

CHAPTER 281

REDEMPTION FROM REAL ESTATE TAX SALES

<p><b>Sec.</b>                  281.01 Who may redeem from tax sale; when                  281.02 Amount payable                  281.03 Auditor's certificate                  281.04 Redemption by persons under disability                  281.05 Redemption when owner dies                  281.06 Undivided part                  281.07 Undivided share                  281.08 Specific part                  281.09 Specific part of undivided part                  281.10 Auditor to determine proportion                  281.11 Taxpayer may pay taxes on part                  281.12 Land held jointly                  281.13 Notice of expiration of redemption                  281.14 Expiration of time for redemption                  281.15 Redemptions from tax sales                  281.16 Stated period of redemption                  281.17 Period of redemption extended to July 1, 1936                  281.18 Lands may be redeemed                  281.19 Who may redeem                  281.20 To what sales applicable                  281.21 Notice of expiration of redemption                  281.22 County auditor to give notice                  281.23 Notice                      Subd.                          1. Duty of auditor                          2. May cover parcels bid in at same tax sale                          3. Publication                          4. Proof of publication                          5. Service by sheriff                          6. Expiration of time for redemption                          7. Cost                          8. Certificate                  281.24 Land subject to assignment                  281.25 Titles to be held in trust by the state                  281.26 Notice                  281.27 Law repealed                  281.28 Agents, service of notice of expiration of redemption upon                  281.29 Statement to be filed with county auditor                  281.30 Service                      Subd.                          1. On resident agents                          2. Not to supersede other notices                  281.31 Failure to serve notice to extinguish lien                  281.32 Limitation of time for filing certificate                  281.33 Redemption, when expires                  281.34 Fees for notice</p>	<p><b>Sec.</b>                  281.35 Fraud in the service; limitation for bringing action                  281.36 Interest on purchase money                  281.37 Interest when land not in list                  281.38 Redemption money to purchaser; lost certificate                  281.39 Time for redemption from tax sale extended in certain cases                  281.40 May redeem part of tract                  281.41 Owner to have option to repurchase land sold for taxes                  281.42 Partial payment for land                  281.43 Termination of option                  281.44 Conveyance of land by state                  281.45 Occupants not to be evicted, when                  281.46 Application of sections 281.41 to 281.45                  281.47 Delinquent taxes; confession of judgment; payment with penalties or interest; offer and waiver by owner                  281.48 Waiver of penalties and interest; suspension of execution; satisfaction                  281.49 Receipt for deferred instalments; duplicate; distribution of taxes collected                  281.50 Fees of clerk of district court                  281.51 Application and effect of sections 281.16 to 281.27                  281.52 Additional clerks for county auditor                  281.53 Grounds for repurchase                  281.54 Other grounds for repurchase                  281.55 Repurchase after forfeiture; price; special assessments reinstated; interest                  281.56 Instalment payments; time for; current taxes                  281.57 Lease prior to repurchase                  281.58 Payments to county treasurer; disposition of proceeds                  281.59 Purchaser of lands after forfeiture to state                  281.60 Lands within game preserves and conservation areas                  281.61 Timber not to be cut prior to payment of purchase price                  281.62 Certain sales not made after September 1, 1937                  281.63 Sale of lands by heirs                  281.64 Purchaser may complete contract with state                  281.65 Disposal of proceeds                  281.66 Agreements for repurchase of tax forfeited lands may be reinstated                  281.67 County board to act on petition</p>
---	--

**281.01 WHO MAY REDEEM FROM TAX SALE; WHEN.** Any person claiming an interest in any parcel of land sold for taxes at a tax sale, or bid in by the state at any such sale, and held or assigned by it subsequent to such sale, may redeem the same within the time and in the manner in this chapter provided.

[R. L. s. 945] (2151)

**281.02 AMOUNT PAYABLE.** Any person redeeming any parcel of land shall pay into the county treasury, for the use of the funds or person thereto entitled:

(1) If such parcel was bid in for the state and its right has not been assigned, the amount for which the same was bid in, with interest at 12 per cent per annum from the date of sale, and the amount of all delinquent taxes, penalties, costs, and interest thereon at such rate from and after the time when such taxes become delinquent;

(2) If the right of the state has been assigned pursuant to section 280.11, the amount paid by the assignee, with interest at 12 per cent per annum from the day when so paid, and all unpaid delinquent taxes, interest, costs, and penalties accruing subsequently to such assignment; and if the assignee has paid any delinquent taxes, penalties, costs, or interest accruing subsequently to the assignment, the amount so paid by him, with interest at 12 per cent per annum from the day of such payment;

(3) If such parcel was sold to a purchaser, the amount paid by such purchaser, with interest at the rate for which such parcel was sold, and all unpaid delinquent

# MINNESOTA STATUTES 1941

## 281.03 REDEMPTION FROM REAL ESTATE TAX SALES

2074

taxes, interest, costs, and penalties accruing subsequently to such sale; and, if the purchaser has paid any delinquent taxes, penalties, costs, or interest accruing subsequently to the sale, the amount so paid by him, with interest at the rate of 12 per cent per annum from the date of such payment;

(4) If the right of the state has been assigned pursuant to section 280.11; or, if such parcel was sold to the purchaser and the certificate of such assignment or purchase shall be presented to the county auditor by the owner thereof for cancellation, the auditor shall cancel such certificate and mark opposite the description of the piece or parcel, described in such certificate upon the judgment book, and tax list for the year or years covered by such certificate, the words, "redeemed by cancelation of certificate."

[R. L. s. 946; 1909 c. 339 s. 1] (2152)

**281.03 AUDITOR'S CERTIFICATE.** The county auditor shall certify to the amount due on such redemption, and, on payment of the same to the county treasurer, he shall make duplicate receipts for the certified amount, describing the property redeemed, one of which shall be filed with the auditor. Such receipts shall be governed by the provisions of this chapter regulating the payment of current taxes and such payment shall have the effect to annul the sale. If the amount certified by the auditor and received in payment for redemption be less than that required by law, it shall not invalidate the redemption, but the auditor shall be liable for the deficiency to the person entitled thereto. On redemption being made, the auditor shall enter upon the copy of the tax judgment book, opposite the description of the parcel redeemed, the word, "redeemed," and shall mail a notice, with postage prepaid, addressed to the person holding the certificate of sale or assignment for which the redemption is made, at his last known post-office address, stating that the redemption has been made, and that the amount thereof is in the county treasury, subject to his disposal.

[R. L. s. 947] (2153)

**281.04 REDEMPTION BY PERSONS UNDER DISABILITY.** Minors, insane persons, idiots, or persons in captivity or in any country with which the United States is at war, having an estate in or lien on lands sold for taxes, of record in the office of the register of deeds of the county where the lands lie, before the expiration of three years from the date of such sale, may redeem the same within one year after such disability shall cease; but in such case the right to redeem must be established in a suit for that purpose brought against the party holding the title under the sale.

[R. L. s. 948] (2154)

**281.05 REDEMPTION WHEN OWNER DIES.** When the owner of lands sold for taxes dies after such sale and before the expiration of the period of redemption, his executor or administrator, or any person interested in his estate as heir, devisee, legatee, or creditor, may redeem from such sale at any time within three years and six months from the date thereof. If such redemption be made by an executor or administrator, he shall at the time thereof produce to the county auditor his letters testamentary or of administration. If made by any other person, he shall make and file with the county auditor an affidavit stating under what right or claim such redemption is made. The auditor shall make and deliver to the person making such redemption a certificate containing the name of the person redeeming, a statement of the claim or right upon which such redemption was made, the amount paid to redeem, a description of the lands redeemed, the date of the sale, and the year in which the taxes for which such sale was made were levied, which certificate shall have the effect to annul such sale, and may be recorded as other deeds of real estate, and with the like effect. If such redemption be made by a creditor, the amount paid to effect such redemption, with interest thereon at the rate of seven per cent per annum, shall constitute a valid claim against the estate of the deceased.

