

MINNESOTA STATUTES 1977 SUPPLEMENT

508.29 CONVEYANCING, REGISTRATION

shall be taken upon such notice, terms, and conditions as are provided by law for the taking of appeals in civil actions.

[1977 c 21 s 6]

508.63 Registration of instruments creating liens; judgments.

No judgment requiring the payment of money shall be a lien upon registered land, except as herein provided. Any person claiming such lien shall file with the registrar a certified copy of the judgment, together with a written statement containing a description of each parcel of land in which the judgment debtor has a registered interest and upon which the lien is claimed, and a proper reference to the certificate or certificates of title to such land. Upon filing such copy and statement, the registrar shall enter a memorial of such judgment upon each certificate designated in such statement, and the judgment shall thereupon be and become a lien upon the judgment debtor's interest in the land described in such certificate or certificates. At any time after filing the certified copy of such judgment, any person claiming the lien may, by filing a written statement, as herein provided, cause a memorial of such judgment to be entered upon any certificate of title to land in which the judgment debtor has a registered interest and not described in any previous statement and the judgment shall thereupon be and become a lien upon the judgment debtor's interest in such land. The judgment shall survive and the lien thereof shall continue for a period of ten years from the date of the judgment and no longer. In every case where an instrument of any description, or a copy of any writ, order, or decree, is required by law to be filed or recorded in order to create or preserve any lien, writ, or attachment upon unregistered land, such instrument or copy, if intended to affect registered land, shall, in lieu of recording, be filed and registered with the registrar. In addition to any facts required by law to be stated in such instruments to entitle them to be filed or recorded, they shall also contain a reference to the number of the certificate of title of the land to be affected, and, if the attachment, charge, or lien is not claimed on all the land described in any certificate of title, such instrument shall contain a description sufficient to identify the land.

[1977 c 21 s 7]

508.74 Charges on registration.

Subdivision 1. Upon the original registration of fee title to land there shall be paid to the registrar one-fifteenth of one percent of the estimated market value of the land, exclusive of improvements, as determined by the last official assessment for general taxation, or five dollars, whichever is the greater.

Subd. 2. In the second and fourth judicial districts the required fee shall be one-tenth of one percent of one-third of the estimated market value of the land, exclusive of improvements, or one dollar, whichever is the greater.

Subd. 3. For the issuance and registration of the first certificate of title there shall be paid to the registrar the sum of two dollars, in addition to any other sum prescribed by law.

Subd. 4. Upon the original registration of an appurtenant easement over unregistered land there shall be paid to the registrar the sum of five dollars.

[1977 c 21 s 8]

CHAPTER 517. MARRIAGE

Sec.	
517.01	Marriage a civil contract.
517.08	Application for license.

Sec.	
517.10	Certificate; witnesses.
517.101	Certified copies of marriage certificate.
	[New]

517.01 Marriage a civil contract.

Marriage, so far as its validity in law is concerned, is a civil contract between a man and a woman, to which the consent of the parties, capable in law of contracting, is essential. Lawful marriage hereafter may be contracted only when a license has been obtained therefor as provided by law and when such marriage is

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contracted in the presence of two witnesses and solemnized by one authorized, or whom the parties in good faith believe to be authorized, so to do. Marriages subsequent to April 26, 1941, not so contracted shall be null and void.

[1977 c 441 s 1]

517.08 Application for license.

Subdivision 1. Application for a marriage license shall be made at least five days before a license shall be issued. Such application shall be made upon a form provided for the purpose and shall contain the full names of the parties, their post office addresses and county and state of residence, their full ages, and the full names the parties will have after marriage. The clerk shall examine upon oath the party applying for license relative to the legality of such contemplated marriage and, if at the expiration of this five-day period, he is satisfied that there is no legal impediment thereto, he shall issue such license, containing the full names of the parties before and after marriage, and county and state of residence, with the district court seal attached, and make a record of the date of issuance thereof, which license shall be valid for a period of six months. In case of emergency or extraordinary circumstances, the judge of the probate court, the court commissioner, or any judge of the district court, of the county in which the application is made, may authorize the license to be issued at any time before the expiration of the five days. The clerk shall collect from the applicant a fee of \$11 for administering the oath, issuing, recording, and filing all papers required, and preparing and transmitting to the state registrar of vital statistics the reports of marriage required by this section. If illness or other extenuating circumstances, it may be surrendered to the clerk for cancellation, and in such case a new license shall issue upon request of the parties of the original license without fee therefor. Any clerk who shall knowingly issue or sign a marriage license in any other manner than in this section provided shall forfeit and pay for the use of the parties aggrieved not to exceed \$1,000.

