

## CHAPTER 580

REAL ESTATE MORTGAGES; FORECLOSURE,  
ADVERTISEMENT

580.031 Minimum notice.

580.23 Redemption by mortgagor; affidavit of  
agricultural use.**580.031 MINIMUM NOTICE.**

Notwithstanding the provisions of any other law to the contrary, eight weeks' published notice must be given prior to the foreclosure sale of a homestead to which sections 583.01 to 583.12 apply if the notice is published for the first time after May 24, 1983, and prior to May 1, 1985, after June 8, 1985, and prior to May 1, 1987, or after the effective date of Laws 1987, chapter 292, and prior to May 1, 1989. The notice must contain the information specified in section 580.04.

At least eight weeks before the appointed time of sale, a copy of the notice must be served upon the person in possession of the mortgaged premises, if the premises are actually occupied.

**History:** 1987 c 292 s 9

**580.23 REDEMPTION BY MORTGAGOR; AFFIDAVIT OF AGRICULTURAL USE.**

*[For text of subd 1, see M.S.1986]*

**Subd. 2. 12-month redemption period.** Notwithstanding the provisions of subdivision 1 hereof, when lands have been sold in conformity with the preceding sections of this chapter the mortgagor, the mortgagor's personal representatives or assigns, within 12 months after such sale, may redeem such lands in accordance with the provisions of payment of subdivision 1 thereof, if:

- (1) the mortgage was executed prior to July 1, 1967;
- (2) the amount claimed to be due and owing as of the date of the notice of foreclosure sale is less than 66-2/3 percent of the original principal amount secured by the mortgage;
- (3) the mortgage was executed prior to July 1, 1987, and the mortgaged premises, as of the date of the execution of the mortgage, exceeded ten acres in size;
- (4) the mortgaged premises, as of the date of the execution of the mortgage, exceeded ten acres in size and was in agricultural use as defined in section 40A.02, subdivision 3; or
- (5) the mortgaged premises, as of the date of the execution of the mortgage, exceeded 40 acres in size.

**Subd. 3. Affidavit of agricultural use.** An affidavit signed by the mortgagor and a certificate signed by the county assessor where the land is located stating that the mortgaged premises as legally described in the affidavit and certificate are not in agricultural use as defined in section 40A.02, subdivision 3, may be recorded in the office of the county recorder or registrar of titles where the property is located and are prima facie evidence of the facts contained in the affidavit and certificate.

**History:** 1987 c 230 s 1,2