[R. L. s. 949] (2155)

**281.06 UNDIVIDED PART.** Any person claiming an undivided part of any parcel of land sold for taxes may redeem the same on paying such proportion of the amount required for redemption as the part so claimed by him bears to the whole.

[R. L. s. 950] (2156)

**281.07 UNDIVIDED SHARE.** Any person claiming an undivided share in any parcel of land out of which an undivided part has been sold for taxes may redeem

his undivided share by paying such proportion of the amount required for redemption as the undivided share claimed by him bears to such undivided part.

[R. L. s. 951] (2157)

**281.08 SPECIFIC PART.** Any person claiming a specific part of any parcel of land sold for taxes may redeem his specific part by paying such proportion of the amount required for redemption as the value of such specific part bears to the whole.

[R. L. s. 952] (2158)

**281.09 SPECIFIC PART OF UNDIVIDED PART.** Any person claiming a specific part of any parcel of land out of which an undivided part has been sold for taxes charged on the whole parcel may redeem his specific part by paying such proportion of the amount required for redemption as the value of such specific part bears to the value of the whole of such parcel.

[R. L. s. 953] (2159)

**281.10 AUDITOR TO DETERMINE PROPORTION.** When a partial redemption is asked for pursuant to section 281.08 or section 281.09, the county auditor, after notice to all parties interested, shall determine the proportion to be paid by the person applying to redeem and his decision shall be final thereon. Such notice shall be given by delivering a copy of the notice to the party to be notified, or, if he cannot be found in the county, by leaving a copy thereof at his residence or usual place of business therein; but, if he have no such residence or place of business, and cannot be found in the county, of which facts, or either of them, the affidavit of the person appointed by the auditor to give such notice shall be evidence, the auditor shall give two weeks' published notice thereof; the last publication to be not less than ten days prior to the day fixed by the auditor for the determination of such matter. The auditor shall not be required to proceed under this section until the applicant pay to him such sum as shall be reasonably sufficient to reimburse him for expenses necessarily to be incurred by him in giving or publishing such notice.

[R. L. s. 954] (2160)

**281.11 TAXPAYER MAY PAY TAXES ON PART.** Any person holding an interest in a tract of land which forms a part less than the whole of a tract of land as listed for taxation, including mortgagees, lessees, and others, who by law or contract are required or entitled to pay taxes to protect any right, title, interest, claim, or lien held by them in, to, or upon such tract less than the whole so listed, may pay such portion of the taxes assessed against the whole tract of land as may be determined as the proper proportion of such taxes to be apportioned against the lesser tract by the county auditor, after notice to all parties interested given in the manner provided by section 281.10. The county auditor shall give notice as provided by section 281.10, and not less than ten, nor more than 20, days after such notice, shall determine the portion of the tax on the whole tract to be charged to such lesser tract, and any person may pay such portion to the county treasurer, and upon payment to the county treasurer of the amount so charged to such lesser tract the treasurer shall give his receipt for the amount so paid and specify the tract so paid on, and enter on his tax list the name of the person who paid such taxes and the tract on which the tax was so paid, and report to the auditor the payment of such taxes on such tract. Thereupon the tract shall be exempt from proceedings to enforce the collection of the tax against the remaining tract upon which such tax has not been paid and the collection of such tax upon the remaining tract upon which the taxes have not been paid shall be proceeded with in the same manner as to such remaining tract as though it were listed as a separate description.

[1923 c. 344 s. 1] (2161)

**281.12 LAND HELD JOINTLY.** When the land of any person is sold for taxes assessed conjointly on such land and the land of another person, and such other person shall not pay his due proportion, the person whose land is sold may redeem the same by paying the amount required to redeem; and he may recover from such other person whose land was assessed with his a just proportion of the redemption money so paid, with interest from the time of such redemption. Such just proportion and interest shall be a lien upon the land of such other person so sold and, after expiration of the time allowed for redemption, may be collected out of such land by sale thereof, by foreclosure or other proper action or proceeding; provided, that the same shall not be a lien until the person paying the same, his agent or attorney, shall make and file for record with the register of deeds of the county where the

MINNESOTA STATUTES 1941

land lies an affidavit, stating the amount paid by him for which such other person is liable, and that he claims a lien therefor.

[R. L. s. 955] (2162)

281.13 NOTICE OF EXPIRATION OF REDEMPTION. Every person holding a tax certificate after expiration of three years after the date of the tax sale under which the same was issued, may present such certificate to the county auditor; and thereupon the auditor shall prepare, under his hand and official seal, a notice, directed to the person in whose name such lands are assessed, specifying the description thereof, the amount for which the same was sold, the amount required to redeem the same, exclusive of the costs to accrue upon such notice, and the time when the redemption period will expire. If, at the time when any tax certificate is so presented, such lands are assessed in the name of the holder of the certificate, such notice shall be directed also to the person in whose name title in fee of such land appears of record in the office of the register of deeds. The auditor shall deliver such notice to the party applying therefor, who shall deliver it to the sheriff of the proper county for service. Within 20 days after its receipt by him, the sheriff shall serve such notice upon the persons to whom it is directed, if to be found in his county, in the manner prescribed for serving a summons in a civil action; if not so found, then upon the person in possession of the land, and make return thereof to the auditor. If the persons to whom the notice is directed cannot be found in the county, and there is no one in possession of the land, of each of which facts the return of the sheriff so specifying shall be prima facie evidence, the service shall be made by three weeks' published notice, proof of which publication shall be filed with the auditor.

When the records in the office of the register of deeds show that any lot or tract of land is encumbered by an unsatisfied mortgage or other lien, and show the post-office address of the mortgagee or lienee, or if the same has been assigned, the post-office address of the assignee, the person holding such tax certificate shall serve a copy of such notice upon such mortgagee, lienee, or assignee by registered mail addressed to such mortgagee, lienee, or assignee at the post-office address of the mortgagee, lienee, or assignee as disclosed by the records in the office of the register of deeds, at least 60 days prior to the time when the redemption period will expire.

The notice herein provided for shall be sufficient if substantially in the following form:

"NOTICE OF EXPIRATION OF REDEMPTION
Office of the County Auditor

County of \_\_\_\_\_, State of Minnesota.

To.....

You are hereby notified that the following described piece or parcel of land, situated in the county of \_\_\_\_\_, and State of Minnesota, and known and described as follows: .....

is now assessed in your name; that on the \_\_\_\_\_ day of May, \_\_\_\_\_, at the sale of land pursuant to the real estate tax judgment, duly given and made in and by the district court in and for said county of \_\_\_\_\_, on the \_\_\_\_\_ day of March, \_\_\_\_\_, in proceedings to enforce the payment of taxes delinquent upon real estate for the year \_\_\_\_\_ for said county of \_\_\_\_\_, the above described piece or parcel of land was sold for the sum of \$....., and the amount required to redeem such piece or parcel of land from such sale, exclusive of the cost to accrue upon this notice, is the sum of \$....., and interest at the rate of \_\_\_\_\_ per cent per annum from said \_\_\_\_\_ day of \_\_\_\_\_, to the day such redemption is made, and that the tax certificate has been presented to me by the holder thereof, and the time for redemption of such piece or parcel of land from such sale will expire 60 days after the service of this notice and proof thereof has been filed in my office.