[For text of subd 2, see M.S.1976]

Subd. 3. The personal information necessary to complete the report of marriage shall be furnished by the applicant prior to the issuance of the license. The report shall contain only the following information:

(a) Personal information on bride and groom.

1. Name.
2. Residence.
3. Date and place of birth.
4. Race.
5. If previously married, how terminated.
6. Name after marriage.
7. Signature of applicant and date signed.

(b) Information concerning the marriage.

1. Date of marriage.
2. Place of marriage.
3. Civil or religious ceremony.

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(c) Signature of clerk of court and date signed.

(d) Address of the bride and groom after the marriage to which the clerk shall send a certified copy of the marriage certificate.

[1977 c 441 s 2,3]

517.10 Certificate; witnesses.

The person solemnizing a marriage shall prepare under his hand three certificates thereof. Each certificate shall contain the full names before and after marriage and county and state of residences of the parties and the date and place of the marriage. Each certificate shall also contain the signatures of at least two of the witnesses present at the marriage who shall be at least 16 years of age. The person solemnizing the marriage shall give each of the parties one such certificate, and shall immediately make a record of such marriage, and file one such certificate with the clerk of the district court of the county in which the license was issued within five days after the ceremony. The clerk shall record such certificate in a book kept for that purpose.

[1977 c 441 s 5]

517.101 Certified copies of marriage certificate.

Within ten days of receipt of the certificate and after recording the certificate the clerk shall prepare two certified copies of the certificate of which he shall mail one to the married parties and the other to the person solemnizing the marriage. The person solemnizing the marriage may indicate at the time he files the certificate with the clerk that he does not wish to receive a certified copy.

[1977 c 441 s 4]

CHAPTER 518. MARRIAGE DISSOLUTION

Sec.	Sec.
518.155 Custody determinations. [New]	518.48 Jurisdiction of court.
518.41 Purpose.	518.49 County attorney; duties.
518.42 Definitions.	518.491 Filing of foreign support orders. [New]
518.45 Proceedings for support.	518.551 Alimony and support payments made to welfare agencies.
518.46 Obligor not present.	

518.155 Custody determinations.

Notwithstanding any law to the contrary, a court in which a proceeding for dissolution has been or may be commenced shall not issue, revise, modify or amend any order, pursuant to sections 518.16, 518.165, 518.17, 518.175 or 518.18, which affects the custody of a minor child or the visitation rights of a noncustodial parent unless the court has jurisdiction over the matter pursuant to the provisions of sections 518A.01 to 518A.25.

[1977 c 8 s 26]

518.41 Purpose.

The purposes of sections 518.41 to 518.52 are to improve and extend by reciprocal legislation the enforcement of duties of support.

[1977 c 282 s 13]

518.42 Definitions.

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

Subd. 2. **State.** "State" includes a state, territory, or possession of the United States, the District of Columbia, the commonwealth of Puerto Rico and any foreign jurisdiction in which this or a substantially similar reciprocal law has been enacted.

[For text of subds 3 and 4, see M.S.1976]

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[For text of subds 3 and 4, see M.S.1976]

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Subd. 5. **Court.** "Court" means the district or a county court of this state and, when the context requires, the court of another state as defined in a substantially similar reciprocal law.

[For text of subd 6, see M.S.1976]

Subd. 7. **Duty of support.** "Duty of support" includes a duty of support imposed or imposable by law or any court order, decree, or judgment, whether interlocutory, final, or incidental to a proceeding for divorce, legal or judicial separation, separate maintenance, or otherwise, and includes the duty to pay past due and unpaid support payments.

Subd. 8. **Obligor.** "Obligor" means a person who owes a duty of support or against whom a proceeding for the enforcement of a duty of support or registration of a support order is commenced.

Subd. 9. **Obligee.** "Obligee" means a person or a state or political subdivision to whom a duty of support is owed, or a person or a state or political subdivision that has commenced a proceeding for enforcement of an alleged duty of support or for registration of a support order. The person to whom the duty of support is owed need not be a recipient of public assistance.

