

CHAPTER 647

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MORTGAGE FORECLOSURE SALES

647.01 LEGALIZING CERTAIN SALES BY ADVERTISEMENT. Subdivision 1. **Validation.** 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 register of titles of the proper county of this state, together with the record of such foreclosure sale, is hereby legalized and made valid and effective to all intents and purposes, as against any or all of the objections named in subdivisions 2 to 25.

Subdivision 2. **Power of attorney.** That the power of attorney, recorded or filed in the proper office prior to the passage of sections 647.01 to 647.13, to foreclose the mortgage, provided for by section 580.05:

- (1) Did not definitely describe and identify the mortgage;
- (2) Was not sufficiently witnessed or acknowledged, or was witnessed, and/or the acknowledgment of the execution of the same was taken, by the person to whom such power was granted, or if executed by a corporation that the corporate seal was not affixed thereto;
- (3) Had not been executed and recorded or filed prior to sale, or had been executed prior to, but not recorded or filed until after, such sale;
- (4) Was executed before there was default, or was executed subsequent to the date of the printed notice of sale or subsequent to the date of the first publication of the notice;
- (5) Did not definitely describe and identify the mortgage, but instead described another mortgage between the same parties.

Subdivision 3. **Notice of sale.** That the notice of sale:

(1) Was published only five times, or that it was published six times but not for six weeks prior to the date of sale;

(2) 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 the notice served on the occupant of the premises;

(3) 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 at least one issue of the same newspaper intervening between the last publication of the original notice, and the date to which the sale was postponed;

(4) Correctly stated the date 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, and/or failed to state or state correctly the year of such sale;

(5) Correctly described the real estate but omitted the county and state in which the real estate is located;

(6) Did not state the amount due or failed to state the correct amount due or claimed to be due;

(7) Described the place where the sale was to take place as a city instead of a village; or village instead of city;

(8) In one or more of the publications thereof, designated either a place or a time of sale other than that stated in the certificate of sale;

(9) Failed to state the names of one or more of the assignees of the mortgage and described the subscriber thereof as mortgagee instead of assignee;

(10) Failed to state or incorrectly stated the name of the mortgagor, the mortgagee, or assignee of mortgagee;

(11) Was not served upon persons whose possession of the mortgaged premises was otherwise than by their personal presence thereon, if a return or affidavit was recorded or filed as a part of the foreclosure record that at a date at least four weeks prior to the sale the mortgaged premises were vacant and unoccupied;

(12) Was not served upon all of the parties in possession of the mortgaged premises provided it was served upon one or more of such parties;

(13) Was not served upon the persons in possession of the mortgaged premises, if, at least two weeks before the sale was actually made, a copy of the notice was served upon the owner in the manner provided by law for service upon the occupants, or the owner received actual notice of the proposed sale;

(14) Gave the correct description at length, and an incorrect description by abbreviation or figures set off by the parentheses, or vice versa;

(15) Where the notice of mortgage foreclosure sale of the premises described in the notice was served personally upon the occupants of the premises as such, but the service was less than four weeks prior to the appointed time of sale.

Subdivision 4. **Parcels sold as one parcel.** That distinct and separate parcels of land were sold together as one parcel and to one bidder for one bid for the whole as one parcel.

Subdivision 5. **Failure to file copy of letters of foreign representative of estate.** That no authenticated copy of the order appointing, or letters issued to a foreign representative of the estate of the mortgagee or assignee, was properly filed or recorded, provided such order or letters have been filed or recorded in the proper office prior to the passage of sections 647.01 to 647.13.

Subdivision 6. **Failure of decree of probate court to properly describe mortgage.** That the mortgage was assigned by a decree of a probate court in which decree the mortgage was not specifically or sufficiently described.

That the mortgage foreclosed had been assigned by the final decree of the probate court to the heirs, devisees, or legatees of the deceased mortgagee, or his assigns, and subsequent thereto and before the representative of the estate had been discharged by order of the probate court, the representative had assigned the mortgage to one of the heirs, devisees, or legatees named in the final decree, and the assignment placed of record and the foreclosure proceedings conducted in the name of the assignee and without any assignment of the mortgage from the heirs, devisees, or legatees named in the final decree, and the mortgaged premises bid in at the sale by the assignee, and the sheriff's certificate of sale, with accompanying affidavits, recorded in the office of the register of deeds of the proper county.

Subdivision 7. Sheriff's return not timely recorded. That the sheriff's certificate of sale and/or any of the accompanying affidavits and return of service were not executed, filed, or recorded within 20 days after the date of sale but have been executed and filed or recorded prior to the passage of sections 647.01 to 647.13.

Subdivision 8. Mistake in stating place where sale held. That the sheriff's certificate of sale described the sale as being held in the city of Hennepin whereas the sale was actually conducted in a city of the county of Hennepin.

Subdivision 9. Omission of hour of sale. That the hour of sale was omitted from the notice of sale, or from the sheriff's certificate of sale.

Subdivision 10. Registration tax not paid prior to foreclosure. That prior to the foreclosure no registration tax was paid on the mortgage, provided such tax had been paid prior to the passage of sections 647.01 to 647.13.

Subdivision 11. Not enough registration tax paid. That an insufficient registration tax had been paid on the mortgage.

Subdivision 12. Dates omitted or incorrectly stated. 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 omitted or incorrectly or insufficiently stated in the notice of sale or in any of the foreclosure papers, affidavits, or instruments.

Subdivision 13. Sale on legal holiday. That the mortgage foreclosure sale was held upon a legal holiday.

Subdivision 14. Failing to file notice of pendency. That no notice of the pendency of the proceedings to enforce or foreclose the mortgage, as provided in section 508.57, was 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 proceeding.

Subdivision 15. Failure to state representative capacity. That the power of attorney to foreclose or the notice of sale was signed by the person who was the representative of an estate, but failed to state or correctly state his representative capacity.

Subdivision 16. Omission of "Minn." That the mortgage deed contained the word "Minn." immediately following the true and correct name of the corporate mortgagee, and the power of attorney to foreclose such mortgage, and the notice of mortgage foreclosure sale were executed by the corporate mortgagee in its true and correct name, omitting therefrom the word "Minn." as recited and contained in the mortgage immediately following the name of the corporate mortgagee.

Subdivision 17. Incomplete description of property. That the complete description of the property foreclosed was not set forth in the sheriff's certificate of sale, if said certificate correctly refers to the mortgage by book and page numbers and date of filing and the premises are accurately described in the printed notice of sale annexed to said foreclosure sale record containing said sheriff's certificate of sale.

Subdivision 18. Seal of notary omitted. That the seal of the notary was omitted from the certificate of acknowledgment of the sheriff or deputy sheriff, or the affidavit of costs and disbursements attached to the mortgage foreclosure record, the said affidavit of costs and disbursements being otherwise properly executed.

Subdivision 19. Improper statement of year of recording of mortgage. That the year of recording of the mortgage was improperly stated in the sheriff's certificate of mortgage foreclosure sale, the mortgage being otherwise properly described in said sheriff's certificate of mortgage foreclosure sale and said certificate of mortgage foreclosure sale further referring to the printed notice of mortgage foreclosure sale attached to said sheriff's certificate of mortgage foreclosure sale, in which printed notice the mortgage and its recording was properly described.

Subdivision 20. Action for foreclosure not discontinued. That prior to the first publication of the notice of sale in foreclosure of a mortgage by advertisement, an action or proceeding had been instituted for the foreclosure of the mortgage, or the recovery of the debt secured thereby and the action or proceeding had not been discontinued.

Subdivision 21. Acceptance of bid by sheriff submitted before the sale. 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, together with the record of such foreclosure sale, is hereby legalized and made valid and effective to all intents and purposes as against

the objection that at the time and place of sale the sheriff considered and accepted a bid submitted to him prior to the date of sale by the owner of the mortgage and sold the mortgaged premises for the amount of such bid, no other bid having been submitted, and no one representing the owner of the mortgage being present at the time and place of sale.

Subdivision 22. Notice of postponement of sale not given. Every mortgage foreclosure sale by advertisement, together with the record thereof, is hereby legalized and made valid and effective to all intents and purposes, as against the objection that such sale was postponed by the sheriff to a date subsequent to the one specified in the notice of sale but there was no publication or posting of a notice of such postponement.

Subdivision 23. Certificate that letters are in force. That in all mortgage foreclosure sales by advertisement by a representative appointed by a court of competent jurisdiction in another state or county and an authenticated copy of his letters or other record of his authority has been filed for record in the office of the register of deeds of the proper county such foreclosure sale and the record thereof are hereby legalized and confirmed as against any objection that there was not recorded with such letters or other record of authority the further certificate that said letters or other record of authority were still in force and effect.

Subdivision 24. Incorrect figures for purchase price. That the sheriff's affidavit of sale correctly stated in words the sum for which the premises were bid in and purchased by the mortgagee, but incorrectly stated the same in figures immediately following the correct amount in words.

Subdivision 25. Power of attorney. That prior to the year 1913, the mortgagee failed to execute and cause to be filed a power of attorney.

[1941 c. 305 s. 1]

647.02 LEGALIZING CERTAIN SALES BY ACTION. Subdivision 1. In all mortgage foreclosure sale by action wherein heretofore the report of sale has been confirmed by order filed in the action and a certificate of sale was thereafter executed in proper form but not recorded or filed within 20 days thereafter such certificate and the later record thereof are hereby legalized with the same effect as if such certificate had been executed, acknowledged, and recorded or filed within such 20 days.

Subdivision 2. In all mortgage foreclosure sales by action wherein heretofore the report of sale was made and presented to the court and the sale confirmed by an order filed in the action, but the report was not filed with the clerk until after the filing therein of the order of confirmation, and in which the certificate of sale was executed in proper form but recorded more than 20 days after such confirmation, but within one year from the date of sale, such certificate and the record thereof and the subsequent filed report of sale are hereby legalized with the same effect as if such certificate had been executed, acknowledged, and recorded within such 20 days and as if such report of sale had been filed in the action at the time of filing the order of confirmation.

[1941 c. 305 s. 2]

647.03 LEGALIZING SALES MADE AFTER AGREEMENT EXTENDING TIME OF REDEMPTION. In any mortgage foreclosure sale of real estate subsequent to the enactment of Laws 1933, Chapter 339, where before the expiration of the period of redemption, the purchaser at foreclosure sale without court order, entered into an agreement with the mortgagor, extending the period of redemption, such foreclosure proceedings, sale, and sheriff's certificate, issued therein, are hereby validated to the same extent as they would have been if such extension had been granted by court order, as against the objection or claim that such agreement waived or annulled the sale.

[1941 c. 305 s. 3]

647.04 CERTAIN ACKNOWLEDGMENTS LEGALIZED. All acknowledgments of the execution of any power of attorney, and the witnessing of the execution thereof, in which power of attorney the attorney authorized to foreclose the mortgage, acted as one of the witnesses on the power of attorney and as a notary public, under which power of attorney, the attorney so acting as a witness and notary public also acted as the attorney in charge of the foreclosure proceedings, are hereby legalized and declared in all respects valid as against the claim that the attorney had no legal right to act as a witness on the execution of the power of

attorney, or to act as a notary public in taking the acknowledgment of the execution of the power of attorney.

[1941 c. 305 s. 4]

647.05 LEGALIZING CERTAIN SALES BY FOREIGN REPRESENTATIVES.

Every mortgage foreclosure sale by advertisement by a representative appointed by a court of competent jurisdiction in another state or county in which before sale an authenticated copy of his letters or other record of his authority has been filed for record in the office of the register of deeds of the proper county but no certificate was filed and recorded therewith showing that the letters or other record of his authority were still in force, is hereby legalized and made valid and effective to all intents and purposes notwithstanding such omission.

[1941 c. 305 s. 5]

647.06 FAULTY DESCRIPTION OF LAND IN NOTICE OF SALE. 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, together with the record of such foreclosure sale, is hereby legalized, made valid, and effective to all intents or purposes as against the objection that the notice of mortgage foreclosure sale correctly described the land by government subdivision, township, and range, but described it as being in a county other than that in which the mortgage foreclosure proceedings were pending, and other than that in which the government subdivision was actually located.

[1941 c. 305 s. 6]

647.07 INCORRECT NOTATION OF FILING DATE. 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, together with the record of such foreclosure sale, is hereby legalized and made valid and effective to all intents and purposes, as against objections that the date of the recording or filing of the mortgage in the office of the register of deeds or registrar of titles is incorrectly noted on the mortgage by the officer recording or filing the same and is likewise incorrectly stated in the notice of sale or in the certificate of sale or both, or in any of the foreclosure papers, affidavits, or instruments pertaining thereto.

[1941 c. 305 s. 7]

647.08 FAILURE TO RECORD POWER OF ATTORNEY. Every real estate mortgage foreclosure sale by advertisement made in this state prior to January 1, 1933, 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 in this state, together with the record of such foreclosure, is hereby legalized and made valid as against the objection that no power of attorney to foreclose the mortgage, as provided in section 580.05, was ever given or recorded or registered.

[1941 c. 305 s. 8]

647.09 FAILURE TO SERVE NOTICE ON OCCUPANT. Every mortgage foreclosure sale by advertisement heretofore made in this state, prior to the year 1880, 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, together with the record of such foreclosure sale, is hereby legalized and made valid and effective to all intents and purposes, as against objections, that no notice was served upon the occupant of the premises, if occupied, and that no affidavit of vacancy was filed, if the premises were unoccupied.

[1941 c. 305 s. 9]

647.10 BARRED BY STATUTE OF LIMITATIONS. Every mortgage foreclosure sale made in this state by advertisement prior to January 1, 1938, together with the record thereof, is hereby legalized and made valid and effective to all intents and purposes, as against the objection that the mortgage and the foreclosure thereof was barred by the statute of limitations at the time of the foreclosure proceedings and sale.

[1941 c. 305 s. 9½]

647.11 NO VALID RECORD OF ASSIGNMENT OF MORTGAGE. 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, together with the record of such foreclosure sale, is hereby legalized and made valid and effective to all intents and purposes, as against objections that the foreclosure was made by an assignee of the mortgage and that there was not at the time of the foreclosure a valid record of an assignment of the mortgage, although there was of record in the office of the register of deeds or registrar of titles an assignment of record which was not properly attested and acknowledged to entitle the same to record.