Witness my hand and official seal this \_\_\_\_\_ day of .....

(OFFICIAL SEAL)

County Auditor of \_\_\_\_\_ County, Minnesota,"

[R. L. s. 956; 1919 c. 470; 1921 c. 501 s. 1] (2163)

# MINNESOTA STATUTES 1941

2077

## REDEMPTION FROM REAL ESTATE TAX SALES 281.21

**281.14 EXPIRATION OF TIME FOR REDEMPTION.** The time for redemption from any tax sale, whether made to the state or to a private person, shall not expire until notice of expiration of redemption, as provided in section 281.13, shall have been given.

[1905 c. 270 s. 1] (2164)

**281.15 REDEMPTIONS FROM TAX SALES.** Right of redemption from any sale for delinquent taxes shall continue for a period of 12 months after proof of service, in the manner required by law, of a notice of expiration of the time within which redemption can be made, has been filed in the office of the auditor of the county in which such sale is made.

[1933 c. 366 s. 1] (2164-1)

**281.16 STATED PERIOD OF REDEMPTION.** The term "stated period of redemption," as used in sections 281.16 to 281.27, means the period of time specified in those sections or in any other law for redemption of lands from any tax judgment sale, including any extension of the period originally prescribed, but not including any further time allowed for redemption on account of requirements for giving notice of expiration.

[1935 c. 278 s. 1] (2164-5)

**281.17 PERIOD OF REDEMPTION EXTENDED TO JULY 1, 1936.** The stated period of redemption of all lands bid in for the state at tax judgment sales heretofore held for taxes for the years 1926, 1927, 1928, and 1929, where such lands have not heretofore been sold or assigned to actual purchasers, is hereby extended to and including July 1, 1936; provided, that if any parcel of such land is actually occupied on such date by any person who has any crop then growing thereon, or theretofore grown thereon during such year, such occupant may remain in possession of such parcel for the purpose of removing such crop, until and including December 1, 1936.

Except as provided in this section, the stated period of redemption of all lands sold to actual purchasers or bid in for the state at tax judgment sales heretofore held shall be as provided by existing laws.

The stated period of redemption of all lands sold to actual purchasers or bid in for the state at any tax judgment sale hereafter held shall be five years from the date of sale.

[1935 c. 278 s. 2] (2164-6)

**281.18 LANDS MAY BE REDEEMED.** Every parcel of land heretofore sold to an actual purchaser or bid in for the state at any tax judgment sale and now subject to redemption, and every parcel of land hereafter sold to an actual purchaser or bid in for the state at any such sale, shall continue subject to redemption until the expiration of the time allowed for redemption after the giving of notice of expiration as provided by law. Upon the expiration of such time absolute title to such parcel, if not theretofore redeemed, shall vest in the state, the purchaser, or its or his assigns, as the case may be.

[1935 c. 278 s. 3] (2164-7)

**281.19 WHO MAY REDEEM.** Redemption of any parcel of land referred to in section 281.18 may be made by any person interested in such parcel in the manner otherwise provided by law.

[1935 c. 278 s. 4] (2164-8)

**281.20 TO WHAT SALES APPLICABLE.** The expiration of the time for redemption of all lands now subject to redemption from sales for delinquent taxes heretofore made and the giving of notice of such expiration shall be governed by the provisions of section 281.15 and other laws in force at the time of the passage of sections 281.16 to 281.27, so far as applicable, in the following cases: where such lands have been sold to actual purchasers at any time before the passage of sections 281.16 to 281.27; where such lands have been bid in for the state at any time before the passage of sections 281.16 to 281.27 and have heretofore been or shall hereafter be assigned to actual purchasers; where such lands were bid in for the state between the passage of section 281.15 and the passage of sections 281.16 to 281.27, whether assigned to actual purchasers or not.

[1935 c. 278 s. 5] (2164-9)

**281.21 NOTICE OF EXPIRATION OF REDEMPTION.** Notice of expiration of the time for redemption of any parcel of lands sold to an actual purchaser at any tax judgment sale hereafter held, or bid in for the state at any such sale and thereafter assigned to an actual purchaser, shall be given and served as provided by section 281.13. Such notice may be issued and served at any time not earlier than

MINNESOTA STATUTES 1941

60 days before the expiration of the stated period of redemption of such parcel from such sale. The time for redemption of any such parcel from such sale shall expire 60 days after the service of such notice and the filing of proof thereof in the office of the county auditor.

[1935 c. 278 s. 6] (2164-10)

281.22 COUNTY AUDITOR TO GIVE NOTICE. In case any parcel of land bid in for the state at any tax judgment sale heretofore held has not been sold or assigned to an actual purchaser by one year before the expiration of the stated period of redemption of such parcel, it shall be the duty of the county auditor thereupon forthwith to give notice of expiration of the time for redemption of such parcel, as herein provided. Subject to the provisions of section 281.20, so far as applicable, such notice shall be given and all other things done with respect to all such parcels, as provided by section 281.23, except that the notice shall state that the time for redemption will expire one year after service of notice and the filing of proof thereof, instead of 60 days. Otherwise, all the provisions of section 281.23 shall apply to and govern the corresponding matters under this section.

The time for redemption of any parcel of land as to which notice of expiration has been given, as provided in this section, shall expire one year after the giving of such notice and the filing of proof thereof in the office of the county auditor, unless such parcel shall theretofore be assigned to an actual purchaser, as herein provided.

[1935 c. 278 s. 7] (2164-11)

281.23 NOTICE. Subdivision 1. Duty of auditor. In case any parcel of land bid in for the state at any tax judgment sale hereafter held has not been sold or assigned to an actual purchaser by 60 days before the expiration of the stated period of redemption of such parcel, it shall be the duty of the county auditor thereupon forthwith to give notice of expiration of the time for redemption of such parcel, as herein provided; provided, that delay in giving such notice shall not affect the validity thereof.

Subdivision 2. May cover parcels bid in at same tax sale. All parcels of land bid in at the same tax judgment sale and having the same stated period of redemption shall be covered by a single posted notice, but a separate notice may be posted for any parcel which may be omitted. Such notice shall be sufficient if substantially in the following form:

"NOTICE OF EXPIRATION OF REDEMPTION
Office of the County Auditor

County of ..., State of Minnesota.
To all persons interested in the lands hereinafter described:

You are hereby notified that the parcels of land hereinafter described, situated in the county of ..., state of Minnesota, were bid in for the state on the ... day of ..., 19..., at the tax judgment sale of land for delinquent taxes for the year 19...; that the descriptions of such parcels and the names of the persons to whom the same are assessed, respectively, are as follows:

Table with 2 columns: Description, Persons to whom assessed

That the time for redemption of such lands from such sale will expire 60 days after service of notice and the filing of proof thereof in my office, as provided by law.

Witness my hand and official seal this ... day of ..., 19...

County Auditor."

(OFFICIAL SEAL)

Such notice shall be posted by the auditor in his office, subject to public inspection, and shall remain so posted until at least one week after the date of the last publication of notice, as hereinafter provided. Proof of such posting shall be made by the certificate of the auditor, filed in his office.

Subdivision 3. Publication. As soon as practicable after the posting of the notice prescribed in subdivision 2 of this section, the county auditor shall cause to be published for three successive weeks in the official newspaper of the county, a notice in substantially the following form:

# MINNESOTA STATUTES 1941

2079

## REDEMPTION FROM REAL ESTATE TAX SALES 281.23

### "NOTICE OF EXPIRATION OF REDEMPTION

Office of the County Auditor

County of ....., State of Minnesota.

