice has the same effect as personal service of the notice. The published notice must comply with subdivision 3 and state (1) that the person to be served is allowed 90 days after the first date of publication of the notice to comply with the conditions of the contract, and (2) that the contract will terminate 90 days after the first date of publication of the notice, unless before the termination date the purchaser complies with the notice. If the real estate described in the contract is actually occupied, then, in addition to publication, a person in possession must be personally served, in like manner as the service of a summons in a civil action in state district court, within 30 days after the first date of publication of the notice. If an address of a person to be served is known, then within 30 days after the first date of publication of the notice a copy of the notice must be mailed to the person's last known address by first class mail, postage prepaid.

(c) The contract is reinstated if, within the time mentioned, the person served:

(1) complies with the conditions in default;

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(2) if subdivision 1d or 2a applies, makes all payments due and owing to the seller under the contract through the date that payment is made;

(3) pays the costs of service as provided in subdivision 1b, 1c, 1d, or 2a;

(4) if subdivision 2a applies, pays two percent of the amount in default, not including the final balloon payment, any taxes, assessments, mortgages, or prior contracts that are assumed by the purchaser; and

(5) pays attorneys' fees as provided in subdivision 1b, 1c, 1d, or 2a.

(d) The contract is terminated if the provisions of paragraph (c) are not met.

(e) In the event that the notice was not signed by an attorney for the seller and the seller is not present in the state, or cannot be found in the state, then compliance with the conditions specified in the notice may be made by paying to the court administrator of the district court in the county wherein the real estate or any part thereof is situated any money due and filing proof of compliance with other defaults specified, and the court administrator of the district court shall be deemed the agent of the seller for such purposes. A copy of the notice with proof of service thereof, and the affidavit of the seller, the seller's agent or attorney, showing that the purchaser has not complied with the terms of the notice, may be recorded with the county recorder or registrar of titles, and is prima facie evidence of the facts stated in it; but this section in no case applies to contracts for the sale or conveyance of lands situated in another state or in a foreign country. If the notice is served by publication, the affidavit must state that the affiant believes that the party to be served is not a resident of the state, or cannot be found in the state, and either that the affiant has mailed a copy of the notice by first class mail, postage prepaid, to the party's last known address, or that such address is not known to the affiant.

Sec. 137. Minnesota Statutes 2004, section 559.23, is amended to read:

559.23 ACTION TO DETERMINE BOUNDARY LINES.

An action may be brought by any person owning land or any interest therein against the owner, or persons interested in adjoining land, to have the boundary lines established; and when the boundary lines of two or more tracts depend upon any common point, line, or landmark, an action may be brought by the owner or any person interested in any of such tracts, against the owners or persons interested in the other tracts, to have all the boundary lines established. The court shall determine any adverse claims in respect to any portion of the land involved which it may be necessary to determine for a complete settlement of the boundary lines, and shall make such order respecting costs and disbursements as it shall deem just. The decree of the court shall be filed with the court administrator, and a certified copy thereof shall be recorded in the office of the county recorder or filed in the office of registrar of titles or both, if necessary; provided that such decree shall not be accepted for such recording or filing until it shall be presented to the county auditor who shall enter the same in the transfer record and note upon the instrument over the auditor's official signature the words "ENTERED IN THE TRANSFER RECORD."

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Sec. 138. Minnesota Statutes 2004, section 570.061, subdivision 2, is amended to read:

Subd. 2. **EXECUTION ON REAL ESTATE.** Real estate shall be attached by the ~~file~~ recording of the ~~sheriff~~ of a ~~sheriff's~~ certified copy of the order and of a return of attachment containing a description of the real estate with the county recorder, or with the registrar of titles with respect to registered property, for the county in which the real estate is located, and serving a copy of the order and return upon the respondent in the manner provided for a service of a summons, if the respondent can be found in the county. If the respondent cannot be found in that county, the order and return shall be mailed by registered mail or certified mail to the respondent's last known address. The attachment shall be a lien on the interest of the respondent in the real estate from the time of ~~file~~ recording the order ~~recording~~ with the recorder or registrar.

Sec. 139. Minnesota Statutes 2004, section 570.11, is amended to read:

570.11 SATISFACTION AND DISCHARGE; REAL ESTATE.

An attachment of real estate may be released by ~~file~~ recording with the county recorder or the registrar of titles for registered property:

(1) a certified copy of an order of the court vacating the attachment, or of a final judgment in the respondent's favor, or a satisfaction of judgment in the claimant's favor, rendered in the civil action;

(2) a certificate of satisfaction or discharge of the attachment, executed and acknowledged by the claimant or the claimant's attorney, as required for the satisfaction of a mortgage; or

(3) a deed of release of the attached premises, or of any part or interest therein, in which case the parts or interests not described in the deed shall remain subject to the attachment lien.

