

# MINNESOTA STATUTES 1953 ANNOTATIONS

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RURAL CREDIT 41.03

The matter of handling and allowing claims for expenses of the supervisor should be handled on the same basis as other accounts against the committee. OAG May 15, 1947 (705-A-8).

Under the provisions of Laws 1947, Chapter 194, Section 3, Subdivision 4, a soil conservation district may call upon the public examiner to audit the books and records of the district in case of the death of the secretary-treasurer and before turning the office over to the successor of the decedent. The district may pay the costs of such audit. OAG Jan. 5, 1949 (705-A-3).

The supervisors of a soil conservation district are empowered to employ a treasurer and determine his qualifications and duties and fix his compensation. In doing so they may cause the payment of his salary to begin from the time of his taking office, but unless in fixing his salary they clearly provide that it takes effect retroactively, his salary will begin as of the time of the adoption of the ordinance authorizing payment. OAG Sept. 19, 1950 (705-A-3).

Supervisors are entitled to travel expenses necessarily incurred in the discharge of their duties if funds are available therefor. OAG Jan. 5, 1953 (705-A-8).

## 40.07 POWERS OF DISTRICTS AND SUPERVISORS

A soil conservation district lacks power and authority to purchase and lease lands exclusively for a recreational area. OAG Mar. 23, 1949 (705-A-3).

No authority exists under which a soil conservation district may acquire land for the protection of a trunk highway or a railroad, the protection being for the purpose of limiting erosion or washout caused by a run-off or other natural causes. OAG Aug. 23, 1949 (705-A-3).

The soil conservation district may acquire real estate by lease or purchase. It has authority to lease its equipment for soil conservation purposes and the proceeds of such rental may be used for any purpose which the law authorizes. OAG Dec. 30, 1949 (705-A).

The soil conservation district constitutes a governmental subdivision of the state. It is a public body corporate and politic. Any lands acquired by it are exempt from taxation. OAG Jan. 20, 1950 (414-C-3).

A village has no authority to expend village funds for the rental of an office for the use of a soil conservation district. OAG Feb. 23, 1951 (476-B-1).

## 40.11 BOARD OF ADJUSTMENT

Time to appeal. 35 MLR 640.

## CHAPTER 41

### RURAL CREDIT

#### 41.02 DEPARTMENT OF RURAL CREDIT

Unless a reservation of minerals follows from the mortgage under which the state acquired title, the conservator should convey land without a mineral reservation. OAG Oct. 28, 1947 (311-F) (770).

#### 41.03 ORGANIZATION

A judgment against the state, growing out of rural credit operations, must be paid, if the money is available from any balance in the rural credit expense fund if sufficient after providing for the appropriations made by Laws 1947, Chapter 634, Section 44. OAG Aug. 11, 1947 (770-A-1).

### 41.04 CONSERVATOR; POWERS, DUTIES

HISTORY. 1923 c 225 s 4; 1925 c 270; 1933 c 429 s 4; 1935 c 298; 1937 c 469 s 1; 1947 c 278 s 3; 1951 c 68 s 1.

Conservator should convey land to the purchaser rather than to his nominee. OAG Dec. 10, 1947 (770).

It is not mandatory that the state agencies carry insurance on improvements on rural credit lands transferred to the division of lands and minerals. OAG Jan. 14, 1948 (770).

Insurance premiums paid by the conservator upon default of the mortgagor or purchaser may be disbursed by same from the rural credit fund and the amount so paid is added to the amount to be paid to the state by the debtor and is covered by the same lien. OAG May 17, 1951 (770-E).

41.041 Repealed, 1951 c 68 s 6.

### 41.05 PROPERTY, TITLE IN STATE

In conveying land which was the subject of a contract for a deed the state, when the purchaser has paid his money, must convey only to the purchaser named in the contract even though the purchaser in writing has requested that the deed name his spouse as well as himself. OAG Dec. 10, 1947 (770).

### 41.07 FUNDS, DISBURSEMENT

HISTORY. 1923 c 225 s 7; 1925 c 244 s 1; 1933 c 429 s 6; 1951 c 68 s 2.

The word "bonds" may properly be construed to include certificates of indebtedness and deficiency certificates. Interest on contracts for a deed and purchase money mortgages are considered to be in the same category as far as the collection of interest is concerned. OAG Aug. 11, 1947 (770-A-1).

Section 41.07, as amended by Laws 1951, Chapter 68, requiring that all the money of the department shall be paid into the state treasury and credited to the rural credit fund must be construed as not applying to the proceeds of the tax levies made for the purpose of paying the principal of, and interest on, rural credit deficiency fund certificates. OAG Apr. 7, 1951 (770-J).

Insurance premiums paid by the conservator upon default of the mortgagor or purchaser may be disbursed by him from the rural credit fund and the amount so paid is added to the amount to be paid to the state by the debtor and is covered by the same lien. OAG May 17, 1951 (770-E).

### 41.08 MORTGAGES

HISTORY. 1923 c 225 s 9; 1925 c 226 s 2; 1925 c 244 s 2; 1929 c 421 s 2; 1933 c 429 s 7.

### 41.10 COMPOSITION WITH MORTGAGORS; PROCEDURE

HISTORY. Amended, 1951 c 68 s 3.

41.101 Repealed, 1951 c 68 s 6.

### 41.12 PROPERTY, TITLE TO RUN TO STATE

HISTORY. 1923 c 225 s 11; 1925 c 244 s 3; 1933 c 429 s 9; 1935 c 367 s 2; 1937 c 409 s 1; 1941 c 289; 1947 c 278 s 5; 1951 c 68 s 4, 6.

If a purchaser of real estate through the department under a contract where the price is to be paid in installments dies before all the installments are paid, the

department of rural credit may execute the conveyance to an heir who pays the balance due and this may be done before entry of a final decree except that if the land constitutes a homestead of the decedent and has been set aside by order of the probate court as a nonasset of the estate, the land must be conveyed to the person determined to be entitled thereto. OAG Aug. 26, 1947 (770).

**41.13** Repealed, 1951 c 68 s 6.

**41.15 ADMINISTRATION EXPENSES**

HISTORY. Amended, 1951 c 68 s 5.

The War Food Administration is in no way concerned with the cost of the war approved seed potato project. The federal government contributed no funds for this purpose. Funds in the hands of the department should be credited to a seed potato inspection fund created under the provisions of section 41.15. OAG Nov. 19, 1947 (9-A-3).

**41.20** Repealed, 1951 c 68 s 6.

**41.26** Repealed, 1951 c 68 s 6.

**41.35** Repealed, 1951 c 68 s 6.

**41.41 RURAL CREDIT FUND, APPROPRIATION FOR DEFICIENCIES**

HISTORY. 1953 c 571 s 1.

**41.42 TAX LEVY**

HISTORY. 1953 c 571 s 2.

**41.43 SUPPLEMENTARY RURAL CREDIT DEFICIENCY FUND**

HISTORY. 1953 c 571 s 3.

**41.44 CERTIFICATES OF INDEBTEDNESS; ISSUES, SALE**

HISTORY. 1953 c 571 s 4.

**41.45 PURCHASE OF CERTIFICATES BY STATE BOARD OF INVESTMENT**

HISTORY. 1953 c 571 s 5.

**41.46 STATE AUDITOR TO MAKE RECORDS**

HISTORY. 1953 c 571 s 6.

**41.47 CERTIFICATE A CHARGE UPON RURAL CREDIT FUND**

HISTORY. 1953 c 571 s 7.