Subd. 10. **Governor.** "Governor" includes any person performing the functions of governor or the executive authority of any state.

Subd. 11. **Support order.** "Support order" means any judgment, decree or order of support in favor of an obligee whether temporary or final or subject to modification, revocation or remission in any action or proceeding.

[1977 c 282 s 14-19]

518.45 Proceedings for support.

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

Subd. 2. **Petition, filing contents.** A proceeding for support under this section is initiated by filing a verified petition in the court of this state stating:

(1) The name and, so far as is known to the petitioner, the address and circumstances of the

(a) obligor, and

(b) obligee for whom support is sought; and

(2) Facts showing that the obligor owes a duty of support to the obligee.

[For text of subd 3, see M.S.1976]

Subd. 4. **Dismissal of petition.** The court may dismiss the petition if the obligee was not a resident of this state at the time the petition was filed.

Subd. 5. **Notice to responding state.** If the court makes the order set out in subdivision 3, it shall send to the court of the responding state a certified copy of

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the petition and of the order and either an authenticated copy of sections 518.41 to 518.52, or a copy of sections 518.41 to 518.52 certified by the clerk of the court.

[For text of subd 6, see M.S.1976]

[1977 c 282 s 20-22]

518.46 Obligor not present.

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

Subd. 2. **Petition, filing.** A proceeding for reimbursement for support furnished an obligee is initiated by filing a verified petition in the court of this state stating the facts required by section 518.45, subdivision 2, and that the petitioner is entitled to reimbursement as defined in section 518.44, clause (3).

Subd. 3. **Determination by court.** When a petition has been filed under subdivision 2, the court shall comply with subdivision 4 if it determines by its order that the

(1) petition states facts sufficient to support a determination that the obligor owed a duty of support to the obligee during the period support was furnished by petitioner.

(2) petitioner is entitled to reimbursement as defined in section 518.44, clause (3), and

(3) court of the responding state may obtain jurisdiction of the obligor or his property.

Subd. 4. **Notice to responding state.** If the court makes the order set out in subdivision 3, it shall send to the court of the responding state a certified copy of the petition and of the order and either an authenticated copy of sections 518.41 to 518.52 or a copy of sections 518.41 to 518.52 certified by the clerk of the court.

[For text of subd 5, see M.S.1976]

[1977 c 282 s 23-25]

518.48 Jurisdiction of court.

Subdivision 1. **In responding state.** The court shall exercise jurisdiction over proceedings commenced in this state as a responding state.

Subd. 2. **Powers of court.** When the court receives from the court of an initiating state a petition and any other papers required by an act substantially similar to sections 518.41 to 518.52, the court shall

(1) docket the case,

(2) notify the county attorney,

(3) set a time and place for hearing, and

(4) take such action as is necessary in accordance with the law of this state to obtain jurisdiction of the obligor.

Subd. 3. **Conduct of proceedings.** Except as expressly provided in this section, the court shall conduct a proceeding under this section in the manner prescribed by law for an action for the enforcement of the type of duty of support claimed.

Subd. 4. **Enforcement of duties of support.** The court shall, at its discretion, enforce the duties of support owed under the law of

(1) the state where the obligee resided when the obligor failed to support the obligee, or

(2) this state, as declared in section 518.44, clause (1), for the whole period of non-support.

Subd. 5. **Orders for enforcement of such duties.** When the court finds a duty of support it may

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- (1) order the obligor to furnish support or reimbursement therefor,
- (2) subject the property of the obligor to the order,
- (3) require obligor to make payments at specified intervals to the clerk of the court of this state, the court of the initiating state, or the obligee,
- (4) require the obligor to report personally at specified intervals to an officer of the court appointed by the court for that purpose,
- (5) require the obligor to furnish recognizance in the form of a cash deposit or bond of an amount sufficient to assure payment of any amount required to be paid by the obligor,
- (6) punish the obligor for violation of a court order made under clause (1) to the same extent as is provided by law for contempt of the court in any other action or proceeding cognizable by the court,
- (7) subject the obligor to such other terms and conditions as are necessary to assure compliance with the order made under clause (1).

Subd. 6. **Copies of orders sent to court of initiating state.** The court shall send to the court of the initiating state a copy of all orders of support or orders for reimbursements for support.

Subd. 7. **Payments.** When the court receives payment from the obligor pursuant to court order or otherwise, the court shall send the payment to the court of the initiating state.