Sec. 140. Minnesota Statutes 2004, section 570.14, is amended to read:

570.14 ATTACHMENTS AND RELEASES; RECORD AND INDEX.

All copies of orders of attachment ~~filed~~ filed with the county recorder ~~prescribed for recording~~, and all satisfactions or releases of attachments of real estate thereunder, shall be recorded by the county recorder in the ~~books provided for the record~~ current method of recording mortgages, and shall be indexed as if the respondent in the attachment were a mortgagor and the claimant a mortgagee.

Sec. 141. Minnesota Statutes 2004, section 576.01, subdivision 2, is amended to read:

Subd. 2. **MORTGAGE APPOINTMENTS.** A receiver shall be appointed in the following case:

After the first publication of notice of sale for the foreclosure of a mortgage pursuant to chapter 580, or with the commencement of an action to foreclose a mortgage pursuant to chapter 581, and during the period of redemption, if the mortgage

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being foreclosed secured an original principal amount of \$100,000 or more or is a lien upon residential real estate containing more than four dwelling units and was not a lien upon property which was entirely homesteaded, residential real estate containing four or less dwelling units where at least one unit is homesteaded, or agricultural property, the foreclosing mortgagee or the purchaser at foreclosure sale may at any time bring an action in the district court of the county in which the mortgaged premises or any part thereof is located for the appointment of a receiver; provided, however, if the foreclosure is by action under chapter 581, a separate action need not be filed. Pending trial of the action on the merits, the court may make a temporary appointment of a receiver following the procedures applicable to temporary injunctions under the Rules of Civil Procedure. If the motion for temporary appointment of a receiver is denied, the trial of the action on the merits shall be held as early as practicable, but not to exceed 30 days after the motion for temporary appointment of a receiver is heard. The court shall appoint a receiver upon a showing that the mortgagor has breached a covenant contained in the mortgage relating to any of the following:

- (1) application of tenant security deposits as required by section 504B.178;
- (2) payment when due of prior or current real estate taxes or special assessments with respect to the mortgaged premises, or the periodic escrow for the payment of the taxes or special assessments;
- (3) payment when due of premiums for insurance of the type required by the mortgage, or the periodic escrow for the payment of the premiums;
- (4) keeping of the covenants required of a landlord or licensor pursuant to section 504B.161, subdivision 1.

The receiver shall be an experienced property manager. The court shall determine the amount of the bond to be posted by the receiver.

The receiver shall collect the rents, profits and all other income of any kind, manage the mortgaged premises so to prevent waste, execute leases within or beyond the period of the receivership if approved by the court, pay the expenses listed in clauses (1), (2), and (3) in the priority as numbered, pay all expenses for normal maintenance of the mortgaged premises and perform the terms of any assignment of rents which complies with section 559.17, subdivision 2. Reasonable fees to the receiver shall be paid prior thereto. The receiver shall file periodic accountings as the court determines are necessary and a final accounting at the time of discharge.

The purchaser at foreclosure sale shall have the right, at any time and without limitation as provided in section 582.03, to advance money to the receiver to pay any or all of the expenses which the receiver should otherwise pay if cash were available from the mortgaged premises. Sums so advanced, with interest, shall be a part of the sum required to be paid to redeem from the sale. The sums shall be proved by the affidavit of the purchaser, an agent or attorney, stating the expenses and describing the mortgaged premises. The affidavit must be filed for record recorded with the county recorder or the registrar of titles, and a copy thereof shall be furnished to the sheriff and the receiver at least ten days before the expiration of the period of redemption.

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Any sums collected which remain in the possession of the receiver at termination of the receivership shall, in the event the termination of the receivership is due to the reinstatement of the mortgage debt or redemption of the mortgaged premises by the mortgagor, be paid to the mortgagor; and in the event termination of the receivership occurs at the end of the period of redemption without redemption by the mortgagor or any other party entitled to redeem, interest accrued upon the sale price pursuant to section 580.23 or section 581.10 shall be paid to the purchaser at foreclosure sale. Any net sum remaining shall be paid to the mortgagor, except if the receiver was enforcing an assignment of rents which complies with section 559.17, subdivision 2, in which case any net sum remaining shall be paid pursuant to the terms of the assignment.

This subdivision shall apply to all mortgages executed on or after August 1, 1977, and to amendments or modifications of such mortgages, and to amendments or modifications made on or after August 1, 1977, to mortgages executed before August 1, 1977, if the amendment or modification is duly recorded and is for the principal purpose of curing a default.