Notice is hereby given that the time for redemption of certain lands bid in for the state on the ..... day of ....., 19....., at the tax judgment sale of lands for delinquent taxes for the year 19....., will expire 60 days after service of notice and the filing of proof thereof in my office, as provided by law; that a notice containing a description of said lands and the names of the persons to whom the same are assessed has been posted in my office, subject to public inspection, as required by law.

Dated ....., 19.....

.....  
County Auditor."

**Subdivision 4. Proof of publication.** Proof of publication of such notice affidavit, as provided by law, shall be filed in the office of the county auditor. A single published notice shall be sufficient for all parcels of land bid in at the same tax judgment sale, having the same stated period of redemption, and covered by a notice or notices kept posted during the time of the publication, as hereinbefore provided. As to either service upon persons in possession or return as to vacant lands, the sheriff shall charge mileage only for one trip if the occupants of more than two tracts are served simultaneously, and in such case such mileage shall be prorated and charged equitably against all such owners.

**Subdivision 5. Service by sheriff.** Forthwith after the commencement of such publication the county auditor shall deliver to the sheriff of the county a sufficient number of copies of such published notice for service upon the persons in possession of all parcels of such land as are actually occupied, together with a copy of the posted notice or notices referred to in such published notice. Within 30 days after receipt thereof, the sheriff shall make such investigation as may be necessary to ascertain whether the parcels covered by such notice are actually occupied or not, and shall serve a copy of such published notice upon the person in possession of each parcel found to be so occupied, in the manner prescribed for serving summons in a civil action. The sheriff shall make prompt return to the auditor as to all notices so served and as to all parcels found vacant and unoccupied. Such return shall be made upon a copy of such published notice and of the posted notice or notices covered thereby and shall be prima facie evidence of the facts therein stated. Unless compensation for such services is otherwise provided by law, the sheriff shall receive from the county, in addition to his other compensation prescribed by law, such fees and mileage for service on persons in possession as are prescribed by law for such service in other cases, and shall also receive such compensation for making investigation and return as to vacant and unoccupied lands as the county board may fix, subject to appeal to the district court as in case of other claims against the county.

**Subdivision 6. Expiration of time for redemption.** The time for redemption of any parcel of land as to which notice of expiration has been given, as provided in subdivisions 2 and 3 of this section, shall expire 60 days after the giving of such notice and the filing of proof thereof in the office of the county auditor, unless such parcel shall theretofore be assigned to an actual purchaser, as hereinafter provided.

**Subdivision 7. Cost.** The cost of giving notice, as provided by subdivisions 2 and 3 of this section, shall be paid by the county.

**Subdivision 8. Certificate.** After the time for redemption of any lands shall have expired after notice given as provided in subdivisions 2 and 3 of this section, the county auditor shall execute a certificate describing the lands, specifying the tax judgment sale at which the same were bid in for the state, and stating that the time for redemption thereof has expired after notice given as provided by law and that absolute title thereto has vested in the State of Minnesota. Such certificate shall be recorded in the office of the register of deeds and thereafter filed in the office of the county auditor, except that in case of registered land such certificate shall be filed in the office of the registrar of titles and a duplicate filed in the office of the county auditor. Such certificate and the record thereof shall be prima facie evidence of the facts therein stated, but failure to execute or record or file such

# MINNESOTA STATUTES 1941

## 281.24 REDEMPTION FROM REAL ESTATE TAX SALES

2080

certificate shall not affect the validity of any proceedings hereunder respecting such lands or the title of the state thereto.

[1935 c. 278 s. 8] (2164-12)

**281.24 LAND SUBJECT TO ASSIGNMENT.** Every parcel of land heretofore bid in for the state at any tax judgment sale and not heretofore sold or assigned to an actual purchaser, and every parcel of land hereafter bid in for the state at any such sale, unless redeemed, shall remain subject to assignment to an actual purchaser in the manner provided by law until the expiration of the stated period of redemption of such parcel, but no longer. In case any such parcel shall be so assigned after notice of expiration of redemption has been given by the county auditor, such notice shall be ineffectual as to such parcel and the time for redemption of such parcel shall continue until terminated after notice given as in other cases of parcels assigned to actual purchasers. In the case of those tracts entitled to the benefit of one year's notice of expiration of the period of redemption such one-year period shall not be shortened by reason of any sale or assignment of the tax judgment or certificate covering such tract.

[1935 c. 278 s. 9] (2164-13)

**281.25 TITLES TO BE HELD IN TRUST BY THE STATE.** Except as otherwise provided by law, the title to every parcel of land acquired by the state, as provided by sections 281.16 to 281.27, shall be held by the state in trust for the respective taxing districts interested in the taxes, assessments, penalties, interest, and costs accrued against such parcel at the time of such acquisition in proportion to the respective interests of such taxing districts therein.

[1935 c. 278 s. 10] (2164-14)

**281.26 NOTICE.** The language required by Laws 1927, Chapter 119, Section 3, as amended by Laws 1929, Chapter 415, Section 3, to be contained in the notice attached to the delinquent tax list shall not hereafter be included in such notice.

[1935 c. 278 s. 11] (2164-15)

**281.27 LAW REPEALED.** Section 281.15 is hereby repealed except so far as hereinbefore expressly continued in force. All acts and parts of acts repealed, superseded, modified, or amended by section 281.15 are hereby revived and restored to full force and effect in so far as they would now be in force if section 281.15 had not been enacted; subject to the provisions of any applicable laws not inconsistent herewith.

[1935 c. 278 s. 12] (2164-16)

**281.28 AGENTS, SERVICE OF NOTICE OF EXPIRATION OF REDEMPTION UPON.** Any person or corporation having any right, title, or interest in or to any land or real property in this state may file, or cause to be filed, in the office of the auditor of the county in which such land or real property is situated a statement, in writing, containing: first, the name of the person or corporation having such right, title, or interest; second, a description of the land or real property in which such right, title, or interest is had; and, third, the designation of some person who is a resident of such county, or of some corporation which has an office or place of business within such county, upon whom or upon which a personal service may be made of notices of the expiration of the period of redemption of land or real property from tax sales. Each such statement shall be signed by the person or corporation having such right, title, or interest or by any agent or attorney of such person or corporation, but need not specify the nature of such right, title, or interest.

[1917 c. 388 s. 1] (2165)

**281.29 STATEMENT TO BE FILED WITH COUNTY AUDITOR.** Each such statement so filed in the office of the county auditor in this state shall be immediately numbered and filed in his office by such auditor consecutively in the order in which it is received and he shall, at the same time, enter consecutively in the order in which such statement is received, in a book to be kept by him for that purpose, first, the file number of such statement; second, the date when such statement is received and filed by him; third, the name of the person or corporation named in such statement as having some right, title, or interest in land or real property, with the post-office address of such person or corporation, if given in such statement; and, fourth, the name of the person or corporation named in such statement as the one upon whom or upon which a personal service of notice may be made. At the same time the auditor shall enter the file number of such statement in his real estate transfer book or books under each piece or parcel of land described in such statement. For the duties required of the auditor by sections 281.28 to 281.30 he shall be paid, for

his own use and as an additional emolument of his office, by the person presenting such statement to be filed, a fee of 25 cents for each piece or parcel of land described in such statement. Each such statement shall cease to be valid and effectual as such for any and all purposes of sections 281.28 to 281.30 at the expiration of five years from the date of its filing, or when the person named therein as the one upon whom a personal service of notices may be made dies or ceases to be a resident of such county, or when the corporation named therein as the one upon which a personal service of notices may be made ceases to have an office or place of business within such county. The person or corporation named in a statement filed under the provision of sections 281.28 to 281.30 as having such right, title, or interest may file in the same office in which such statement is filed an instrument releasing any particular piece or parcel of land or real property described in such statement from the effect of such statement, such releasing instrument to be executed with the same formalities as are necessary to entitle conveyances of real estate to record. Such releasing instrument shall be, by the auditor, immediately attached to and filed with such statement affected thereby. Every person or corporation filing such releasing instrument shall, before such releasing instrument is filed, pay to the auditor, for his own use, a fee of ten cents for each such releasing instrument. From the time such releasing instrument is so filed such statement affected thereby shall cease to be valid and effectual as to such particular piece or parcel of land or real property so released, but shall nevertheless be and remain valid and effectual as such for any and all the purposes of sections 281.28 to 281.30 as to each and every other piece or parcel of land or real property therein described.

