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(Supplementing Mason's 1940 Supplement)

Containing the text of the acts of the 1941 Session of the Legislature, both new and amendatory, and notes showing repeals, together with annotations from the various courts, state and federal, and the opinions of the Attorney General, construing the constitution, statutes, charters and court rules of Minnesota together with Law Review Articles and digest of all common law decisions.

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1941

8204. Warranty and quitclaim deeds—Forms.

Cited to the point that words of inheritance in a will or trust were unnecessary to give a fee absolute. *First & American Nat. Bank v. H.*, 293NW585. See Dun. Dig. 2693.

8204-1. Uniform conveyancing blanks commission authorized.

Cited to the point that words of inheritance in a will or trust were unnecessary to give a fee absolute. *First & American Nat. Bank v. H.*, 293NW585. See Dun. Dig. 2693.

8204-4. Fees for recording.

Legislature did not intend to impose additional 25 per cent on affidavits and other instruments not prescribed or approved by uniform conveyancing blank commission. *Op. Atty. Gen.* (373B-10), Oct. 22, 1940.

8225. Record deemed notice—Exception.

Recitals in instruments affecting title to real estate do not constitute notice under certain conditions. *Laws 1941, c. 192.*

8225-3. Certain recitals not to constitute notice of contract for conveyance.—Where any instrument affecting the title to real estate in this state recites the existence of a contract for conveyance affecting such real property, or some part thereof, and the instrument containing such recital was recorded prior to 1910, in the office of the register of deeds of the county wherein said real property or some part thereof is situated, and no action or proceeding has been taken upon such contract for conveyance, and the time for performing the conditions contained in such contract expired prior to 1925, then such recital may be disregarded and shall not constitute notice of said contract for conveyance, either actual or constructive, to any subsequent purchaser or encumberer of said real property or any part thereof. (*Act Apr. 10, 1941, c. 192, §1.*)

8225-4. Same—Pending actions not affected.—Nothing contained in this act shall affect actions now pending or commenced within six months after the passage of this act in any court of this state. (*Act Apr. 10, 1941, c. 192, §2.*)

CHAPTER 64

Plats

8236. Platting of land—Donations.

A town is required to install one substantial culvert for an abutting owner, where by reason of grading or regrading such culvert is rendered necessary for a suitable approach, and it is immaterial that county accepts a plat of land providing that all original construction of roads and drainage should be done by owners of respective lots in plat. *Op. Atty. Gen.*, (377a-3), Oct. 14, 1939.

8238. Dedication—Certification—Approval—Etc.

Intention to create exception from vendor's general undertaking to convey free from incumbrances cannot be presumed from fact that there is a dedication then of record, since, as against vendor, purchaser is entitled to rely upon vendor's general undertaking and is not bound to take notice of the recordation. *Miller v. S.*, (AppDC), 113F(2d)748.

A dedicator cannot attach any conditions or limitations inconsistent with legal character of dedication, or which are against public policy, or which take property designated from control of public authorities, and dedication will take effect regardless of such conditions which will be construed void. *Kuehn v. V.*, 292NW187. See Dun. Dig. 2626.

An individual dedicating a road to a township could not withhold from municipality sovereign power incident

8226. Recording act—Unrecorded conveyance void.**9. Good faith—Notice.**

Rights of bona fide purchasers at execution sale. 24 *MinnLawRev*805.

8229-11. Conveyances legalized.—All conveyances of real property within this State made prior to December 29, 1926, in which a married man conveyed real property direct to his wife, are hereby declared to be legal and valid, and all such conveyances heretofore actually recorded in the office of the proper Register of Deeds are declared legal and valid, and such conveyances and the record thereof shall have the same force and effect in all respects for the purposes of notice, evidence and otherwise as may be provided by law with respect to conveyances in other cases. This act shall not apply to any action or proceeding now pending in any of the courts of this state, or to any action which shall be commenced within six months after the passage of this act. (*Act Apr. 21, 1941, c. 343, §1.*)

8234. Mortgages, how discharged of record.

Where mortgagee taking possession contracted, in event of foreclosure, either to buy property for full amount of debt or to release any deficiency judgment procured pursuant to foreclosure, and on foreclosure purchased for less than debts, subject to accrued taxes, mortgagor was entitled to rentals collected by mortgagee during period of redemption, and they could not be applied either on accrued taxes or upon indebtedness, though there was no deficiency judgment, contract wiping out entire debt on foreclosure. *Wagner v. B.*, 288NW 1. See Dun. Dig. 6219.

Right of assuming grantee to be subrogated to senior mortgage paid by him as against an unknown recorded junior mortgage. 24 *MinnLawRev*121.

COMMON LAW
DECISIONS RELATING TO REAL ESTATE
BROKERS IN GENERAL**1. Representation of principal in general—misrepresentations and fraud of broker.**

A contract appointing one "sole agent to sell" real estate for owners, without more, does not deprive owners of right themselves to sell, without liability for commission, to a purchaser not procured by agent. *Keller Corp. v. C.*, 291NW515. See Dun. Dig. 1141.

to public use of road, and could not reserve exclusive right to maintain a water supply system along the road. *Id.* See Dun. Dig. 2626.

Fact that county approved plat does not make it liable for maintenance of dedicated highways. *Op. Atty. Gen.* (377b-10h), July 29, 1940.

8244. Notice by publication and service upon mayor, village president; etc.

Proceedings for vacation of any street or alley in any plat validated when such proceedings are in all respects properly taken and conducted, except that posted notice was not given. Not applicable to pending proceedings. *Act Mar. 6, 1941, c. 46.*

Where county condemning land entered into settlement agreement under which it paid cash and agreed to vacate another street abutting on property and give landowner 20 feet thereof, and landowner went into possession of strip of land, contention of land owner that he was rightfully in possession under claim of title and that no cause of action accrued against county in his favor for breach of its contract to vacate until his possession was disturbed by township authorities was without merit, since he did not acquire any title from county as it had no title to convey, and county could not even vacate street. *Parsons v. T.*, 295NW907. See Dun. Dig. 8467.

CHAPTER 65

Registration of Title

REGISTRATION

8248. Registered land—Adverse possession.

A mechanic's lien, in proper form, filed with registrar of titles, attaches to land as of commencement of improvements, the same as a lien filed in office of register of deeds for improvement upon land not registered under

Torrens Act. *Armstrong v. L.*, 296NW405. See Dun. Dig. 6062.

8249. Application—Who may make.—An application for registration may be made by any of the following persons: