

MINNESOTA STATUTES 1977 SUPPLEMENT

LANDLORDS AND TENANTS 504.20

deems appropriate, which order shall be final and conclusive as to all matters thereby determined and binding in rem upon the trust estate and upon the interests of all beneficiaries, vested or contingent, even though unascertained or not in being, except that appeal to the supreme court may be taken from such an order of a district court within 30 days from the entry thereof by filing notice of appeal with the clerk of the district court, who shall mail a copy of such notice to each adverse party who has appeared of record. Appeal may be taken from an order of a county court in the manner provided in section 487.39. The appeal shall be taken within 30 days from the entry of the order, notwithstanding the provisions of section 487.39, subdivision 1, clause (a).

[1977 c 184 s 14]

501.351 Release of jurisdiction.

Any trustee of an express trust by will or other written instrument whose appointment has been confirmed, or any beneficiary of the trust, may at any time petition the court pursuant to section 501.35 for an order terminating the court's jurisdiction of the trust as a proceeding in rem. If upon the hearing on the petition no beneficiary then in being objects to the termination of the court's jurisdiction of the trust as a proceeding in rem, the court shall enter an order terminating its jurisdiction of the trust as a proceeding in rem. If upon the hearing on the petition any beneficiary then in being objects to the termination of the court's jurisdiction of the trust as a proceeding in rem, the court shall make such order as it deems appropriate. After the entry of an order terminating the court's jurisdiction of the trust as a proceeding in rem, the requirements set forth in section 501.34 shall no longer apply to the trustee of the trust. Nothing in this section shall prohibit a trustee or any beneficiary of the trust from thereafter petitioning the court pursuant to sections 501.33 or 501.35 as if the appointment of the trustee had never been confirmed.

[1977 c 184 s 15]

501.38 Not to limit jurisdiction of court.

Nothing in sections 501.33 to 501.37 shall be deemed to limit or abridge the power or jurisdiction of the district or county court over trusts and trustees.

[1977 c 184 s 16]

501.42 Resignation of trustee.

Upon the petition of any trustee of an express trust, the district or county court may accept his resignation and discharge him from the trust, under such regulations as it shall establish for that purpose and upon such terms as the rights and interests of the person interested in the execution of the trust require.

[1977 c 184 s 17]

501.44 Powers of court.

The district or county court has full power to appoint a new trustee in place of one deceased, resigned, or removed; and when, in consequence of such death, resignation, removal, or other cause, there is no acting trustee, the court, in its discretion, may appoint a trustee, or cause the trust to be executed by one of its officers under its direction; and when any person other than the trustee originally named, or appointed by a court of this state, has in good faith done any act in execution of the trust, the court may confirm such act.

[1977 c 184 s 18]

CHAPTER 504. LANDLORDS AND TENANTS

Sec.

504.20 Interest on security deposits; withholding security deposits; damages.

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[For text of subd 1, see M.S.1976]

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Subd. 2. Any deposit of money shall not be considered received in a fiduciary capacity within the meaning of section 82.17, subdivision 7, but shall be held by the landlord for the tenant who is party to the agreement and shall bear simple interest at the rate of five percent per annum noncompounded, computed from the first day of the next month following the full payment of the deposit to the last day of the month in which the landlord, in good faith, complies with the requirements of subdivision 3 or to the date upon which judgment is entered in any civil action involving the landlord's liability for the deposit, whichever date is earlier. Any interest amount less than \$1 shall be excluded from the provisions of this section.

Subd. 3. Every landlord shall, within three weeks after termination of the tenancy and receipt of the tenant's mailing address or delivery instructions, return the deposit to the tenant, with interest thereon as above provided, or furnish to the tenant a written statement showing the specific reason for the withholding of the deposit or any portion thereof. It shall be sufficient compliance with the time requirement of this subdivision if the deposit or written statement required by this subdivision is placed in the United States mail as first class mail, postage prepaid, in an envelope with a proper return address, correctly addressed according to the mailing address or delivery instructions furnished by the tenant, within the time required by this subdivision. The landlord may withhold from the deposit only amounts reasonably necessary:

(a) To remedy tenant defaults in the payment of rent or of other funds due to the landlord pursuant to an agreement; or

(b) To restore the premises to their condition at the commencement of the tenancy, ordinary wear and tear excepted.