Subd. 8. **Statement as to payments.** When the court of the initiating state requests a statement of all payments made by the obligor, the court shall prepare and send to the court of the initiating state a certified statement containing that information.

Subd. 9. **Duties of court officials.** The court may direct that the duties imposed in subdivisions 7 and 8 shall be carried out by the clerk or other official of the court.

[1977 c 282 s 26]

518.49 County attorney; duties.

When requested to do so by a court judge, public welfare or other social service agency, the county attorney shall appear on behalf of and represent the petitioner in all proceedings under sections 518.41 to 518.52 and shall obtain and present such evidence as may be necessary. In those cases initiated in this or any state in which the county attorney in this state acting in his official capacity represents the petitioner, no filing fee shall be required by the clerk of court.

[1977 c 282 s 27]

518.491 Filing of foreign support orders.

Subdivision 1. **Additional remedies.** If the duty of support is based on a foreign support order, the obligee has the additional remedies provided in this section.

Subd. 2. **Filing.** The obligee may file the foreign support order in a court of this state in the manner, with the effect, and for the purposes provided in this section.

Subd. 3. **Official to represent obligee.** If a court of this state has issued a support order or a support order has been filed in a court of this state for an obligee, the county attorney upon the request of the court, public welfare or other public social service agency shall represent the obligee in all proceedings under this section.

Subd. 4. **Filing procedure; notice.** (1) An obligee seeking to file a foreign support order in a court of this state shall transmit to the clerk of court:

- (a) Three certified copies of the order with all modifications thereof;
- (b) One copy of the reciprocal enforcement of support act of the state in which the order was made; and
- (c) A statement verified and signed by the obligee, showing the post office

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address of the obligee, the last known place of residence and post office address of the obligor, the amount of support remaining unpaid, a description and the location of any property of the obligor available upon execution, and a list of the states in which the order is registered. Upon receipt of these documents the clerk of the court, without payment of a filing fee or other cost to the obligee, shall file them.

(2) Promptly upon filing the clerk of the court shall send by certified or registered mail to the obligor at the address given a notice of the filing with a copy of the filed support order and the post office address of the obligee. He shall also docket the case and notify the county attorney of his action. The county attorney shall proceed diligently to enforce the order.

Subd. 5. **Effect of filing; enforcement procedure.** (1) Upon filing the foreign support order shall be treated in the same manner as a support order issued by a court of this state. It has the same effect and is subject to the same procedures, defenses, and proceedings for reopening, vacating or staying as a support order of a court of this state and may be enforced and satisfied in like manner.

(2) The obligor has 20 days after the mailing of notice of the filing to petition the court to vacate the filing or for other relief. If he does not so petition the filed support order is confirmed.

(3) If at any hearing to enforce the filed support order the obligor shows to the court any ground upon which enforcement of a support order of a court of this state may be stayed, the court shall stay enforcement of the order for an appropriate period if the obligor furnishes the same security for payment of the support ordered that is required for a support order of a court of this state.

[1977 c 282 s 28]

518.551 Alimony and support payments made to welfare agencies.

Notwithstanding any law to the contrary, any court having jurisdiction over proceedings for dissolution shall direct that all payments ordered for alimony and support shall be made to the agency responsible for the welfare payments, when it appears that the party who is to receive the alimony and support payments will receive public assistance. Amounts so received by the board over and above the amount granted to the party receiving public assistance shall be remitted to that party.

The agency responsible for the welfare payments shall be notified by the petitioner of all proceedings for dissolution, separate maintenance or for the custody of a child if either party is receiving aid to families of dependent children or applies for such aid subsequent to the commencement of such proceeding. After receipt of the notice, the county welfare board or the commissioner of public welfare shall recommend to the court the sum of money, or its equivalent, that is proper and adequate for the care and support of the child or children before the issuance of the order for judgment and decree in the proceeding.

If the court finds in a dissolution proceeding before issuing the order for judgment and decree that notification has not been given to the agency responsible for the welfare payments, the court shall order that notification be made and shall not issue its order for judgment and decree until the agency has made its recommendations. In those proceedings in which no notification has been made pursuant to this section and the agency determines that the judgment is not proper and adequate for the care and support of the child or children, it may petition the court for a redetermination of the support payments ordered.

[1977 c 282 s 29]