Sec. 142. Minnesota Statutes 2004, section 577.02, is amended to read:

577.02 REAL ESTATE ASSIGNMENT MUST BE RECORDED.

If land, or any interest therein, be embraced in the assignment, a copy thereof, certified by such court administrator, shall be ~~filed for record~~ recorded with the county recorder of the county wherein the land lies; and every such assignment not so ~~filed recorded~~ shall be void as against any subsequent purchaser in good faith and for a valuable consideration of the same land, or any interest therein, whose conveyance is first duly recorded, and as against any attachment levied thereon or judgment lawfully obtained against the person in whose name the title to such land appears of record prior to the ~~filng for record~~ recording of such certified copy.

Sec. 143. Minnesota Statutes 2004, section 577.10, is amended to read:

577.10 POWERS OF COURT; REMOVAL AND DISCHARGE.

The district court shall have supervision of all proceedings under this chapter. On petition of a creditor, the court, in its discretion, may, from time to time, require the assignee to render an account, and to file a report of the assignee's proceedings and of the condition of the trust estate, and may order distribution thereof. For cause shown, it may, in its discretion, remove the assignee, and appoint another instead, who shall give bond as the court may direct; and the order of removal and appointment shall, in terms, transfer all the trust estate to the new assignee, and may be ~~filed for record~~ recorded with the county recorder of any county wherein any land affected by the assignment is situated. Upon removal of an assignee, the court may require the removed assignee to deliver to the new assignee all property, books of account, and vouchers belonging to the trust estate, to execute all necessary transfers, and to render an account and report of all matters connected therewith. When the assignee has complied with all the orders of the court, and when any assignee has completed the trust, the assignee may apply to the court for discharge, first giving three weeks' published notice of such application; the last publication to be not more than three

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weeks prior to the hearing thereon. If upon the hearing the court is satisfied that the assignee is entitled to such discharge, it shall so order; but, if in its opinion anything remains to be done by the assignee, it shall require the performance thereof before making such order. A discharge shall not be refused because of any failure of the assignee to comply with the forms of law, if no damage has thereby resulted to any person. The order shall have the effect of discharging the assignee and the assignee's sureties from all further responsibilities in respect to the trust. When the trust estate is taken out of the hands of the assignee by proceedings in bankruptcy in the federal court, the assignee may be discharged upon showing that the assignee has fully accounted with the trustee in bankruptcy, and turned over the whole trust estate to the trustee in bankruptcy. When the trust estate is taken out of the hands of the assignee by legal proceedings in any court, or the assignment is declared void as to creditors, or for any reason the further administration of the trust is rendered impracticable, inadvisable, or nugatory, the assignee shall in like manner be discharged.

Sec. 144. Minnesota Statutes 2004, section 580.032, subdivision 1, is amended to read:

Subdivision 1. **FILING RECORDING REQUEST FOR NOTICE.** A person having a redeemable interest in real property under section 580.23 or 580.24, may file for record a request for notice of a mortgage foreclosure by advertisement with the county recorder or registrar of titles of the county where the property is located. To be effective for purposes of this section, a request for notice must be filed for record recorded as a separate and distinct document, except a mechanic's lien statement filed for record recorded pursuant to section 514.08 also constitutes a request for notice if the mechanic's lien statement includes a legal description of the real property and the name and mailing address of the mechanic's lien claimant.

Sec. 145. Minnesota Statutes 2004, section 580.032, subdivision 3, is amended to read:

Subd. 3. **NOTICE OF PENDENCY.** A person foreclosing a mortgage by advertisement shall file for record a notice of the pendency of the foreclosure with the county recorder or registrar of titles in the county in which the property is located before the first date of publication of the foreclosure notice but not more than six months before the first date of publication.

Sec. 146. Minnesota Statutes 2004, section 580.09, is amended to read:

580.09 FORECLOSURE OF INSTALLMENT; SALE; PROCEEDS; REDEMPTION.

Where a mortgage is given to secure the payment of money by installments, each installment, either for principal or interest, or both, as is due at any time, may be taken and deemed to be a separate and independent mortgage, and such mortgage for each such installment may be foreclosed by advertisement or by action, in the same manner and with like effect as if a separate mortgage were given for each of such installments, and such foreclosure may be made and sale had subject to the installments yet to become due upon the mortgage; and a redemption from any such sale shall have the