In any action concerning the deposit, the burden of proving, by a fair preponderance of the evidence, the reason for withholding all or any portion of the deposit shall be on the landlord.

Subd. 4. Any landlord who fails to provide a written statement within three weeks of termination of the tenancy and receipt of the tenant's mailing address or delivery instructions, as required in subdivision 3, shall be liable to the tenant for damages in an amount equal to the portion of the deposit withheld by the landlord and interest thereon as provided in subdivision 2, as a penalty, in addition to the portion of the deposit wrongfully withheld by the landlord and interest thereon.

[For text of subds 5 and 6, see M.S.1976]

Subd. 7. The bad faith retention by a landlord of the deposit, the interest thereon, or any portion thereof, in violation of this section shall subject the landlord to punitive damages not to exceed \$200 in addition to the damages provided in subdivision 4. If the landlord has failed to comply with the provisions of subdivision 3, his retention of the deposit shall be presumed to be in bad faith unless he returns the deposit within two weeks after the commencement of any action for the recovery of the deposit.

Subd. 7a. No tenant may withhold payment of all or any portion of rent for the last payment period of a residential rental agreement, except an oral or written month to month residential rental agreement concerning which neither the tenant nor landlord has served a notice to quit, on the grounds that the deposit should serve as payment for the rent. Withholding all or any portion of rent for the last payment period of the residential rental agreement creates a rebuttable presumption that the tenant withheld the last payment on the grounds that the deposit should serve as payment for the rent. Any tenant who remains in violation of this subdivision after written demand and notice of this subdivision shall be liable to the landlord for damages in an amount equal to the portion of the deposit which the

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landlord is entitled to withhold under subdivision 3 other than to remedy the tenant's default in the payment of rent, plus interest on the deposit as provided in subdivision 2, as a penalty, in addition to the amount of rent withheld by the tenant in violation of this subdivision.

Subd. 7b. An action, including an action in conciliation court, for the recovery of a deposit on rental property may be brought in the county where the rental property is located, or at the option of the tenant, in the county of the landlord's residence.

[For text of subds 8 and 9, see M.S.1976]

[1977 c 129 s 7; 1977 c 280 s 1-5]

CHAPTER 508. CONVEYANCING, REGISTRATION

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508.03 Application.

An application for registration may be made by any of the following persons:

- (1) The person or persons who singly or collectively own the land; tenants in common shall join in the application;
- (2) The person or persons who singly or collectively have the power of disposing of the land;
- (3) Infants and other persons under disability, by their guardian duly appointed by the proper court in this state;
- (4) A corporation, by its proper officer, or by an agent duly authorized by the board of directors;
- (5) Any executor, administrator or personal representative duly appointed by the proper court in this state;
- (6) A municipal corporation, by its mayor and city clerk, in the case of a city, after a resolution passed by its city council so directing, and by the county auditor and chairman of the county board, in the case of a county, after a resolution passed by its county board so directing;
- (7) Any person may make application when, for at least 15 years, the land has been in the adverse possession of the applicant or those through whom he claims title;
- (8) The state of Minnesota, by the county auditor and chairman of the county board of the county in which the land is located, at the direction of the county board of such county, in the case of lands forfeited to the state for taxes, and held by it in trust for its taxing districts, or otherwise.

This provision is in addition to all other laws by which the state may register the title to land.

[1977 c 21 s 1]

508.04 Titles which may be registered.

Subdivision 1. No lesser estate than a fee simple, except an appurtenant easement as defined in subdivision 2, and no mortgage, lien, or other charge upon land, shall be registered, unless the estate in fee simple therein is registered; but the fact that the estate or interest of the applicant is subject to any outstanding lesser estate or to a mortgage or other charge or lien shall not prevent its registration, and when a dock or harbor line has been established by federal authority, the estate and interest of a riparian proprietor in the submerged lands lying between the original shore line and such established dock line may be registered under this chapter,