[1941 c. 305 s. 10]

647.12 PENDING ACTIONS. The provisions of sections 647.01 to 647.13 shall not affect any action or proceeding now pending or which shall be commenced within six months after the passage thereof, in any of the courts of this state involving the validity of such foreclosure, nor shall the validity of any provision thereof be questioned in any action or proceeding hereafter brought unless such action or proceeding be commenced within six months after the passage thereof.

[1941 c. 305 s. 11]

647.13 PROVISIONS SEVERABLE. The provisions of sections 647.01 to 647.13 are hereby declared to be severable. If one provision thereof shall be found, by the decision of a court of competent jurisdiction, to be invalid, such decision shall not affect the validity of the other provisions thereof.

[1941 c. 305 s. 12]

647.14 NOTARY, FAILURE TO STATE NAME OF COUNTY ON SEAL. All mortgages on real estate and satisfactions of mortgages on real estate heretofore duly made and executed, where such instrument has been acknowledged as provided by law, but the notarial seal affixed thereto did not bear the name of the county in which the notary resided, are hereby validated and legalized and the recording thereof, in cases where such mortgages on real estate or satisfactions of mortgages on real estate have heretofore been recorded, are hereby validated and legalized.

Nothing herein contained shall affect any action now pending or commenced within six months from and after the passage of this section to determine the validity of any instrument validated hereby.

[1939 c. 151 ss. 1, 2]

RENEWAL OF CORPORATE EXISTENCE AFTER LAPSE

647.15 COOPERATIVE COMPANY OR ASSOCIATION. Any cooperative company or cooperative association organized under the laws of this state whose period of duration has expired less than 20 years before the passage of this section and which has continued to carry on its business without renewal may renew the period of its corporate existence for an additional term, not to exceed 20 years from the date of expiration, with the same force and effect as if renewal had been effected before its period of duration expired, by taking the proceedings provided by law for the renewal of the corporate existence of the corporation in cases where the renewal is made before the end of its period of duration. The proceedings to obtain renewal shall be taken within one year after the passage of this section. This section shall not affect any pending litigation, nor apply to any corporation whose charter has been declared forfeited by any court of competent jurisdiction in this state.

If steps are taken to renew the corporate existence of a cooperative company or cooperative association, the proceedings shall relate back to the date of the expiration of the original corporate period and, if the period is extended, as provided by this section, all corporate acts and contracts done, performed, made, and entered into after the expiration of the original period are hereby declared to be legal and valid, as against the objection that the period of duration of the cooperative company or cooperative association had expired.

[1941 c. 20 ss. 1, 2]

647.16 COOPERATIVE CORPORATIONS. In any case where the original period of duration of corporate existence of any cooperative corporation organized under the laws of this state has expired less than five years prior to the passage and approval hereof, and the corporation has continued in good faith to carry on and transact business and has heretofore in good faith attempted to renew the period

of its corporate existence, and the renewal proceedings were in all respects legal and in accordance with law save that the same were not completed prior to the expiration of the period, such corporation may renew the period of its corporate existence for the period provided in those proceedings with the same force and effect as if the renewal proceedings had been completed before its period of duration expired, by completing the proceedings provided by law for the renewal of the corporate existence of such corporation in cases where such renewal is made before the end of its period of duration. The proceedings to obtain this renewal shall be taken within one year after the passage of this section. This section shall not affect any pending litigation nor apply to any corporation whose charter has been declared forfeited by any court of competent jurisdiction in this state.

When such steps are taken to renew the corporate existence of the corporation, the proceedings shall relate back to the date of the expiration of the original corporate period, and when this period is extended, as provided by this section, all corporate acts and contracts done, performed, made, and entered into after the expiration of the original period are hereby declared to be legal and valid.

[1941 c. 166 ss. 1, 2]

647.17 CORPORATIONS FOR PROFIT, SOCIAL CORPORATIONS, AND CORPORATIONS CREATED UNDER G. S. 1894, C. 34, TITLE 3. Any corporation heretofore organized under the laws of this state, for pecuniary profit, and social corporations, and corporations created under General Statutes of 1894, Chapter 34, Title 3, whose period of duration has expired less than 21 years prior to the passage of this section and the same has not been renewed and the corporation has continued to transact its business, or whose assets have not been liquidated and distributed, may, by a majority vote of the voting power of the shareholders of the corporation, subject to the rights and remedies of stockholders not assenting thereto, as now provided in section 301.40, renew its corporate existence from the date of its expiration for a further definite term or perpetually from and after the term of its expired period of duration with the same force and effect as if renewed prior to the expiration of its term of existence, by taking the same proceedings and by paying into the state treasury the same incorporation fees as now provided by law for the renewal of the corporate existence of such corporations in cases where the renewal is made before the end of its period of duration; provided, that in so doing every corporation of the kind which might be formed under or accept and come under Laws 1933, Chapter 300, shall be conclusively deemed to have elected to accept and be bound by the provisions of Laws 1933, Chapter 300, as the same now is or may be amended.

The proceedings to obtain this extension shall be taken within one year after the approval of this section.

When the proceedings are taken within this period of time, the proceedings shall relate back to the date of the expiration of the original corporate period, as fixed by its articles of incorporation or by statutory limitation, and when this period is extended, as provided by this section, all corporate acts and contracts done and performed, made, and entered into after the expiration of the original period are hereby declared to be legal and valid.

This section shall not apply to any corporation the charter of which has been declared forfeited by the final judgment of any court of competent jurisdiction of this state or to any corporation as to which there is pending any action or proceeding in any of the courts of this state for the forfeiture of its charter, nor shall this section affect any action or proceeding now pending in any of the courts of this state in relation to any corporation described herein.

[1941 c. 102 ss. 1, 2, 3, 4]

647.18 SOCIAL OR CHARITABLE CORPORATIONS AND CORPORATIONS CREATED UNDER G. S. 1894, C. 34, TITLE 3. Any social or charitable corporation heretofore created under the laws of this state, and corporations created under General Statutes of 1894, Chapter 34, Title 3, whose period of duration has expired less than 21 years prior to the passage of this section and the same has not been renewed and the corporation has continued to transact business, may, by the affirmative vote of three-fourths of the voting power of the members or stockholders present and voting, in person or by proxy, at a meeting duly and regularly called for the purpose, renew its corporate existence from the date of its expiration for a further definite term or perpetually from and after the term of its expired period of duration with the same force and effect as if renewed prior to the expiration of its period

of duration, by taking the same proceedings and paying into the state treasury the same fees as now provided by law for the renewal of the corporate existence of such corporations in cases where the renewal is made before the end of its period of duration.

The proceedings to obtain this extension shall be taken within one year after the approval of this section.

When the proceedings are taken within this period of time, the proceedings shall relate back to the date of the expiration of the original corporate period, as fixed by the articles of incorporation or by statutory limitation, and all corporate acts done and performed after the expiration of the original period are hereby declared legal and valid.

This section shall not apply to any corporation the charter of which has been adjudged forfeited by any court of competent jurisdiction of this state or to any corporation as to which there is pending any action or proceeding in any of the courts of this state for the forfeiture of its charter.