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like effect as if the sale for such installment had been made upon an independent subsequent mortgage; provided in such cases the attorney's fee on the foreclosure so made shall not exceed the amount permitted by law in case of a mortgage securing the amount of the debt then due on such foreclosure. The proceeds of the sale shall be applied first in payment of the costs of the foreclosure sale, and of the installment due, with interest thereon, taxes and insurance premiums paid, if any, and then towards the payment of the residue of the sum secured by such mortgage, and not due and payable at the time of such sale; and, if such residue does not bear interest, such application shall be made with rebate of the legal interest for the time during which the residue shall not be due and payable; and the surplus, if any, shall be paid to the subsequent lienors, if any, in the order of their priority, and then to the owner of the equity of redemption, the owner's legal representatives or assigns. In case of redemption from any sale herein authorized, at the option of the redemptioner, the whole amount remaining unpaid on the mortgage, with interest and other items, if any, which have become part of the amount secured by the lien of the mortgage, may be included in the amount paid on redemption and, in such event, the redemption so made shall have like effect as if the foreclosure sale had been made for the entire amount secured by the mortgage, including such additional items.

Before any sale herein authorized, the holder of the mortgage shall file with the sheriff a verified itemized statement in writing showing the entire amount remaining unpaid on the mortgage, including taxes and insurance premiums paid and other items which have become part of the amount secured, and the rate of interest to accrue on same, which statement shall be subject to public inspection and shall be read by the sheriff at the sale, immediately after reading the notice of sale. The certificate of sale shall set forth correctly, in addition to the amount of sale, the remaining amount still unpaid on and secured by the mortgage, subject to which the sale is made, and the rate of interest to accrue on same. If, during the time to redeem from the sale, any additional or other item, other than interest at the rate so stated in the certificate, shall attach to such amount subject to which the sale was made, or any change shall occur in such amount or the rate of interest thereon, the facts with respect thereto shall be set forth by affidavit, made and ~~filed for record~~ recorded, and a copy furnished the sheriff, in accordance with the provisions of section 582.03, and the provisions of that section shall apply thereto.

Sec. 147. Minnesota Statutes 2004, section 580.15, is amended to read:

580.15 PERPETUATING EVIDENCE OF SALE.

Any party desiring to perpetuate the evidence of any sale made in pursuance of this chapter may procure:

(1) an affidavit of the publication of the notice of sale and of any notice of postponement to be made by the printer of the newspaper in which the same was inserted or by some person in the printer's employ knowing the facts;

(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

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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 that person's 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 that person's 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 the secretary's 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, and also setting forth the fact of service of notice of sale upon the commissioner of revenue of the state of Minnesota in accordance with the provisions of section 270.69, subdivision 7. Any such affidavit recorded prior to May 16, 1967 shall be effective as prima facie evidence of the facts therein contained as though recorded subsequent to May 16, 1967;

(5) an affidavit by the person foreclosing the mortgage, or that person's attorney, or someone having knowledge of the facts, setting forth the names of the persons to whom a notice of sale was mailed as provided by section 580.032.

Such affidavits and returns shall be recorded by the county recorder 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~~ recorded 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~~ recorded at any time subsequent to the date of the mortgage foreclosure sale.

Sec. 148. Minnesota Statutes 2004, section 580.17, is amended to read:

580.17 AFFIDAVIT OF COSTS.

Within ten days after the filing for record of the certificate of sale, the party foreclosing, or the party's attorney, shall make and ~~file for record~~ with the county recorder an affidavit containing a detailed bill of the costs and disbursements of the foreclosure, including attorney's fees, and setting forth that the same have been absolutely and unconditionally paid or incurred. Costs and disbursements shall be allowed as provided in section 549.04.

Sec. 149. Minnesota Statutes 2004, section 580.23, subdivision 4, is amended to read:

Subd. 4. **WAIVER; 12-MONTH REDEMPTION FOR AG USE.** A mortgagor, before or at the time of granting a mortgage executed on or after August 1, 1994, may waive in writing the mortgagor's right under subdivision 2, clause (6), to have a 12-month redemption period based upon the premises being in agricultural use as of the date of execution of the mortgage. The written waiver must be either a document separate from the mortgage or a separately executed and acknowledged addendum to

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the mortgage on a separate page. If the written waiver is a separate document, it must be in recordable form and must either recite the recorded ~~or~~ filed document number of the mortgage or recite the names of the mortgagor and mortgagee, the legal description of the mortgaged property, and the date of the mortgage. If the written waiver is a separate document, it must be recorded in the office of the county recorder or ~~filed in the office of the registrar of titles~~ no later than ten days after the recording ~~or filing~~ of the mortgage. Where there is a waiver of the rights under subdivision 2, clause (6), the redemption period in subdivision 1 applies.