[1917 c. 388 s. 2] (2166)

**281.30 SERVICE.** Subdivision 1. **On resident agent.** Service of notice of expiration of redemption from all tax sales, whether of lands bid in by the state or otherwise sold, shall be made upon resident agents appointed under sections 281.28 to 281.30, in the same form, in the same manner, and within the same time, as is now or may hereafter be provided by law for personal service upon the person to whom such notice of expiration of redemption is directed. The full period of redemption shall not expire until 60 days shall have elapsed after the service of such notice and proof thereof has been filed.

Subdivision 2. **Not to supersede other notices.** The service of notice required by the provisions of sections 281.28 to 281.30 shall not supersede or take the place of the notices required by any other law of this state to be served or published, but shall be additional thereto.

[1917 c. 388 ss. 3, 4] (2167) (2168)

**281.31 FAILURE TO SERVE NOTICE TO EXTINGUISH LIEN.** No notice of the expiration of the time of redemption upon any certificate of tax judgment sale issued to an actual purchaser, or upon any state assignment certificate, shall issue or be served under the provisions of any law in force at the time of the passage of this section after the expiration of six years from the date of the tax judgment sale described by any such certificate; nor shall any such certificate be recorded in the office of any register of deeds after the expiration of seven years from the date of such sale. All such certificates upon which such notice of expiration of redemption shall not be issued and served, and such certificate recorded in the office of the proper register of deeds within the times limited by this section, shall be void and of no force or effect for any purpose whatever, and failure to serve such notice or record such certificate within the time herein prescribed shall operate to extinguish the lien of the purchaser for the taxes for the year or years in such certificate described and appearing, anything in any other statute of this state to the contrary notwithstanding.

[1905 c. 271 s. 1; 1915 c. 77 s. 1] (2169)

**281.32 LIMITATION OF TIME FOR FILING CERTIFICATE.** No notice of the expiration of the time of redemption upon any certificate of tax judgment sale issued to an actual purchaser shall be issued or served after the expiration of six years from the date of the tax judgment sale described by any such certificate, nor shall any such certificate be recorded in the office of the register of deeds or filed in the office of the registrar of titles of the proper county after the expiration of seven years from the date of such sale.

No notice of the expiration of the time of redemption upon any state assignment certificate issued under the provisions of section 280.11, or upon any certificate issued to an actual purchaser at any forfeited tax sale held under the provisions of sections

280.12, 280.13, and 280.25, shall be issued or served after the expiration of six years from the date of such certificate, nor shall any such certificate or deed issued pursuant thereto be recorded in the office of the register of deeds after the expiration of seven years from the date of such certificate.

All such certificates upon which such notice of expiration of redemption shall not be issued and served and such certificates recorded or filed in the office of the proper register of deeds or registrar of titles within the time limited by this section shall be void and of no force and effect for any purpose, and failure to serve such notice or record or file such certificate within the time herein prescribed shall operate to extinguish the lien of the purchaser for the taxes for the year or years in such certificate described and appearing and the lien of all subsequent taxes paid under such certificate.

[1917 c. 488 s. 1; 1919 c. 169 s. 1] (2170)

**281.33 REDEMPTION, WHEN EXPIRES.** No transfer of the lands described in such certificate to the certificate holder shall be made on the books of the county auditor, and no certificate shall be entitled to record, nor shall the full period of redemption expire, until 60 days shall have elapsed after the service of such notice, and proof thereof has been filed.

[R. L. s. 958] (2171)

**281.34 FEES FOR NOTICE.** For serving such notice the sheriff shall receive the same fees as for the service of summons in a civil action in the district court, except that where more than one notice is served upon one person or corporation at the same time and place the sheriff shall be entitled to charge but one mileage. Such fees and the printer's fees for publishing such notice shall be paid in the first instance by the holder of the tax certificate, and repaid by the party offering to redeem such land before a certificate of redemption shall issue.

[R. L. s. 957; 1907 c. 85] (2172)

**281.35 FRAUD IN THE SERVICE; LIMITATION FOR BRINGING ACTION.** When any notice of expiration of redemption is served upon the person named therein, and it shall be made to appear that such person was at the time of the service not the real owner of the lands described in such notice, and had no interest therein for more than two years prior to such service, although the lands were assessed in his name, and that such person fraudulently caused or permitted such service to be made upon him personally, and thereby prevented the service of such notice upon the occupant of such lands, or upon the real owner thereof, and thereby prevented the service of such notice by publication, then such notice and the service thereof shall be void, and the right of redemption shall continue in the owner of such lands as if no service had been made; provided, that the action in which such claim is made or defense interposed shall be brought within two years after such attempted service.

[R. L. s. 959] (2173)

**281.36 INTEREST ON PURCHASE MONEY.** The amount for which any parcel is sold to a purchaser shall bear interest at the rate of 12 per cent per annum from the date of sale until redemption, unless sold with interest at a less rate, in which case it shall bear interest until redemption at the same rate. The amount for which any parcel is bid in for the state shall bear interest at the rate of 12 per cent per annum until redemption, or until the right of the state is assigned pursuant to section 280.11; and, if so assigned, the amount paid by the assignee shall bear interest from the date of assignment until redemption at the same rate. The amount paid by any purchaser or assignee of the state for taxes, penalties, costs, and interest accruing subsequently to the sale or assignment shall bear interest at the rate of 12 per cent per annum until redemption.

[R. L. s. 960] (2174)

**281.37 INTEREST WHEN LAND NOT IN LIST.** When any parcel of land upon which taxes are delinquent is omitted for any year from the list filed by the county auditor with the clerk of the district court, such delinquent taxes shall bear interest at the rate of 12 per cent per annum from the second Monday of May in the year in which the taxes became delinquent.

[R. L. s. 961] (2175)

**281.38 REDEMPTION MONEY TO PURCHASER; LOST CERTIFICATE.** When the owner of any tax certificate is entitled to any money paid into the county treasury for redemption from any tax sale, the county auditor may draw his warrant upon the county treasurer in favor of such person for the amount to which

# MINNESOTA STATUTES 1941

2083

## REDEMPTION FROM REAL ESTATE TAX SALES 281.41

he is so entitled. All moneys so paid shall be charged to the proper funds. If such certificate, or any assignment thereof, has been lost or destroyed, the auditor shall not give such warrant until the person entitled to such money make and file with him an affidavit that he is the owner of such certificate, and that the same or such assignment is lost or destroyed; and, if the amount of such redemption money shall exceed \$5.00, the affiant shall give a bond, with surety, approved by the auditor, in double the amount of such redemption money, payable to the treasurer, conditioned that if such certificate or assignment is produced to the auditor by any other person entitled to such redemption money as owner thereof, and a warrant demanded for such money, the affiant shall, on demand, refund the same to the treasurer.