[1941 c. 315 ss. 1, 2, 3, 4]

647.19 SOCIAL OR CHARITABLE CORPORATIONS, CORPORATIONS TO ADMINISTER CHARITIES, OR FRATERNAL CORPORATIONS. Any social or charitable corporation or corporation to administer charities, heretofore organized under the provisions of section 309.01 or 309.08, or fraternal corporations heretofore organized under the laws of this state, whose period of duration has expired less than 21 years prior to the passage of this section and the same has not been renewed and the corporation has continued to transact its business, or whose assets have not been liquidated and distributed, may renew its corporate existence from the date of its expiration for a further definite term or perpetually from and after the term of its expired period of duration, with the same force and effect as if renewed prior to the expiration of its term of existence, by resolution adopted by a three-fourths vote of the stock, or members in case of mutual or non-stock corporations, represented at any regular meeting, or at any special meeting called for that purpose, which shall have been clearly specified in the call, and by taking such further proceedings as may now be provided by law for the renewal of the corporate existence of any such corporation in cases where the renewal is made before the end of its period of duration.

The proceedings to obtain this extension shall be taken within one year after the approval of this section.

When the proceedings are taken within this period of time, the proceedings shall relate back to the date of expiration of the original corporate period as fixed by its articles of incorporation or by statutory limitation. When this period is extended, as provided by this section, all corporate acts and contracts done and performed, made, and entered into after the expiration of the original period are hereby declared to be legal and valid.

This section shall not apply to any corporation the charter of which has been declared forfeited by the final judgment of any court of competent jurisdiction of this state, or to any corporation as to which there is pending any action or proceeding in any of the courts of this state for the forfeiture of its charter, nor shall this section affect any action or proceeding now pending in any of the courts of this state in relation to any corporation described herein.

[1941 c. 104 ss. 1, 2, 3, 4]

647.20 PRIVATE CORPORATIONS. The corporate existence of any private corporation organized under the laws of this state which has heretofore taken the necessary action by its stockholders to renew its corporate existence and which resolution renewing and extending such corporate existence was adopted as required by law either before or after the date of expiration of its corporate existence but within three years thereafter, but which resolution has not been filed for record with the secretary of state, is hereby legalized, confirmed, and made effective as if the action so taken had been regular and in conformity with law, and the attempted extension of the corporate term of the corporation is hereby legalized and made valid as though all the proceedings had been taken and completed before the expiration of the term of its duration and all acts and transactions taken or made by any such corporation, or its proper officers, subsequent to the expiration of its original period of duration are hereby legalized and made of the same force and effect as though the acts and transactions had been done or made prior to the expiration of the original period of duration, provided the resolution so extending

the corporate existence shall be filed for record with the secretary of state within 60 days after the passage of this section and all fees and charges therefor have been paid as required by law; and, provided, that the provisions of this section shall not apply to any action or proceeding now pending in any court of this state.

[1941 c. 127 s. 1]

647.21 CORPORATIONS BOUND BY LAWS 1933, CHAPTER 300. In any case where the original period of duration of corporate existence, as specified in the articles of incorporation, of a corporation bound by Laws 1933, Chapter 300, and acts amendatory thereof, has expired less than five years prior to the passage and approval hereof, and the corporation has continued in good faith to carry on and transact business and has heretofore in good faith attempted to renew the period of its corporate existence for a perpetual term, or for a period of 30 years, and the renewal proceedings were in all respects legal and in accordance with law, save that the same were not completed prior to the expiration of the period, such corporation may renew the period of its corporate existence for a perpetual term with the same force and effect as if the renewal proceedings had been completed before its period of duration expired, by completing the proceedings provided by law for the renewal of the corporate existence of such corporation in cases where the renewal is made before the end of its period of duration. The proceedings to obtain this renewal shall be taken within one year after the passage of this section. This section shall not affect any pending litigation nor apply to any corporation whose charter has been declared forfeited by any court of competent jurisdiction in this state.

When the steps are taken to renew the corporate existence of the corporation, the proceedings shall relate back to the date of the expiration of the original corporate period, and when this period is extended, as provided by this section, all corporate acts and contracts done, performed, made, and entered into after the expiration of the original period are hereby declared to be legal and valid.

[1941 c. 167 ss. 1, 2]

647.22 RELIGIOUS CORPORATIONS. Any religious corporation organized pursuant to the provisions of section 315.01 and any religious corporation which has complied with the provisions thereof except in respect to the objections hereinafter set forth, is hereby legalized and validated as against the following objections:

(1) That no notice was given or posted and no definite time set for the meeting of the worshippers;

(2) That no record was kept of the meeting of the worshippers and no record exists to show how the meeting was conducted or who was elected chairman or secretary thereof; that the chairman and the secretary, whether elected at such meeting or otherwise, did not sign the certificate in the presence of witnesses or did not acknowledge the certificate; that the certificate signed by the chairman and secretary of such corporation and acknowledged by them was not filed in the office of the register of deeds;

(3) That the certificate together with a certificate of acknowledgment and a copy of the notice of the meeting of worshippers and affidavit of posting the same, were not recorded in the office of the register of deeds.

This section shall not apply to any religious corporation the charter of which has been declared forfeited by the final judgment of any court of competent jurisdiction of this state or to any corporation as to which there is pending any action or proceeding in any court of this state for the forfeiture of its charter nor shall this section affect any action or proceeding now pending in any court of this state in relation to any corporation described herein.

[1941 c. 180 ss. 1, 2]

647.23 COOPERATIVE COMPANY OR ASSOCIATION PUBLISHING NEWS-PAPER. Any cooperative company or association organized pursuant to General Statutes 1913, Chapter 58, notwithstanding such law, or any part thereof, may have been heretofore repealed, which cooperative association was organized for the purpose of carrying on, among other things, the business of newspaper publishing, whose period of duration has expired less than two years before the passage of this section, and which has continued to carry on its business without renewal, may renew the period of its corporate existence for a definite additional term, not to exceed 20 years, as hereinafter provided, from the date of the expiration, with the same force and effect as if the renewal had been effective before its period of duration expired, by taking the proceedings provided by law for the renewal of

the corporate existence of such corporations in cases where the renewal is made before the end of its period of duration or if the members thereof elect to do so such charter may be amended so as to qualify the corporation under the provisions of Laws 1933, Chapter 300, by complying with all of the provisions of Chapter 300.

This section shall only apply where the proceedings to obtain the renewal are taken within six months after passage thereof, and this section shall not affect any pending litigation nor apply to any corporation whose charter has been declared forfeited by any court of competent jurisdiction in this state.

Any regular or special meeting of the stockholders or members of such cooperative association called for the purpose of authorizing the renewal of corporate existence or amending the articles of incorporation, or both, shall be convened and governed by the provisions of sections 308.09 and 308.10, notwithstanding any contrary provisions in the articles of incorporation or by-laws of the corporation, provided, after notice of the meeting, no stockholder or member shall object or dissent to the proceedings.

When the steps are taken to renew the corporate existence of the cooperative association, the proceedings shall relate back to the date of the expiration of the original corporate period, and when this period is extended, as provided by this section, all corporate acts and contracts done, performed, made, and entered into after the expiration of the original period are hereby declared to be legal and valid.