Sec. 150. Minnesota Statutes 2004, section 580.24, is amended to read:

580.24 REDEMPTION BY CREDITOR.

(a) If no redemption is made by the mortgagor, the mortgagor's personal representatives or assigns, the most senior creditor having a legal or equitable lien upon the mortgaged premises, or some part 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 the order of priority of their respective liens, within seven days after the time allowed the prior lienholder by paying the amount required under this section. However, no creditor is entitled to redeem unless, within the period allowed for redemption by the mortgagor, the creditor:

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

(2) ~~files for record~~ records in each office where the notice is ~~filed~~ recorded 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~~ recorded 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:

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- (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. 151. Minnesota Statutes 2004, section 580.29, is amended to read:

580.29 HOLDER OF JUNIOR MORTGAGE MAY PAY DEFAULT IN PRIOR MORTGAGE.

Any person who has a mortgage lien upon any land against which there exists a prior mortgage may pay any taxes or assessments on which any penalty would otherwise accrue, and may pay the premium upon any policy of insurance procured in renewal of any expiring policy upon mortgaged premises, and may, in case any interest upon any prior or superior lien is in default, or any part of the principal shall become due, or amortized installment which may be in default upon any such prior lien, pay the same, and all such sums so paid shall become due upon such payment and be a part of the debt secured by such junior mortgage, shall bear interest from date of payment at the same rate as the indebtedness secured by such prior lien, and shall be collectible with, as a part of, and in the same manner as, the amount secured by such junior mortgage. Such payments shall be proved by the affidavit of the junior mortgagee, the junior mortgagee's agent or attorney, stating the items and describing the premises, and a copy must be filed for record recorded with the county recorder.

Sec. 152. Minnesota Statutes 2004, section 600.21, is amended to read:

600.21 COPIES OF RECORD OF DEATH; RECORDATION.

In all cases of joint tenancy in lands, and in all cases where any estate, title interest in, or lien upon, lands, has been or may be created, which estate, title interest, or lien was, or is, to continue only during the life of any person named or described in the instrument by which such estate, title, interest, or lien was created, a copy of the record of the death of any such joint tenant, or of the person upon whose life such estate, title, interest, or lien was, or is, limited, duly certified by any officer who is required by the law of the state or country in which such record is made, to keep a record of the death of persons occurring within the jurisdiction of such officer, may be recorded in the office of the county recorder or registrar of titles of the county in which such lands are situated, and such certified copy or such record thereof in such office, or a duly certified copy of such last mentioned record, shall be prima facie evidence of the death of such person and the termination of such joint tenancy and of all such estate, title, interest, and lien as was, or is, limited upon the life of such person. When a certified copy of such death record is attached to an affidavit of survivorship the same shall, prior to recordation in the office of the county recorder or registrar of titles, be presented to the county auditor of the county wherein such estate, title, interest, or lien

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is situated and the county auditor shall note the transfer on the books and shall inscribe upon the instrument over the auditor's official signature the words "Transfer entered." Until so presented and indication made thereon, said instrument shall not be entitled to record in the office of the county recorder or registrar of titles of said county.

Sec. 153. REPEALER.

Minnesota Statutes 2004, sections 386.183; 386.34; 386.53; and 580.16, are repealed.

Presented to the governor March 3, 2005

Signed by the governor March 7, 2005, 10:30 a.m.

CHAPTER 5—S.F.No. 225

An act relating to highways; authorizing turnback of Legislative Route No. 268 in Pipestone County; repealing Minnesota Statutes 2004, section 161.115, subdivision 199.

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

Section 1. REPEALER; HIGHWAY CHANGE; EFFECTIVE DATE; REVISOR INSTRUCTION; LEGISLATIVE ROUTE NO. 268 REMOVED.

(a) Minnesota Statutes 2004, section 161.115, subdivision 199, is repealed effective the day after the commissioner of transportation issues a notice of transfer transferring jurisdiction of Legislative Route No. 268 to Pipestone County and notifies the revisor of statutes under paragraph (b).

(b) The revisor of statutes shall delete the route identified in paragraph (a) from Minnesota Statutes when the commissioner of transportation sends notice to the revisor in writing informing the revisor of the effective date and that the conditions required to transfer the route are satisfied.

Presented to the governor March 3, 2005

Signed by the governor March 7, 2005, 10:47 a.m.

CHAPTER 6—S.F.No. 685

An act relating to highways; amending description of Legislative Route No. 143; amending Minnesota Statutes 2004, section 161.115, subdivision 74.

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

New language is indicated by underline, deletions by strikeout.