

MINNESOTA STATUTES 1953 ANNOTATIONS

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EXECUTIONS; REDEMPTION; EXEMPTIONS 550.20

549.10 Superseded by Rules of Civil Procedure, Rule 54.04.

Annotations relating to superseded section 549.10.

Incomplete and modified judgments. 35 MLR 642.

Erroneous and unauthorized judgments. 35 MLR 643.

549.13 TO DEFENDENT AFTER TENDER

As a general rule the grounds of objection to a tender must be specified by the creditor, and objection on specified grounds constitutes a waiver of other grounds. *Sellwood v Equitable Life Insurance Co.*, 230 M 529, 42 NW(2d) 347.

CHAPTER 550

EXECUTIONS; REDEMPTION; EXEMPTIONS

550.01 ENFORCEMENT OF JUDGMENT

Execution; interest necessary to support an exemption claim. 34 MLR 350.

The clerk should not deliver an execution issued on a judgment requiring the payment of money except to the judgment creditor or the assignee of the judgment or the attorney for either of them. The clerk has no evidence of any rights of the assignee unless the assignee be of record, and he is justified in refusing an issue of execution until the assignee has been fined. When the sheriff receives an execution which is not endorsed by the judgment creditor or the assignee for either of them, he should return the execution to the person from whom he received it and call attention to the lack of endorsement. OAG Oct. 14, 1949 (144-B-3).

550.02 JUDGMENTS; METHOD OF ENFORCEMENT

Interest necessary to support an exemption claim. 34 MLR 350.

550.05 WHEN RETURNABLE, INVENTORY

When a purchaser of a motor car at an execution sale applies for registration and license, he may be required by the license official to furnish a certified copy of the writ of execution and the officer's return to that writ. If the return recites a sale of the vehicle to the applicant for registration, the title may be transferred. OAG Nov. 8, 1948 (632-E-27).

550.10 WHAT MAY BE LEVIED ON; LIEN

Levy of execution; non-negotiable clauses in action evidenced by a writing. 31 MLR 495.

550.142 PUBLIC EMPLOYEES; WAGES, EXECUTION LEVY

HISTORY. 1953 c 110 s 2.

When authorized by contract between a city and its employees the city may deduct part of the employee's salary as union dues and remit the same to the union pursuant to the provisions of section 571.66. OAG Oct. 9, 1952 (270-D).

550.20 SALE, WHEN AND HOW

It is an abuse of discretion for the bankruptcy court to fail to confirm a judicial sale where the only apparent reason for the court's action was its desire to obtain benefit of a higher offer made at the confirmation here. *Re Stanley Engineering Corp.*, 164 F(2d) 316.

MINNESOTA STATUTES 1953 ANNOTATIONS

550.24 EXECUTIONS; REDEMPTION; EXEMPTIONS

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550.24 REDEMPTION OF REALTY

Where upon the death of an old age recipient appropriate foreclosure proceedings were taken and the lien foreclosed and the homestead was bid in for the state, the procedure for readmission by the heirs is as follows: Section 256.26, subdivision 8, provides that old age assistance liens may be enforced in the manner provided for the enforcement of mechanic's liens upon real estate. Section 514.15 provides that the judgment shall direct a sale for the satisfaction of the liens and the manner of sale, and that the right of redemption shall be the same as upon execution sales. Sections 550.24, 550.25, 550.26, 550.27, provide the method by which such redemption may be made. Upon such redemption being made a certificate of redemption may be issued either by the person from whom such redemption is made, the sheriff, or the clerk of the district court of the county in which the real property is located. The facts set forth in the certificate of redemption are in section 580.26. OAG Aug. 9, 1948 (521-P-4).

550.37 PROPERTY EXEMPT

HISTORY. Amended, 1949 c 282 s 1; 1951 c 673 s 1.

Interest necessary to support an exemption claim. 34 MLR 350.

The provision of the homestead statute specifically defined classes of personal property exempt from process but making no reference to income derived from homestead rentals, does not manifest a legislative intent not to include homestead rentals as exempt. *Wilson v First National Bank of Mankato*, M, 60 NW(2d) 69.

The statute exempting insurance proceeds, not exceeding \$10,000 payable to surviving wife or child from attachment or sale in any final process applies only where conditions of the beneficiary seek to subject the insurance proceeds to the debts of the beneficiary. *Pauling v Pauling*, 159 F(2d) 531.

JUDICIAL REMEDIES

DECLARATORY, CORRECTIVE, ADMINISTRATIVE

CHAPTER 555

UNIFORM DECLARATORY JUDGMENTS

555.01 COURTS TO CONSTRUE RIGHTS

NOTE: The Uniform Declaratory Judgments Act stems from Laws 1923, Chapter 286. The Act has been adopted in the following states: Alabama, Arizona, Colorado, District of Columbia, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Puerto Rico, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming.

Atrocities of the declaration judgments law. 31 MLR 575.

Tax valuation of Minnesota iron ore. 34 MLR 389.

Right of declarative relief to review federal employee's alleged discharge in violation of the Veterans Preference Act. Question of sovereign immunity. 35 MLR 659.

Type of administrative action subject to judicial control through injunction and declaratory judgments. 37 MLR 20.