[1939 c. 51 ss. 1, 2, 3, 4]

647.24 COUNTY AGRICULTURAL SOCIETIES. Any county agricultural society, which is a member of the state agricultural society of the state, which was organized prior to 1897 pursuant to the provisions of General Statutes 1878, Chapter 34, and whose incorporation was defective due to a failure to file its articles of association thereto as therein prescribed or where the record of which filing has been lost or destroyed and which has each year since its organization held a county fair and agricultural exhibit and whose period of duration has expired without renewal thereof, at any annual meeting of its stockholders or at a special meeting thereof called for that purpose upon ten days' written notice to the members thereof, at which there shall be a quorum present, as provided in its articles of association and amendments thereto, by a majority vote of all members present and voting thereat, may elect to renew the corporate existence for an additional term of not to exceed 30 years from the date of such meeting, with the same force and effect as if the renewal had been effected before its period of duration expired, by filing with the register of deeds of the county in which it is located and with the secretary of state copies of its original articles of association and all amendments thereto, accompanied by a certificate signed by its president and secretary certifying that the same are true and correct copies thereof, that the agricultural society was organized under the provisions of General Statutes 1878, Chapter 34, that the formation of the association is incomplete because of the failure to file its articles of association as required by statute or that the record of the filing thereof has been lost or destroyed and that it has each year since its organization held a county fair and agricultural exhibit, which copies of the articles of association and amendments thereto, and certificate shall be received and filed by the secretary of state without the payment of any filing fee or other fee to the state. The proceedings to obtain this renewal shall be taken within six months of the passage of this section, and this section shall not affect any pending litigation nor apply to any corporation whose charter has been declared forfeited by any court of competent jurisdiction in this state.

When the steps are taken to establish and renew the corporate existence of such a corporation, the proceedings shall relate back to date of the original organization and when this period is extended, as provided by this section, all corporate acts and contracts done, performed, made, and entered into thereto after the original organization are hereby declared to be legal and valid.

[1941 c. 147 ss. 1, 2]

EXTENSION OF TIME TO CLOSE AFFAIRS

647.25 TIME FOR CLOSING AFFAIRS OF EXISTING CORPORATIONS EXTENDED. When any corporation, other than a corporation having the power of eminent domain, whose existence was terminated on or before July 1, 1939, by forfeiture or by expiration of its period of duration, as fixed by its charter or otherwise, did not or shall not fully close its affairs and convey all of its property within the period of three years succeeding the date of such termination, and when

such corporation has or claims or appears to have or claim any interest in or to any property, the time limit for so closing its affairs and disposing of its property is hereby extended for two years after the passage of this section for the purpose of permitting the corporation to close its affairs and dispose of its property, and the extension hereby made shall also apply for the purpose of authorizing and permitting service of process in actions at law or in equity in order that the corporation may prosecute and defend actions and be served with process therein.

The corporation during such two year period when authorized by a majority vote of its board of directors and the written consent of the holders of a majority of the shares of stock of the company, issued and outstanding, having voting power, may transfer and convey all or any part of its property to a trustee with power of sale in trust for the benefit of all of the stockholders of the corporation.

All transfers and conveyances of property by the corporation and the service of process by or against the corporation, made or done after the date of termination of its corporate existence and on or before two years after the passage of this section, are hereby legalized and made of the same force and effect as if the same had been made or done within three years after the date of termination of its corporate existence.

This section shall not affect any action or proceeding now pending.

[1941 c. 128 ss. 1, 2, 3, 4]

TAXES AND TAXATION

647.26 PUBLICATION OF DELINQUENT TAX LIST. In any case where the publication of the annual notice and list of delinquent real estate taxes was regularly made as provided by law at any time before the passage of this section, except that in the second issue of such publication there was inserted immediately after the headline "Delinquent Tax List," and preceding the notice and list, the following: "(Published as news only.)", such publication is hereby legalized and made valid; provided, that this shall not affect any action pending at the time of the passage of this section.

[1939 c. 370] (2115-1)

647.27 SALES OF TAX-FORFEITED LANDS. Sales of land heretofore made under sections 282.01 to 282.13, where the classification of the lands was not approved by the commissioner of conservation before the sales were held, are hereby validated. This section shall not be construed to require the state to refund any moneys recovered from any purchaser, or his assigns, for timber trespass or other use of the lands.

[1939 c. 295 s. 1]

647.28 POSTED NOTICES OF SALE IN LOOSE LEAF BINDERS BY COUNTY AUDITOR. Any proceedings heretofore taken for the acquisition of title to real property by the State of Minnesota under the laws of this state relating to taxation are hereby legalized and the title acquired thereby validated when such proceedings were in all respects properly taken and conducted except that in complying with the requirements for posted notice by the auditor, as provided by section 281.23, instead of a single posted notice for all parcels, the auditor made up separate posted notices, and there being so large a number of such notices that it would have been impractical to affix them to a wall, post, or bulletin board, the auditor posted the notices in his office by placing them in loose leaf binders, and by keeping and maintaining the loose leaf binders on a counter in his office, subject to public inspection, and to which all who desired had access.

The provisions of this section shall not apply to any action now pending in any of the courts of this state.

[1939 c. 237 ss. 1, 2] (2164-19) (2164-20)

SEWERS AND SEWAGE

647.29 PROCEEDINGS IN CONSTRUCTION OF SEWER DISPOSAL PLANT. In all cases where a village has heretofore, acting through its village council, determined to lay sewers along certain streets and alleys within the village and construct a sewage-disposal plant and the proposition has been submitted to the electors of the village and approved by the required majority of those voting thereon at an

election duly and regularly called and held, and has caused plans and specifications to be made therefor and has proceeded with the construction of such sewer and sewage disposal plant and has proceeded with the sale of sewer warrants or certificates of indebtedness, all proceedings heretofore taken are hereby legalized and declared to be valid and the village council is hereby authorized to complete the proceedings and to issue sewer warrants or certificates of indebtedness of the village in an amount not exceeding \$25,000 for the improvement, pursuant to the provisions of section 431.15, and to pledge the full faith, credit, and taxing power of the village to the payment of the warrants or certificates of indebtedness.

This section shall not apply to or affect any actions or appeals now pending in which the validity of any such proceedings is called in question.

[1941 c. 181 ss. 1, 2]

647.30 PROCEEDINGS IN CONSTRUCTION OF WATER-MAINS AND SEWERS. In all cases where the council of any city of the fourth class has heretofore caused water-mains and sewers to be installed, constructed, or laid under a Works Progress Administration contract and has caused the city's share of the cost thereof to be paid out of money in the general fund of the city; and by reason of such use of the general fund the city is unable to pay its outstanding warrants; and where the council has heretofore determined, by resolution duly adopted, that it is necessary and expedient to issue general obligation sewer and water-main reimbursement bonds in the amount of not to exceed \$15,000 for the purpose of replacing said money in the general funds of the city, all such proceedings and resolutions heretofore taken and adopted are hereby legalized and declared to be valid, and these bonds when issued in accordance with these proceedings and resolutions are hereby legalized and validated. Nothing herein shall authorize the issuance and sale of bonds where the total indebtedness exceeds ten per cent of the assessed valuation of taxable property, and no bonds shall be issued for a longer term than 20 years, and the council shall levy a tax sufficient to pay principal and interest on the bonds when the same shall become due.

It is hereby found and determined that this section is remedial in nature, being necessary to protect the financial credit of such cities.

This section shall not apply to any actions or proceedings now pending in any court of the state.