[R. L. s. 962] (2176)

**281.39 TIME FOR REDEMPTION FROM TAX SALE EXTENDED IN CERTAIN CASES.** Whenever at the time fixed by law for absolute forfeiture of any parcel of land heretofore or hereafter bid in for the state and not assigned or disposed of by the state pursuant to Mason's Minnesota Statutes of 1927, Section 2139-2, and acts amendatory thereof and supplemental thereto, there shall be pending, in the United States district court, proceedings in eminent domain affecting such parcel, and such eminent domain proceedings shall have been pending more than two years prior to the date of forfeiture, the time of the forfeiture of such parcel shall be and is postponed and continued until the expiration of one year after the final determination of such eminent domain proceedings; and the owner of such parcel, regardless of whether such parcel is included within the boundaries of any game preserve, reforestation project, or conservation area, or any person having an interest therein, may discharge the delinquent taxes and assessments against such parcel and redeem such parcel, or portion thereof, from such sale to the state within such period, as so extended, upon payment of the portion of such unpaid taxes and assessments permitted by any law in effect during the pendency of such condemnation proceedings. Such redemption and discharge of delinquent taxes and assessments may be so made regardless of any or no determination of the value or other action by the county board or the commissioner of taxation.

[1933 c. 274 s. 1] (2176-1)

**281.40 MAY REDEEM PART OF TRACT.** When any tract less than the whole parcel designated for taxation and bid in for the state shall be taken or encumbered by such eminent domain proceedings, the tract so taken or encumbered may be redeemed and the delinquent taxes and assessments thereon discharged, as provided in sections 281.39 and 281.40, without redeeming or discharging the delinquent taxes and assessments on the entire parcel so bid in for the state. When only such portion or fraction of the parcel bid in for the state shall be redeemed and discharged from taxes and assessments, the amount to be paid for such redemption and discharge from delinquent taxes and assessments shall be computed by the auditor of the county wherein such lands are situated, and shall be such a part or proportion of the amount designated by any such law permitting redemption and discharge on payment of a fraction or percentage of the total amount due, as provided in sections 281.39 and 281.40, as the tract taken or encumbered by the proceedings and so redeemed bears to the value of the entire parcel bid in for the state, and of which it forms a part. Any party interested in such computation and determination of value, and aggrieved thereby, may, within ten days following the filing thereof, appeal to the district court of the county wherein such land is situated, by filing written notice of such appeal and proof of service thereof, with the clerk of such court.

[1933 c. 274 s. 2] (2176-2)

**281.41 OWNER TO HAVE OPTION TO REPURCHASE LAND SOLD FOR TAXES.** The owner of any land sold for the taxes for either of the years 1926 or 1927, which shall have become forfeited to the state for taxes, shall have the option to repurchase the land from the state at any time within one year from the date of such forfeiture for one-half the amount of the taxes accrued against such land at the date of such forfeiture, less penalties, interest, and costs, with interest upon such sum from the date of the forfeiture at the rate of four per cent per annum; provided, that no owner shall repurchase more than 320 acres or more than two platted lots not exceeding one-third of an acre in area in any city, village,

or borough, in any county unless the same were actually occupied by him or his tenant at the time of the forfeiture.

[1933 c. 407 s. 1] (2176-3)

**281.42 PARTIAL PAYMENT FOR LAND.** Such owner may exercise such option by paying into the county treasury one-tenth of the amount of the 50 per cent accrued taxes within one year from the date of such forfeiture, and by paying the remainder of the repurchase price in 20 equal annual instalments, with interest thereon, payable annually, at the rate of four per cent per annum, computed from the date of such initial payment to the anniversaries of such date in the respective years in which such instalments and interest become payable; provided the owner of any such land which shall have been sold to the state in one tract shall have the privilege of repurchasing from the state any tract of land included therein and containing 40 acres or more, upon the payment within the time aforesaid of one-half the amount which the county auditor shall determine is the amount of taxes which would have accrued against such lesser tract at the date of such forfeiture, less penalties, interest, and costs, with interest upon such sum from the date of such forfeiture at the rate of four per cent per annum, if such lesser tract had been listed for taxation separately and sold to the state in one parcel.

[1933 c. 407 s. 2] (2176-4)

**281.43 TERMINATION OF OPTION.** Such option to repurchase shall terminate upon the failure of such owner to make payment of any annual instalment of such repurchase price and interest within 60 days after the anniversary date upon which the same becomes due, and shall likewise terminate upon the failure of such owner to pay the current taxes for any year prior to the first Monday of January in the year following that in which they become payable.

[1933 c. 407 s. 3] (2176-5)

**281.44 CONVEYANCE OF LAND BY STATE.** On payment in full of such repurchase price, appropriate conveyance in fee, in such form as may be prescribed by the attorney general, shall be issued by the commissioner of taxation, which conveyance shall have the force and effect of a quitclaim deed from the state.

[1933 c. 407 s. 4] (2176-6)

**281.45 OCCUPANTS NOT TO BE EVICTED, WHEN.** No person shall be evicted by any public authority from lands forfeited to the state by reason thereof within two years from the time such forfeiture takes place, whether the option to repurchase is exercised or not, provided that he was an actual occupant of the premises when so forfeited.

[1933 c. 407 s. 5] (2176-7)

**281.46 APPLICATION OF SECTIONS 281.41 TO 281.45.** Sections 281.41 to 281.45 shall not apply to the game preserves, conservation areas, or state forests heretofore or hereafter established on which the state pays a proportionate share of the indebtedness.

[1933 c. 407 s. 6] (2176-8)

**281.47 DELINQUENT TAXES; CONFESSION OF JUDGMENT; PAYMENT WITH PENALTIES OR INTEREST; OFFER AND WAIVER BY OWNER.** Delinquent taxes upon any parcel of real estate for 1934 and prior years, which, prior to the adoption of sections 281.47 to 281.51 have been bid in for and held by the state and not assigned by it, together with taxes for the year 1935, and prior years upon which judgment has been entered, prior to the adoption of sections 281.47 to 281.51, may be composed into one item or amount by confession of judgment for the entire amount of all such taxes and costs, excluding penalties and interest, as hereinafter provided; provided, that no such taxes upon lands classified for assessment at an assessed value exceeding 40 per cent of the full and true value, shall be composed into any such judgment or be payable in the manner provided by sections 281.47 to 281.51.

The owner of any such parcel, or any person to whom the right to pay taxes has been given by statute, mortgage, or other agreement, may, on or before November 1, 1938, make and file with the clerk of the district court of the county wherein such parcel is located a written offer to pay the current taxes each year before they become delinquent, or within 30 days after the entry of final judgment in proceedings to contest such taxes under chapter 278, and confess judgment for the amount of such delinquent taxes and costs, but excluding penalties and interest, as certified by the county auditor, and shall thereby waive all irregularities in connection with the tax proceedings affecting such parcel and any defense or

# MINNESOTA STATUTES 1941

2085

## REDEMPTION FROM REAL ESTATE TAX SALES 281.50

objection which he may have thereto, and shall thereby waive the requirements of any notice of default in the payment of any instalment or interest to become due pursuant to the composite judgment to be so entered, and shall tender therewith one-tenth of the amount of such delinquent taxes and costs, and agree therein to pay the balance in nine equal annual instalments, with interest at the rate of four per cent per annum, payable annually, on the instalments remaining unpaid from time to time, on or before the anniversary date of such judgment, which offer shall be substantially as follows:

"To the clerk of the district court of.....county:

I, ....., owner of the following described parcel of real estate situate in.....county, Minnesota, ....., upon which there are delinquent taxes for the year 1935 and prior years, as follows: (here insert year of delinquency and the total amount of delinquent taxes and costs, exclusive of penalties and interest), do hereby offer to confess judgment in the sum of \$..... and hereby waive all irregularities in the tax proceedings affecting such taxes and any defense or objections which I may have thereto, and direct judgment to be entered for the amount hereby confessed, less the sum of \$..... hereby tendered, being one-tenth of the amount of such taxes and costs. I agree to pay the balance of the judgment in nine equal annual instalments, with interest at the rate of four per cent per annum, payable annually, on the instalments remaining unpaid from time to time, such instalments and interest to be paid on or before the respective anniversary dates of such judgment and current taxes each year before they become delinquent, or within 30 days after the entry of final judgment in proceedings to contest such taxes under Chapter 278.

Dated this ..... day of ....., 19.....

At the time of filing such offer he shall pay any 1936 taxes which, on the first Monday in January, 1937, had not attached to a judgment for prior years, and any subsequent delinquent taxes, with accrued interest, penalties, and costs.

Upon the filing of such offer and payment of the same herein required, the clerk is hereby directed to enter judgment in accordance with such offer.

Upon entry of judgment the clerk shall make and file with the auditor of such county a certified copy of the judgment and make and file with the county treasurer a like certified copy thereof, and deliver to the treasurer the initial payment received by him. The judgment so rendered shall not constitute a personal judgment against the party or parties therein and shall be a judgment in rem.

[*Ex. 1936 c. 72 s. 1; 1937 c. 486 s. 1*] (2176-11)

**281.48 WAIVER OF PENALTIES AND INTEREST; SUSPENSION OF EXECUTION; SATISFACTION.** Upon the entry of such judgment, all the accrued penalties and interest on the taxes embraced within the judgment shall be waived, and further proceedings suspended, on any judgment for taxes embraced in such confessed judgment as long as no default exists. Upon the payment in full of the amounts required to be paid under the confessed judgment, the original judgment shall be satisfied.

[*Ex. 1936 c. 72 s. 2*] (2176-12)

**281.49 RECEIPT FOR DEFERRED INSTALMENTS; DUPLICATE; DISTRIBUTION OF TAXES COLLECTED.** The county auditor's statement and the county treasurer's receipt issued for payment of a deferred instalment, as provided in section 281.47, shall not read for any specific year's taxes but for partial or full release of judgment, as the case may be, and show the year that such judgment was entered. In distributing the taxes collected in this manner, the auditor shall apply the same in the inverse order to that in which such taxes were levied. A duplicate county treasurer's receipt for payment of a deferred instalment shall be delivered to the clerk of the district court, who shall credit the amount so paid upon the judgment entered.

[*Ex. 1936 c. 72 s. 3*] (2176-13)

**281.50 FEES OF CLERK OF DISTRICT COURT.** The fees to be paid the clerk of the district court for certified copies of the judgment shall be 50 cents for each judgment and 15 cents each for the entry and full or partial release of judgment, which shall be paid for by the party or parties making such confession of judgment.

[*Ex. 1936 c. 72 s. 4*] (2176-14)

**281.51 APPLICATION AND EFFECT OF SECTIONS 281.16 TO 281.27.** Sections 281.16 to 281.27 shall remain in full force and effect save and except wherein an applicant takes advantage of the provisions of sections 281.47 to 281.50. In the event of default occurring in the payments to be made under any confessed judgment entered pursuant hereto, the penalties and interest waived under the terms of section 281.48 shall be reinstated and the lands described in the confessed judgment shall thereupon be subject to forfeiture according to sections 281.16 to 281.27.

[*Ex. 1936 c. 72 s. 5*] (2176-15)

**281.52 ADDITIONAL CLERKS FOR COUNTY AUDITOR.** The county board of each county having a delinquency at the end of the preceding calendar year in the payment of current real estate taxes due and payable during such preceding year, in excess of 40 per cent of the aggregate amount of such taxes, is hereby authorized to appropriate a sum not in excess of \$1,500 for additional clerical assistance in the office of the county auditor and for other expense incident to the administration of sections 281.47 to 281.51. Such appropriation may be made notwithstanding that the effect thereof may be to exceed the expenditure limitations imposed on such county by other statutes.

[*Ex. 1936 c. 102*] (2176-17)

**281.53 GROUNDS FOR REPURCHASE.** Such former owner may also repurchase such land from the state in the manner provided herein, if instead of establishing the conditions set forth in Laws 1937, Chapter 485, Section 1, Paragraph (a), he shall establish by affidavit accompanying his application that:

(1) Through error of the assessing officers improvements on such tract were wrongfully assessed as being on an adjoining tract or tracts also owned by him, which adjoining tract or tracts have not been forfeited to the state;

(2) His failure to pay the taxes for the years 1928 and 1929 upon such tract was due to his being misled by the error of the assessing officers, as set forth in clause (1) of this section, and that had it not been for such error he would have paid the taxes for those years upon such tract.

He shall accompany such affidavit with a certificate of the county auditor to the fact that such error had been made by the assessing officers.

In cases under this section it shall not be necessary that the application be accompanied by certificate or receipt showing the payment of taxes for any subsequent years against such tract prior to forfeiture.

[1937 c. 485 s. 4] (2176-24)

**281.54 OTHER GROUNDS FOR REPURCHASE.** Such former owner may also repurchase such land from the state by the payment of all taxes and assessments delinquent against such property as of the last day of the period of redemption, plus the 1936 taxes and current assessments, if instead of establishing the conditions set forth in Laws 1937, Chapter 485, Section 1, Paragraph (a), or section 281.53, he shall establish by affidavit accompanying his application that:

(1) He has constructed a new building or buildings upon such premises since the first of January, 1937;

(2) He believed he had until November 1, 1937, to confess judgment for such delinquent taxes and to pay them;

(3) He was not in fact personally served with a notice of the expiration of the period of redemption;

(4) The sheriff's return does not show service upon him of the notice of the expiration of redemption.

In cases under this section it shall not be necessary that the application be accompanied by a certificate or receipt showing the payment of taxes for any subsequent years against such tract prior to forfeiture.

[1937 c. 485 s. 5] (2176-25)

**281.55 REPURCHASE AFTER FORFEITURE; PRICE; SPECIAL ASSESSMENTS REINSTATED; INTEREST.** The owner, at the time of forfeiture of any parcel of land claimed by the state to have been forfeited to the state for the non-payment of taxes for one or more of the years 1926, 1927, 1928, 1929, and 1930, or his heirs or representatives, may repurchase the same prior to March 1, 1938, for three-fifths of the aggregate of all taxes and assessments accrued against the parcel at the time of forfeiture, less interest and penalties, but including costs, unless, prior to the passage of sections 281.55 to 281.62 such parcel of land shall have been sold as provided by law. Upon such repurchase, any special assessments payable in 1937, and thereafter, on the parcel theretofore canceled under sections 282.01 to

# MINNESOTA STATUTES 1941

2087

## REDEMPTION FROM REAL ESTATE TAX SALES 281.61

282.09, 282.12, and 282.13, or other law, shall be reinstated, and the county auditor shall forthwith levy and assess against the parcel any special assessment which would have been levied and assessed payable in 1937, and thereafter, except for such forfeiture, and any such special assessment so reinstated or levied shall be paid at the time and in the manner in which the special assessment would have been payable except for the forfeiture; provided, that the special assessments payable in 1937 shall be paid in full, without penalty or interest, at the time of the repurchase. An owner so repurchasing a parcel of land shall pay interest upon the sum for which the parcel is repurchased at the rate of four per cent per annum from the date of forfeiture.

