

retains a power of appointment by will, or a power of revocation or consumption over the principal thereof, shall at the election of his surviving spouse be treated as a testamentary disposition so far as the surviving spouse is concerned to the extent to which the power has been reserved, but the right of the surviving spouse shall be subject to the rights of any income beneficiary whose interest in income becomes vested in enjoyment prior to the death of the conveyor. The provisions of this section shall not apply to any contract of life insurance purchased by a decedent whether payable in trust or otherwise.

The rights of a surviving spouse created by this section shall not give rise to any right, claim, or cause of action against any person who pays over, delivers or transfers title to any asset in reliance upon the terms of any conveyance, deposit contract or other agreement upon the death of the conveyor without prior notice in writing given to such person of the election of such surviving spouse to treat such conveyance, deposit contract, or other agreement as a testamentary disposition.

A spouse's rights as against the person to whom assets were initially conveyed by decedent under the aforementioned sections shall be preserved in all events even though the assets cannot be recovered for the reason that they have been transferred to a third party. The value of said assets shall be accounted for by such person to the court to the extent that the spouse had a potential interest therein and the court shall determine the spouse's rights and grant equitable relief only as against the person to whom the assets were initially conveyed by decedent and succeeded to upon his death, unless the required notice is given.

In the case of real estate, a notice of lis pendens shall be filed in the office of the register of deeds as to abstract property, and with the registrar of titles as to registered property, in the county wherein the property is located, giving the name and address of the surviving spouse, containing a brief statement of the nature and extent of the interest claimed, legal description of the real estate involved, and the title and venue of the case wherein such rights are being determined.

Approved May 25, 1971.

CHAPTER 484—S.F.No.21

An act relating to estates of decedents; guardianships; reducing to five years the time after the closing of a probate court file for

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which a clerk of probate court must preserve original document; amending Minnesota Statutes 1969, Section 525.091, Subdivision 1.

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

Section 1. Minnesota Statutes 1969, Section 525.091, Subdivision 1, is amended to read:

525.091 PROBATE PROCEDURE; CLOSING OF FILE; TIME; DESTRUCTION AND REPRODUCTION OF PROBATE RECORDS. Subdivision 1. *The clerk of probate court of any county upon order of the probate judge may destroy all the original documents in any proceeding of record in his office ~~10~~ five years after the file in such proceeding has been closed provided the original or a Minnesota State Archives Commission approved photographic, photostatic, microphotographic, microfilmed, or similarly reproduced copy of the original of the following enumerated documents in the proceeding are on file in his office.*

Enumerated original documents:

(a) *In estates, the jurisdictional petition and proof of publication of the notice of hearing thereof; will and certificate of probate; letters; inventory and appraisal; inheritance tax return or schedule of non-probate assets; inheritance tax return waiver or self assessed inheritance tax return; orders directing and confirming sale, mortgage, lease, or for conveyance of real estate; order setting apart statutory selection; receipts for federal estate taxes and state inheritance taxes; decrees of distribution; federal estate tax closing letter, consent to discharge by commissioner of taxation and order discharging representative; and any amendment of the listed documents.*

When an estate is deemed closed as provided in clause (d) of this subdivision, the enumerated documents shall include all claims of creditors.

(b) *In guardianships, the jurisdictional petition and order for hearing thereof with proof of service; letters; orders directing and confirming sale, mortgage, lease or for conveyance of real estate; order for restoration to capacity and order discharging guardian; and any amendment of the listed documents.*

(c) *In mental, inebriety, and indigent matters, the jurisdictional petition; report of examination; warrant of commitment; notice of discharge from institution, or notice of death and order for restoration to capacity; and any amendment of the listed documents.*

(d) *Except for the enumerated documents described in this subdivision, the clerk of probate court may destroy all other original documents in any proceeding without retaining any reproduction of the document. For the purpose of this subdivision, a proceeding in*

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the probate court is deemed closed if no document has been filed in the proceeding for a period of 15 years, except in the cases of wills filed for safe-keeping and those containing wills of decedents not adjudicated upon.

Approved May 25, 1971.

CHAPTER 485—S.F.No.344

[Coded in Part]

An act relating to basic sciences and physicians and surgeons, osteopaths; amending Minnesota Statutes 1969, Sections 146.12; 147.02, Subdivision 1; 147.09; and 147.10; amending Minnesota Statutes 1969, Chapter 147, by adding a section; and repealing Minnesota Statutes 1969, Section 147.02, Subdivision 3.

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

Section 1. Minnesota Statutes 1969, Section 146.12, is amended to read:

146.12 BASIC SCIENCES; LICENSES. No examining board for any branch or system of healing, now existing or hereafter established, shall admit to its examinations or license or register any applicant for examination by such board unless such applicant first presents to it a certificate of registration in the basic sciences, or unless such applicant is an applicant for licensure under chapter 147, in which case such applicant must present to the Minnesota state board of medical examiners a certificate of registration in the basic sciences at any time prior to licensure. Any such board shall not require of the applicant another examination in any of the basic sciences.

Sec. 2. Minnesota Statutes 1969, Section 147.02, Subdivision 1, is amended to read:

147.02 EXAMINATION; LICENSING; REVOCATION. Subdivision 1. **EXAMINATION.** A person not authorized to practice medicine in the state and desiring so to do shall apply to the secretary of the state board of medical examiners for examination and pay a fee of \$75 for the use of the board, which in no case shall be refunded. At a time appointed, or at the next regular examination, he shall prove (a) that he is of good moral character, and (b) that he is either a graduate of a medical or osteopathic school approved by the board after a study of its curriculum, faculty, facilities, accreditation, and other relevant data, or is currently enrolled in the final year of study

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