[1941 c. 50 ss. 1, 2, 3]

647.31 PROCEEDINGS FOR FINANCING IMPROVEMENTS. In all cases where the governing body of a city of the fourth class having a home rule charter has heretofore adopted proceedings for the issuance of certificates of indebtedness and sewer improvement warrants in the aggregate amount of not more than \$18,000 for the purpose of financing the construction of various improvements, which were issued in anticipation of the collection of special assessments against property benefited by the improvements pursuant to resolutions adopted by the governing body, all these proceedings are hereby validated and the certificates of indebtedness and sewer improvement warrants when and as issued and delivered for value are hereby legalized and declared to be valid and binding obligations of the city, notwithstanding any lack of authority in the charter for such issuance, or other defects which may have occurred in the proceedings, and the governing body is authorized to levy special assessments against property benefited by the improvements not in excess of the benefits to any of the property.

The full faith and credit of the city shall be pledged for the payment of any certificates of indebtedness and sewer improvement warrants validated by this section, and the governing body of the city may each year include in the tax levy a sufficient amount to provide for any deficiency in the funds of the improvements.

This section shall not affect any certificates of indebtedness or sewer improvement warrants the validity of which is in question in any litigation now pending.

[1941 c. 100 ss. 1, 2, 3]

647.32 PROCEEDINGS IN CONSTRUCTION OF SANITARY SEWERS. In all cases where the governing body of any village, having a population of not less than 1,000, nor more than 2,000, according to the last federal census and having a municipal water-works system, but not having a sewage disposal plant, has, by resolution duly adopted, created a water-works and sewer utility and provided for the construction of sanitary sewers and treatment plant as a part of such utility and has determined to finance the construction wholly or in part by the issuance of revenue bonds payable from the net revenues of such utility, and the proposition of the

construction of such sanitary sewers and treatment plant has been submitted to the voters of the village at a special election called for that purpose and a majority of those voting thereon have voted in favor thereof, the proceedings are hereby legalized and the revenue bonds, when and if issued, shall be legal and binding obligations of the village in accordance with their terms.

These revenue bonds shall be payable from the net revenues of the water-works and sewer utility, but shall otherwise confer on the holders all the rights conferred by a negotiable instrument, and shall be sold in such manner as governing body shall direct. The village shall be authorized to pay for services rendered to the village by the plant in accordance with the initial resolution.

Any such village shall be authorized to construct the sewer system and sewage disposal plant pursuant to agreement with the Works Progress Administration and without requiring public bids.

It is hereby determined that this section is remedial in nature, being required in order to enable villages to take advantage of aid from the Works Progress Administration and to protect the public health and welfare of the inhabitants of these villages.

This section shall not apply to any action or proceeding now pending in any court in the state.

[1941 c. 207 ss. 1, 2, 3, 4, 5]

647.33 PROCEEDINGS IN CONSTRUCTION OF SANITARY SEWERS. In all cases where the governing body of any city of the fourth class organized under a home rule charter has adopted proceedings for the issuance and sale of sewer district warrants, pledging the full faith and credit of the city, in the aggregate amount of not more than \$12,000, bearing interest at not more than three per cent per annum, for the purpose of financing the construction of sanitary sewers in substantial compliance with the provisions of sections 431.01 to 431.27, all the proceedings heretofore taken are hereby legalized and the governing body is authorized to complete the proceedings and deliver the warrants, and the warrants when issued and delivered are hereby legalized and declared to be valid and binding obligations of the city, notwithstanding any lack of authority for the issuance, or other defects which may have occurred in the proceedings, and the governing body is authorized to levy special assessments for the payment of these warrants against property benefited by the sewers not in excess of the benefits to the property.

This section shall not apply to or affect any action or proceeding now pending in which the validity of any such proceedings or warrants is questioned.

[1941 c. 23 ss. 1, 2]

647.34 VILLAGE MAY CONTRACT FOR DISPOSAL OF SEWAGE. Any village in this state which has heretofore submitted the proposition of constructing a sewer system to the vote of the electors of the village and a majority of those voting thereon have voted in approval, and which village has heretofore constructed a sewage treatment and disposal plant, and which has within the village limits a canning factory or other industry producing a large amount of waste which, in the interest of public health, requires sewage treatment and disposal, may enter into a contract with the person, firm, or corporation owning or operating such factory or industry, for the treatment of such waste, on terms and for a period of time as may be mutually agreed upon.

Any such village which shall have made such a contract for the treatment and disposal of sewage or waste may issue the negotiable coupon bonds of the village in such amounts as the council shall determine will be necessary for the purpose of financing or assisting in financing the construction of necessary treatment and disposal plant enlargements, improvements, or additions. These bonds and the interest thereon shall be payable primarily from the payments to be received under such contracts and from other revenues from service charges for use of the disposal plant, but the council may pledge the full faith and credit of the village to the payment of these bonds and interest. The bonds shall contain such terms, mature over such period, and be sold in such manner as the council shall determine.

This section is intended to be an additional grant of power and shall not be construed to amend or repeal any existing law. Bonds may be issued hereunder without compliance with any other law or charter provision. All proceedings heretofore taken and all contracts heretofore entered into which could have been taken or entered into hereunder are hereby validated.

[1941 c. 41 ss. 1, 2, 3]

STREETS AND PAVING

647.35 PROCEEDINGS FOR STREET IMPROVEMENTS. Any city of the fourth class organized under a home rule charter in accordance with the Constitution of the State of Minnesota, Article 4, Section 36, which, after May 1, 1938, and before December 31, 1938, in paving the streets of the city, attempted to comply with sections 434.14 to 434.27, and, in so doing, entered into a contract for paving streets and received petitions for such paving, and constructed such paving and determined to make such improvement at a hearing of which insufficient notice, as required by section 434.16, was given, and otherwise failed to comply with the terms and provisions of sections 434.14 to 434.27, and of the charter of the city, in all such cases, may reassess any part of the cost of the improvement against the property abutting thereon in the manner provided in section 434.20, and may issue and sell its certificates of indebtedness in the manner provided in section 434.23.

Any reassessment made in accordance with this section shall have the same force, effect, and validity as though all of the proceedings required by sections 434.14 to 434.27 prior to the making of assessment in accordance with section 434.20, and all requirements of the charter of the city, had been fully and strictly complied with and certificates of indebtedness so issued shall have the same force, effect, and validity as they would have had if issued through strict and full compliance with the terms and provisions of sections 434.14 to 434.27.

This section shall not apply to or affect any action or appeal now pending in which the validity of any such proceeding is called in question.

[1939 c. 20 ss. 1, 2, 3; 1939 c. 49 s. 1]

647.36 CERTIFICATES OF INDEBTEDNESS FOR STREET IMPROVEMENTS. Any city of the fourth class organized under a home rule charter in accordance with the Constitution of the State of Minnesota, Article 4, Section 36, which has heretofore adopted proceedings for the improving of certain streets in the city in accordance with the provisions of the home rule charter of the city and has issued or determined to issue certificates of indebtedness reciting that the certificates of indebtedness are issued under sections 434.14 to 434.27, and laws supplemental thereto, is hereby authorized to issue, sell, and deliver these certificates of indebtedness, and the certificates of indebtedness shall have the same force, effect, and validity as they would have had if the proceedings had been taken in strict and full compliance with sections 434.14 to 434.27.