[*Ex. 1937 c. 88 s. 1*] (2176-26)

**281.56 INSTALMENT PAYMENTS; TIME FOR; CURRENT TAXES.** Such owner shall pay, at the time of repurchase, not less than one-fifth of such repurchase price and shall pay the balance in ten equal annual instalments, with the privilege of paying the unpaid balance in full at any time, with interest at the rate of four per cent per annum on the balance remaining unpaid each year, both principal and interest to become due and payable on December thirty-first each year thereafter until fully paid. He shall pay the current taxes each year thereafter, before the same shall become delinquent, up to the time when he shall pay the repurchase price in full.

[*Ex. 1937 c. 88 s. 2*] (2176-27)

**281.57 LEASE PRIOR TO REPURCHASE.** All such parcels of land shall be subject to lease under the provisions of sections 282.01 to 282.09, 282.12, and 282.13 until repurchased.

[*Ex. 1937 c. 88 s. 3*] (2176-28)

**281.58 PAYMENTS TO COUNTY TREASURER; DISPOSITION OF PROCEEDS.** All payments under sections 281.55 to 281.62 shall be made to the treasurer of the county in which the parcel of land upon which such payments are made is located. Such payments shall be distributed by the county auditor among the taxing districts interested in the taxes and assessments on the parcel in the proportions of their respective interests.

[*Ex. 1937 c. 88 s. 4*] (2176-29)

**281.59 PURCHASER OF LANDS AFTER FORFEITURE TO STATE.** The purchaser shall receive from the county auditor at the time of repurchase a receipt, in such form as may be prescribed by the attorney general. When the purchase price of a parcel of land shall be paid in full, the following facts shall be certified by the county auditor to the commissioner of taxation: the descriptions of the land, the date of sale, the name of the purchaser, and the date when the final instalment of the purchase price is paid. Upon payment in full of the purchase price and all taxes becoming due and payable since the repurchase, the purchaser shall receive a quitclaim deed from the state, to be executed by the commissioner of taxation, and the deed, whether heretofore or hereafter executed, shall, in the event the lands are not actually forfeited to the state, or in the event of the failure of the state's title for any other reason, be an assignment, conveyance, and release of all claims of the state, county, and other taxing districts for all taxes accrued against the parcel at the time the purchase price of the parcel shall have been paid in full. Acceptance of the purchase money and the issuance of the deed shall be conclusive evidence of such forfeiture by the state. Failure to pay any of the deferred instalments, with interest and current taxes, on any parcel before they become delinquent, shall constitute default and, upon such default, all the right, title, and interest of the purchaser, or his heirs or representatives, in such parcel shall terminate without the doing by the state of any act or thing.

[*Ex. 1937 c. 88 s. 5; 1939 c. 264*] (2176-30)

**281.60 LANDS WITHIN GAME PRESERVES AND CONSERVATION AREAS.** Sections 281.55 to 281.62 shall not apply to lands within the game preserve established by sections 84.16 to 84.26, or conservation areas established by sections 94.20 to 94.30, or by sections 88.54 to 88.63, which included in the sum for which the lands were forfeited any ditch assessment.

[*Ex. 1937 c. 88 s. 6*] (2176-31)

**281.61 TIMBER NOT TO BE CUT PRIOR TO PAYMENT OF PURCHASE PRICE.** When any forfeited lands are repurchased, as provided for in sections 281.55 to 281.62, no timber or timber products shall be cut and removed until the purchase price has been paid in full.

[*Ex. 1937 c. 88 s. 7*] (2176-32)

**281.62 CERTAIN SALES NOT MADE AFTER SEPTEMBER 1, 1937.** No sales of any lands claimed by the state to have been forfeited to the state shall be made under sections 281.41 to 281.46 after September 1, 1937.

[*Ex. 1937 c. 88 s. 8*] (*2176-33*)

**281.63 SALE OF LANDS BY HEIRS.** In all repurchases by an heir or heirs, or the representative of the deceased owner, of lands forfeited to the state for the non-payment of taxes for one or more of the years 1926, 1927, 1928, 1929, and 1930, pursuant to the provisions of sections 281.55 to 281.62, such repurchasing heir or heirs, or the repurchasing representative, as the case may be, may cause such repurchased land to be sold under and in accordance with the provisions of law relating to the sale of the real estate of deceased owners in the probate court, at any time after the appointment and qualification of a representative of the estate of such deceased owner.

[*1939 c. 84 s. 1*] (*2176-51*)

**281.64 PURCHASER MAY COMPLETE CONTRACT WITH STATE.** Upon receiving the deed from the representative of the estate, after such sale shall have been confirmed by the probate court, the purchaser shall succeed to all of the rights of the repurchaser from the state under and by virtue of sections 281.55 to 281.62 and may thereupon complete such repurchase by paying the remaining unpaid instalments thereon, if any, and upon fully complying in all respects with the terms of such initial repurchase and furnishing the county auditor for transmission to the commissioner of taxation the original or a certified copy of his recorded deed from the representative, he shall be entitled to the deed, in his own right, provided for by those sections.

[*1939 c. 84 s. 2*] (*2176-52*)

**281.65 DISPOSAL OF PROCEEDS.** The proceeds of such sale shall be first paid to such repurchaser to the extent of the money advanced by him upon such repurchase, including all subsequent payments made by him pursuant thereto prior to such probate court sale, with legal interest, and any surplus remaining after such repayment shall belong to and be a part of the estate of the decedent.

[*1939 c. 84 s. 3*] (*2176-53*)

**281.66 AGREEMENTS FOR REPURCHASE OF TAX-FORFEITED LANDS MAY BE REINSTATED.** Any agreement for repurchase of tax-forfeited land under sections 281.55 to 281.62, which has been terminated for default may be reinstated as herein provided upon petition of the purchaser under the agreement, his heirs or representatives, provided the default was due to oversight or error on the part of the purchaser or someone acting for him or of some official charged with the duty of administering the tax laws, and provided the land has not been resold. The petition shall state the grounds upon which reinstatement is prayed for, shall be verified, and shall be filed with the county auditor not later than December 31, 1941. The petitioner shall deposit therewith an amount sufficient to pay all delinquent instalments due under the agreement, with interest, and all delinquent taxes, penalties, interest, and costs required to be paid under the agreement together with an amount equal to the taxes and assessments that would have been levied and payable but for the termination of such repurchase agreement; such taxes shall be computed by the county auditor as in the case of omitted taxes that would have been assessed between the date of the termination of such agreement and the petition for reinstatement thereof. No proceedings for the re-sale of the land involved shall be suspended or otherwise affected by the filing or pendency of any such petition.

[*1941 c. 108 s. 1*]

**281.67 COUNTY BOARD TO ACT ON PETITION.** The county auditor shall present the petition to the county board at its next meeting; provided, that no petition shall be presented or acted upon after January 31, 1942. The board shall consider the petition and require such evidence as it deems necessary to enable it to ascertain the truth of the matters alleged. If the board finds, upon the evidence, that the petitioner is entitled to reinstatement hereunder, it shall adopt a resolution stating the facts and authorizing such reinstatement. Thereupon the county auditor shall note the reinstatement upon his records and pay over to the county treasurer the amount deposited by the petitioner, but if the petition be denied the deposit shall be refunded. If such reinstatement is made after May 1, 1941, the county auditor shall levy taxes for the year 1941 on the land as in the case of omitted taxes.

[*1941 c. 108 s. 2*]