

States Government, pursuant to Act of Congress approved January 31st, 1931, is to erect a monument and historical tablet on the banks of the Red Lake River at the place known as The Old Crossing, to commemorate the signing of a treaty on October 2nd, 1863, between the United States of America and the Chippewa Indians.

Approved April 20, 1931.

CHAPTER 236—S. F. No. 1185

An act authorizing the conveyance to the city of Granite Falls of the former state fish hatchery property in said city.

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

Section 1. Property conveyed to city of Granite Falls.—The maintenance of the state fish hatchery on the bank of the Minnesota River in the city of Granite Falls having been discontinued, and the state having no further use therefor, the governor and the state auditor are hereby authorized and directed to convey by proper deed to said city all the real estate owned by the state whereon said hatchery was situated, together with all rights and easements appurtenant thereto.

Approved April 20, 1931.

CHAPTER 237—S. F. No. 1190

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

2. That the power of attorney to foreclose the mortgage was witnessed, and the acknowledgement of the execution of the same by the mortgagee or by the officers of the mortgagee, if a corporation, was taken by the person, to whom such power was granted.

3. That the power of attorney to foreclose said 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, provided such power of attorney is executed and recorded in the proper office prior to the passage of this act.

4. That the power of attorney to foreclose the mortgage provided for by Mason's Minnesota Statutes of 1927, Section 9606, was executed by the mortgagee or assignee before there was default and the power of sale therein contained had become operative.

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

6. That the notice of sale as published properly described the property to be sold in one or more of the publications thereof but failed to do so in the other publications thereof, the correct description having been contained in the copy of said notice served on the occupant of said premises.

7. That the notice was published for six full weeks and the mortgage sale was postponed and the original notice, together with notice of postponement, was regularly published in one issue of the same newspaper immediately succeeding the last publication of the

original notice, but no notice was published in the issue of the said newspaper intervening between the first publication of said postponement and the postponed date of sale.

8. That the notice of mortgage foreclosure sale correctly stated the day of the month and hour and place of sale but named a day of the week which did not fall on the date given for such sale.

9. That the notice of sale correctly described the real estate but omitted the county and state in which said real estate is located.

10. That the notice of sale did not state the amount due or failed to state the full and correct amount due or claimed to be due.

11. That the notice of sale described the municipality in which the sale was to take place as a city instead of a village; or village instead of city.

12. That the notice of sale did not give the date of such notice.

13. That notice upon the occupant of the mortgaged premises was actually served more than four weeks before the foreclosure but that the affiant's signature was omitted from the affidavit of such service, but that a proper affidavit of such service has been filed prior to the passage of this act.

14. That the notice of foreclosure was published six full weeks in a legal paper, although, the affidavit of publication stated that the publication began later than the time the actual publication occurred.

15. That the notice of sale was published for six insertions in a weekly paper but the printer's affidavit through error shows but five insertions, or that the sale was on the date of the sixth insertion.

16. That the notice of sale failed to specify the due date of such mortgage.

17. That first publication of notice of mortgage foreclosure stated that sale would be made by sheriff in his office in the court house, and the sheriff of said county having no office in the court house the five subsequent publications were amended to state that such foreclosure sale would be made by the sheriff at the front door of the court house, and that such sale was made pursuant to said amended notice.

18. That the notice of mortgage foreclosure sale was signed by the name of the mortgagor, a corporation, by an officer or agent without the designation of the office or agency of such person appearing as a part of such corporate signature, but the corporate seal of such corporation mortgagor was affixed as a part of such signature to said notice of mortgage foreclosure sale.

19. That the affidavit of costs of said mortgage foreclosure sale was not filed or recorded within the time required by law, but has been filed prior to the passage of this act.

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 no authenticated copy of the order appointing or letters issued by the probate court to a representative or guardian of the estate of the mortgagor or his assignee, was filed and recorded in the office of the register of deeds where the mortgage is of record, provided such order or letters have in fact been recorded in the proper office prior to the passage of this act.

22. That said mortgage was assigned by final decree of a probate court in which decree the mortgage was not properly and fully described.

23. That the sale was made at the place or time which the notice of sale provided, but the Sheriff's Certificate stated that said sale was made at a different time or place.

24. That the Sheriff's Certificate of Sale together with the accompanying affidavits and return of service were not filed or recorded within twenty days after the date of sale but have been filed or recorded prior to the passage of this act.

25. That the hour of sale was omitted from the notice of sale, or from the sheriffs' certificate of sale, of the mortgaged premises.

26. That prior to the foreclosure or attempted foreclosure, no registration tax was paid, but has been paid prior to the passage of this act, or not sufficient registration tax according to law had been paid on the mortgage attempted to be foreclosed.

27. That the date of the mortgage or any assignment thereof or the date, the month, the day, hour, book and page, or document number of the record or filing of the mortgage or any assignment

thereof, in the office of the Register of Deeds or registrar of titles is incorrectly stated in the notice of sale or in any of the foreclosure papers, affidavits or instruments.

28. That the affidavit of publication incorrectly stated the time that the publication actually occurred.

29. 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.

30. That the attorney foreclosing was the husband or wife of the holder of such mortgage, as mortgagee, assignee or mortgagee or otherwise.

31. That foreclosure record was not filed in proper office prior to expiration of 15 years from due date of such mortgage, if sale was in fact made prior to such 15 year period.

32. That the notice of the pendency of the suit or proceedings to enforce or foreclose the mortgage as provided in Section 8303, Mason's Minnesota Statutes of 1927, has not been filed with the Registrar of Titles and a memorial thereof entered on the register at the time of or prior to the commencement of such action or proceeding, or that no such notice was filed at any time.

33. That notice upon the occupant of the mortgaged premises was actually made four weeks before the foreclosure sale, but that no affidavit of service was filed, or that the affidavit was erroneously executed, but a proper affidavit has been filed prior to the passage of this act.

34. That said mortgage so foreclosed, was assigned one or more times and said assignments duly recorded in the office of the register of deeds 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 the actual owner of said mortgage whose name was subscribed to said notice was therein stated to be the mortgagee instead of the assignee of mortgagee.

35. That the power of attorney to foreclose the same, provided for by chapter 262 of the General Laws of Minnesota for the year 1897, has been acknowledged before a notary public who is the

same person named as the attorney authorized to make such foreclosure, and which attorney has signed as witness to the signature of the person who executed such power of attorney.

36. That the power of attorney to foreclose a real estate mortgage constituting part of the assets of the estate of a deceased person was signed by the representative of the estate as an individual, rather than in a representative capacity.

37. That the initials of one of the mortgagors was set out in reverse order in the notice of mortgage foreclosure sale, but was correctly stated in the power of attorney and sheriff's certificate of sale.

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

Approved April 20, 1931.

CHAPTER 238—S. F. No. 1308

An act to amend Mason's Minnesota Statutes of 1927, Section 7753-1, relating to contingent or reserve funds of building and loan associations.

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

Section 1. **Reserve fund of building and loan association.**—That Mason's Minnesota Statutes of 1927, Section 7753-1, be amended to read as follows:

"7753-1. Every association shall accumulate a fund to be known as a contingent or reserve fund by setting aside each semi-annual accounting period at least two per cent of its net earnings until the fund shall ultimately be equal to at least five per centum of its accumulated capital and to at least fifty per centum of the book value of all real estate owned by it. Such fund shall not be available for the payment of current expenses so long as the association has undivided profits. It shall not be available for the payment of dividends; but any association may charge against such