This section shall not apply to or affect any action or appeal now pending in which the validity of any such proceeding is called in question.

[1941 c. 5 ss. 1, 2]

647.37 BONDS FOR STREET IMPROVEMENTS UNDER WORKS PROGRESS ADMINISTRATION PROGRAM. All bonds heretofore voted upon at any special or general village election for street improvements under a Works Progress Administration program are hereby declared to be, when issued and sold, legal and binding obligations of the village, provided the net indebtedness of the village, exclusive of bonds issued for water or sewer purposes, does not exceed ten per cent of the assessed valuation of taxable property as last finally equalized, and the proposition to issue such bonds received at least a majority of all votes cast thereon at such election, and all other requirements of law in the issuance and sale of such bonds have been complied with.

This section shall not apply to or affect any actions or appeals now pending in which the validity of any such proceeding is called in question.

[1941 c. 6 ss. 1, 2]

647.38 PROCEEDINGS FOR VACATION OF STREETS AND ALLEYS. Any proceedings heretofore taken for the vacation of any street or alley in any plat pursuant to the provisions of section 505.14 are hereby legalized and the title acquired in such streets or alleys hereby validated when the proceedings were in all respects properly taken and conducted, except that posted notice of the application to vacate same was not given.

This section shall not apply to or affect any court action or appeal now pending in which the validity of any such proceeding is called in question.

[1941 c. 46 ss. 1, 2]

UTILITIES

647.39 PROCEEDINGS, EVIDENCES OF INDEBTEDNESS. In all cases where the governing body or the utility commission or other similar body of any city or village has made a contract, or adopted proceedings for furnishing water, gas, steam heat, electric or telephone service to the city or village, or the inhabitants thereof, or for the furnishing of any such services by a municipally-owned utility to areas adjacent thereto, or for the issuance or sale of pledge orders, warrants, bonds, or certificates payable solely from the earnings of public utilities owned by the city or village issuing the same, such contract or proceedings are hereby legalized, and all such pledge orders, warrants, bonds, or certificates issued or to be issued are hereby legalized and declared to be valid and binding obligations of the city or village, payable solely from the revenues of such public utilities, including, but not limited to, pledge orders, warrants, bonds, or certificates issued, or to be issued, for the purpose of supplementing grants of the Federal Emergency Administration of Public Works or other Federal Agencies.

In all cases where the governing body or utility commission or other similar body of the village or city has heretofore pledged itself to charge sufficient rates so as to pay interest and principal on such pledge orders, warrants, bonds, or certificates, such pledge is hereby legalized and declared to be valid.

It is hereby expressly found and determined that this section is remedial in nature, being necessary to protect the financial credit of such villages and cities.

This section shall not apply to any action or proceeding now pending in any court in the state.

[1939 c. 137 ss. 1, 2, 3, 4]

647.40 PROCEEDINGS, REVENUE BONDS. In all cases where the governing body or other similar body of any city or village has adopted proceedings for the issuance and sale of revenue bonds payable solely from the earnings of an electric light and power plant furnishing electric service to the inhabitants thereof and adjacent thereto owned by the city or village issuing the same for the purpose of refunding outstanding revenue obligations in order to effect an interest saving, such contract or proceedings are hereby legalized, and all such bonds to be issued, when sold at public sale under competitive bidding after public advertising of such sale, are hereby legalized and declared to be valid and binding obligations of the city or village payable solely from the revenues of such public utilities.

It is hereby expressly found and determined that this section is remedial in nature, being necessary to protect the financial credit of such villages and cities.

This section shall not affect any pending action or judgment.

[1941 c. 420 ss. 1, 2, 3]

647.41 CONTRACTS FOR IMPROVEMENT OF MUNICIPAL LIGHT AND POWER PLANT. In all cases where any village or city of the fourth class or its water, light, power and building commission, or both jointly, has heretofore entered into a contract for the improvement or enlargement of a municipal light and power plant, payable solely from the earnings of the plant, and the contract has been actually performed, and the municipality has received and accepted the benefits thereof, the contracts are hereby legalized and declared to be valid.

This section shall not apply to any action or proceeding now pending.

[1941 c. 233 ss. 1, 2]

647.42 PROCEEDINGS ACQUIRING WATER AND ELECTRIC UTILITIES. In all cases where any village, pursuant to resolutions of its council, has heretofore contracted to purchase as a unit a water utility and an electric utility which had been furnishing water and electricity to the village and its inhabitants and areas adjacent thereto, including such areas lying within the territory of a city of the first class, together with improvements contracted to be made to such utilities, and the proposal so to purchase has been approved by more than a majority of the qualified voters of the village voting thereon at a special election called and held for that purpose and contracts have been made for the furnishing of water to such utilities and granting a franchise in respect thereto and contracts or franchises have been entered into by and between such village and city of the first class, and the village council has, by resolution, determined to issue and deliver to the vendor of such utilities, to evidence the purchase price thereof, its electric and water certificates payable solely from the earnings of both such utilities, such contracts, resolutions, franchises, election and other proceedings, and the revenue certificates

issued or to be issued in accordance therewith, are hereby in all things legalized, and such revenue certificates shall be valid and binding negotiable obligations of the village, but payable solely from the revenues of both such utilities.

It is hereby expressly found and determined that this section is remedial in nature.

This section shall not apply to any action or proceeding now pending in any court.

[1941 c. 119 ss. 1, 2, 3]

647.43 PROCEEDINGS FOR IMPROVEMENT OF MUNICIPAL WATER-WORKS SYSTEM, BONDS. In all cases where the governing body of any village, having a population of not less than 1,000, nor more than 2,000, according to the last federal census, and having a municipal water-works system, has, by resolution duly adopted prior to January 1, 1941, found that the well serving the needs of the village is in a dangerous condition and that a new well must be provided, and has heretofore, by resolution duly adopted, determined to improve the municipal water-works system and to finance such improvements by the issuance of revenue bonds in an amount not exceeding \$20,000 payable solely from net revenues and earnings of the water-works system, all such proceedings are hereby legalized and declared to be valid and the village shall be authorized to issue and sell revenue bonds in accordance with the resolution and this section.

These revenue bonds shall be payable solely from the net revenues and earnings of the water-works system, but shall otherwise confer on the holders all the rights conferred by a negotiable instrument.

It is hereby determined that this section is remedial in nature, being required to enable villages to protect the public health and welfare of their inhabitants.

This section shall not apply to any action or proceeding now pending in any court in the state.

[1941 c. 312 ss. 1, 2, 3, 4]

647.44 PROCEEDINGS TO CONSTRUCT WATER-WORKS PLANT. In all cases where the governing body of any village has heretofore, by resolution duly adopted, determined to construct a water-works plant and system and to finance such construction wholly or partly by the issuance of revenue bonds payable from net revenues and earnings of the system, and the proposition has been submitted to the electors of the village and approved by a majority of those voting thereon at an election duly and regularly called and held, all such proceedings are hereby legalized and declared to be valid, and the village is hereby authorized to issue and sell revenue bonds and water-main certificates of indebtedness in accordance with the resolution and this section.

The revenue bonds shall be payable from the net revenues of the water-works system, but shall otherwise confer on the holders all the rights conferred by a negotiable instrument, and the bonds and certificates of indebtedness shall be sold in such manner as the governing body shall direct. The village is hereby authorized to pay for services rendered to the village by the plant and system in accordance with the initial resolution.

