

MINNESOTA STATUTES 1953 ANNOTATIONS

580.23 MORTGAGES; FORECLOSURES; ADVERTISEMENT

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580.23 REDEMPTION BY MORTGAGOR

HISTORY. RS 1851 c 85 s 11; PS 1858 c 75 s 11; GS 1866 c 81 s 13; 1878 c 53 s 13; GS 1878 c 81 s 13; GS 1894 s 6041; 1899 c 37; RL 1905 s 4480; GS 1913 s 8146.

Where a widow was advised to permit a mortgage to be foreclosed rather than probate her husband's estate, under an agreement that the mortgagee transfer the property to her when the year for redemption expired, and the day before the expiration of the period for redemption an assignee of a mechanic's lien redeemed from the foreclosure, the widow being out of the state, and her attorney having died, the complaint by the widow asking relief, and alleging unjust enrichment of defendant, stated a cause of action. *Lee v Construction Service*, 224 M 149, 28 NW(2d) 69.

580.24 REDEMPTION BY CREDITOR

HISTORY. GS 1866 c 81 s 16; 1878 c 53 s 16; GS 1878 c 81 s 16; GS 1894 s 6044; RL 1905 s 4481; 1909 c 243 s 1; GS 1913 s 8147.

580.26 CERTIFICATE OF REDEMPTION; RECORD

HISTORY. 1862 c 19 s 6; GS 1866 c 81 s 15; 1878 c 53 s 15; GS 1878 c 81 s 15; GS 1894 s 6043; 1901 c 38; RL 1905 s 4483; GS 1913 s 8149.

CHAPTER 581

REAL ESTATE MORTGAGES; FORECLOSURE, ACTION

581.02 APPLICATION, CERTAIN SECTIONS

HISTORY. GS 1866 c 81 s 32; 1876 c 39 s 2; GS 1878 c 81 s 35; GS 1889 c 31 s 1; GS 1894 s 6065; 1897 c 253 s 1; RL 1905 s 4487; GS 1913 s 8153.

581.03 JUDGMENT, TRANSCRIPT

Purchaser of land at mortgage foreclosure sale is charged with rights of parties in possession of the mortgaged land where such rights are plainly visible. *Dozier v Krmpotich*, 227 M 503, 35 NW(2d) 696.

581.05 PURCHASE BY MORTGAGEE

HISTORY. RS 1851 c 85 s 9; PS 1858 c 75 s 9; GS 1866 c 81 s 28; GS 1878 c 81 s 31; GS 1894 s 6061; RL 1905 s 4490; GS 1913 s 8156.

581.06 SURPLUS

Upon foreclosure of a mortgage on land against which there is an old age assistance lien, any surplus remaining after the satisfaction of the mortgage deed must be paid into court to satisfy the order of the court in accordance with section 581.06. OAG Feb. 4, 1948 (521-P-4).

Old age assistance lien when subject to mortgage, which mortgage is foreclosed, will be paid from surplus remaining after payment of debt secured by mortgage and costs of foreclosure if by advertisement. If the foreclosure is by action, the surplus will be paid into court under the provisions of section 561.06, subject to the order of the court. OAG Feb. 4, 1948 (521-P-4).

581.12 STRICT FORECLOSURE

In June 1941, the state, through the department of rural credit, sold certain land on which the initial payment and two instalments were paid. The purchaser failed

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to pay the taxes. The purchaser in 1942 entered the armed services and was discharged in November 1945 and reinlisted a month later. The buildings have been vacant since 1943. The title to the property will pass on tax forfeiture in 1949. The tax laws will operate as against the state's title. It is the duty of the conservator and he has the power to protect the interest of the state by immediate foreclosure against this veteran, now serving with the United States forces. The proceedings should be by strict foreclosure. On failure of the state to act, the county may proceed to protect its interest. OAG Jan. 28, 1948 (770).

CHAPTER 582

REAL ESTATE MORTGAGES; FORECLOSURE,

GENERAL PROVISIONS

582.01 ATTORNEY'S FEES

HISTORY. Amended, 1953 c 454 s 1.

582.13 STATE OF MINNESOTA MAY BE MADE DEFENDANT IN CERTAIN CASES

Laws 1945, Chapter 2, adds to the list of actions to which the State of Minnesota consents to be sued, the action "to determine the boundary line between any real property of the state and real property contiguous thereto." 32 MLR 390.

Claims against the state. Report of bar committee on immunity of a state from suit. 32 MLR 539.

582.14 LIMITATION ON FORECLOSURE

HISTORY. 1945 c 363 s 1; 1947 c 392 s 1.

Limitation on foreclosure. 33 MLR 48.

REMEDIES CONTROLLING PERSONAL ACTION

CHAPTER 585

INJUNCTIONS

585.01 ISSUANCE; EFFECT ON RUNNING OF TIME

A new automobile dealer's option to repurchase if the buyer decides to sell, rescission of contract of sale for fraud, injunction against buyer and used car dealer. 33 MLR 184.

Judicial control of administrative action by means of extraordinary remedies in Minnesota. 33 MLR 569.

History of the Minnesota statutes pertaining to the extraordinary remedies in general. 33 MLR 571.