

"All described lands lying in St. Anthony City as shown on plats recorded and on file in the office of the Register of Deeds, County of Hennepin, State of Minnesota.

"The parcel of land above described in this section shall be conveyed by quit claim deed."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 25, 1929.

CHAPTER 378—S. F. No. 1128

An act to legalize mortgage foreclosure sales heretofore made.

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

Section 1. **Mortgage Foreclosures legalized.**—Every mortgage foreclosure sale by advertisement heretofore made in this state, under power of sale in the usual form contained in any mortgage duly executed and recorded in the office of the register of deeds or registered with the registrar of titles of the proper county of this state, together with a record of such foreclosure sale, is hereby legalized and made valid and effective to all intents and purposes, as against either or all of the following objections, viz:

1. That prior to the foreclosure or attempted foreclosure no registration tax or not sufficient registration tax according to law had been paid on the mortgage attempted to be foreclosed.

2. That where the mortgaged premises were not occupied by any person living on the said premises, and the sheriff or his duly appointed and qualified deputy of the proper county, made and returned an affidavit that at least four weeks before the time appointed for the sale of the land and the premises described in the mortgage and the printed notice, he attempted to make service of the said notice of foreclosure sale upon the person in possession of said land and premises; and at said time and for some time prior thereto, said premises were wholly vacant and unoccupied; but that such notice of foreclosure sale was not served upon other persons who were not living, nor at any time had lived upon the premises and who were

not the owners of the premises described in the mortgage but who had used a part of the premises for haying or for other purposes during the calendar year preceding the calendar year in which the affidavit of vacancy was made.

3. That the notice of foreclosure sale did not specify the amount of the taxes paid by the mortgagee prior to the date of such notice, or that the premises would be sold to pay the taxes, if any, thereon, where the amount for which the premises were sold, at such sale, included all the taxes paid by the mortgagee prior thereto.

3A. That the notice of mortgage foreclosure sale of the premises, described in the notice was not served on the occupants of the premises, as such, where the notice was personally served on the mortgagors at least 4 weeks prior to appointed time of sale.

4. That the notice of sale was published for six times but not for six full weeks prior to date of sale or that the sale thereunder was held before one week had elapsed after the last and sixth publication had been made.

5. That the notice of sale omitted to state when the mortgage was recorded or registered, or incorrectly stated the date of such recording or registering.

6. That the notice of sale did not state or failed to state the correct amount due or claimed to be due and in default and that the full and correct amount due is incorrectly stated in the certificate of sale or sheriff's affidavit.

7. That the notice of mortgage foreclosure sale correctly stated the date of the week, the date of the month and the hour and place of sale and was correctly published but omitted to state the year in which the sale was to be held.

8. That the mortgage had been assigned and finally reassigned to the mortgagee, all assignments being of record in the office of register of deeds of the proper county before the commencement of the foreclosure, and the foreclosure made by the last assignee, as mortgagee, but that the notice of foreclosure sale and the foreclosure sale record omitted to mention or describe any of such assignments.

9. Where the notice of sale was dated on the date of the maturity of the mortgage, but publication of such notice was not commenced until some time subsequent thereto.

10. That the power of attorney to foreclose such mortgage provided for by Section 9606, General Statutes 1923, had not been executed and recorded prior to such foreclosure sale as provided by law,

or had been executed prior to such foreclosure sale but not recorded until after such sale.

11. That the power of attorney to foreclose the mortgage given by a corporation mortgagee was filed for record without its corporate seal being affixed thereto.

12. That the power of attorney to foreclose the mortgage provided for by Section 9606, General Statutes 1923, did not refer to the book or the page of record thereof in the office of the register of deeds where the same is of record, or otherwise definitely described and identify the mortgage authorized to be foreclosed.

13. That the acknowledgment of the execution of the power of attorney to foreclose the mortgage by the mortgagee or assignee or by the officers of the mortgagee or assignee, if a corporation, was taken and certified by the person or one of the persons to whom such power was granted, and/or the power of attorney was witnessed by one or more of the persons to whom such power was granted.

14. That the power of attorney to foreclose the mortgage provided by Section 9606, General Statutes of Minnesota for 1923, although correctly giving the book and page number of the record of said mortgage, failed to state that said mortgage was recorded in the office of the register of deeds or otherwise definitely describe and identify the mortgage authorized to be foreclosed.

15. That the power of attorney to foreclose the mortgage provided for by Section 9606, General Statutes 1923, was executed by the mortgagee or assignee before there was a default and the power of sale therein contained had become operative.

16. That the power of attorney to foreclose such mortgage was witnessed by but one witness.

17. That in the affidavit of publication the affidavit shows that the notice has been duly published six weeks prior to the day of sale, but the date of the first publication being incorrectly stated in such affidavit, so that according to that date a six weeks' publication would be impossible.

18. That the affidavit of publication is dated prior to the date of the last publication of the notice.

19. That one of the regular publication days for a notice of mortgage foreclosure sale fell upon any legal holiday, or that the mortgage foreclosure sale was held upon any legal holiday.

20. That several distinct and separate and not contiguous parcels of land were sold together as one parcel and to one bidder for one bid for the whole as one parcel.

21. That the sheriff's certificate of mortgage foreclosure sale executed under and by virtue of Section 9613, General Statutes 1923, and any certificate executed to supplant or correct a defective certificate executed under said section has not been executed, proved or acknowledged or recorded within 20 days after such sale as provided by law, but has been executed, proved or acknowledged and recorded after the expiration of said 20 days.

22. That the foreclosure was made by an executor or administrator, with will annexed, appointed in another state, who did not file an authenticated copy of his letters or other record of his appointment with the register of deeds of the proper county prior to the commencement of the foreclosure, provided that such copy has been filed in such office prior to the sale.

23. That the mortgage so foreclosed was assigned one or more times and said assignments duly recorded in the office of the register of deeds of the proper county before the commencement of said foreclosure, and said mortgage was foreclosed by the assignee of record and the actual owner of said mortgage, but that the notice of said foreclosure sale and the foreclosure sale record failed to state the names of one or more of said assignees and that said assignee and actual owner of said mortgage whose name was subscribed to said notice was there stated to be the mortgagee instead of the assignee of the mortgage.

24. That the date of execution and acknowledgment of the affidavit of costs was incorrectly stated.

Sec. 2. **Application**—The provisions of this act shall not affect any action or proceeding now pending or commenced before July 1, 1929, in any of the courts of this state.

Approved April 25, 1929.

CHAPTER 379—S. F. No. 1152

An act to enable each city of the first class of this state now or hereafter having a population of 50,000 inhabitants or more including each such city operating under a charter adopted pursuant to the provisions of Section 36, Article 4, of the State Constitution to acquire, either by gift, purchase, devise, condemnation or otherwise in fee simple land, buildings and other structures for a municipal fly-