Any such village shall be authorized to construct the water-works plant and system pursuant to agreement with the Works Progress Administration and without requiring public bids.

This section is remedial in nature, being required in order to enable villages to take advantage of aid from the Works Progress Administration and to protect the public health and welfare of their inhabitants.

This section shall not apply to any action or proceeding now pending in any court in the state.

[1941 c. 89 ss. 1, 2, 3, 4, 5]

OTHER PROVISIONS

647.45 CERTAIN ACKNOWLEDGMENTS. All acknowledgments within and upon legal documents of every kind and nature heretofore taken by persons as notaries public residing in any one of the counties of this state, who were not citizens of the United States, acting in good faith under a void appointment to the office of notary public by the governor of this state between April 18, 1932, and March 4, 1939, together with the record of such acknowledgments and the documents containing the same, are hereby legalized and made valid and effective to all intents

and purposes as though the appointment of such persons to the office of notary public had been in all respects lawful and valid.

This section shall not apply to any pending action and no action shall be maintained questioning the validity of any acknowledgment coming within the purview of this section unless the action be brought within six months after its enactment.

[1939 c. 47 ss. 1, 2]

647.46 CORPORATE ORGANIZATION OF CERTAIN SPECIAL SCHOOL DISTRICTS. In all cases where the board of education of any special school district, created by and under the provisions of the home rule charter of a city of the fourth class, has, with the consent of the council of the city and the approval of the legal voters thereof at a special election called by the council, issued bonds of the special school district and sold these bonds to the State of Minnesota and to private investors, in a total amount not exceeding the amount authorized by law for school district indebtedness, and has expended the proceeds of the bonds in the construction of school buildings and the purchase of sites, all these bonds shall constitute binding enforceable obligations of the school district, and all of the taxable property therein shall be subject to a tax levy sufficient to pay principal and interest thereon as the same shall become due under the terms of the bonds.

This section shall not apply to or affect any action or proceeding now pending in which the corporate organization of any such school district or the validity of any such proceedings or bonds is questioned.

[1939 c. 98 ss. 1, 2]

647.47 JUDGMENTS OBTAINED IN ACTIONS WHERE NOTICE OF LIS PENDENS NOT RECORDED. In all actions when judgments and decrees have been entered in the district court of this state where jurisdiction of any defendants, including unknown defendants, has been obtained by publication of the summons and notice of lis pendens, and the notice of lis pendens in the action has not been recorded in the office of the register of deeds, that nevertheless all such judgments and decrees, when otherwise legal and valid, are hereby made valid and binding upon such defendants and unknown defendants so served by publication, in like manner as if the notice of lis pendens had been filed with the register of deeds prior to publication thereof, as required by law.

This section shall not apply to cases where the judgment and decree has been entered since February 8, 1921. Nothing herein shall apply to or affect any action or proceeding now pending in any court in this state, or any action or proceeding commenced within 30 days after the passage of this section.

[1939 c. 344] (9522-1)

647.48 CERTAIN PROBATE PROCEEDINGS. Every probate proceeding had in this state prior to the passage of this section and otherwise legally conducted according to statute, except that a copy of the notice of any hearing in the proceedings was not mailed to each heir, devisee, and legatee, or to the consul or representative of the country of decedent's birth, or to the chief diplomatic representative of such country, or to the secretary of state at St. Paul, Minnesota, or that proof of mailing such notice was not filed in the probate court, shall be of the same force and effect as though such mailed notice had been given and proof thereof filed as provided by statute; and every order made in these probate proceedings and every conveyance of real estate made pursuant thereto and every decree of distribution made therein are hereby legalized and validated, as against the objection that a copy of the notice of any hearing in these proceedings, was not mailed, as above provided, or that proof of mailing such notice was not filed in the probate court.

Nothing herein contained shall apply to any probate proceedings held subsequent to June 1, 1939, or affect any action now pending to determine the validity of any instrument validated hereby.

[1941 c. 79 ss. 1, 2]

647.49 PARTICIPATION IN COMMODITY STAMP PLAN. In all cases in which any county within the state, or any agency thereof, has created or caused to be created a revolving fund for the acquisition and disposition of federal commodity stamps pursuant to arrangements with the United States Department of Agriculture, or any agency thereof, and in all cases in which any county, town, city, village, or other subdivision of the state, or any agency of any one of them, has obtained or caused to be obtained commodity stamps for distribution, in lieu of other relief, to the poor, such expenditures, distributions, acquisitions, and disposi-

tions and all acts incident and necessary to participation in any such commodity stamp plan are hereby legalized and declared to be valid.

[1941 c. 99]

647.50 DRAINAGE PROCEEDINGS. Where the county board of any county of this state or the judge of any of the district courts of this state in pursuance of any laws of the state governing the establishment, construction, or repair of any drainage system, or part thereof, has established and ordered constructed any drainage system wholly within any county of this state or partly within two or more counties thereof, and such drainage system has been actually constructed and the proceedings for the establishment and construction are in all respects valid and according to law, and assessments or liens have been levied or created by the county auditor, county board, or judge of the court against all of the lands originally assessed for benefits in the proceedings for the establishment of the drainage system, for the purpose of collecting and paying a deficit in any such drainage system due to the increased cost of construction of the drainage system, deficiency in interest payable on bonds issued for construction of the drainage system, the expense of improvement, maintenance, and repair of same, or for any other reason, and the time for appeal has expired and no appeals have been taken therefrom or from any such proceedings, or if such appeals have been taken that the same have been determined before the passage of this section, then these proceedings and all assessments or liens so levied or attempted to be assessed or levied for these purposes are hereby approved, legalized, and declared to be valid, and in full force and effect and a lien upon and against the lands benefited by the establishment and construction of the drainage system until paid, at the time and in the manner as set forth in said act and amendments thereto.

This section shall not apply to or affect any action now pending in which the validity of these proceedings is called in question.

[1941 c. 174 ss. 1, 2]

647.51 ACKNOWLEDGMENTS TAKEN IN FOREIGN COUNTRIES. All acknowledgments to any deed or other instrument heretofore taken in any foreign country by a judge of a court of law therein, where the signature of the judge was written and the stamp or seal of the court was attached, affixed, or impressed on the deed or other instrument are certified to be genuine by a president or vice-president of the supreme law court of the foreign country where the acknowledgment was taken and where the signature of the president or vice-president of this supreme law court and the stamp or seal of the supreme law court on the instrument are certified to be genuine by the consul or vice-consul of the United States in the foreign country, are hereby declared to be legal and valid and effectual for all purposes.

This section shall not apply to any pending action and no action shall be maintained questioning the validity of any acknowledgment coming within the purview of this section unless the action be brought within six months after its enactment.

[1941 c. 340 ss. 1, 2]

647.52 CERTAIN CONVEYANCES OF REAL PROPERTY. 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 section 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 section.

[1941 c. 348]

647.53 DECREES OF ADOPTION. All final decrees of adoption heretofore entered pursuant to sections 259.01 to 259.11 are hereby legalized and validated notwithstanding the failure to notify the court of original commitment, as provided by law, unless an action is brought to determine the validity of the adoption within three months after the passage of this section.

[1941 c. 540]