

CHAPTER 541

LIMITATION OF TIME, COMMENCING ACTIONS

541.023 Actions affecting title to real estate.

541.15 Periods of disability not counted.

541.023 ACTIONS AFFECTING TITLE TO REAL ESTATE.*[For text of subd 1, see M.S.1992]*

Subd. 2. **Application.** (a) This section shall apply to every right, claim, interest, incumbrance, or lien founded by any instrument, event, or transaction 40 years old at the date hereof, or which will be 40 years old prior to January 1, 1948, except those under which the claimant thereunder shall file a notice as herein provided prior to January 1, 1948.

(b) This section applies to repurchase options or other rights of repurchase that encumber an interest in land based upon an instrument other than a deed of conveyance granted by a governmental body, agency, or subdivision, unless within 40 years of the recording or filing of the instrument a notice is recorded or filed under subdivision 1. This paragraph does not revive repurchase options or rights of repurchase barred by subdivision 1.

(c) This section does not apply to actions to enforce rights, claims, interests, encumbrances, or liens arising out of private covenants, conditions, or restrictions to which section 500.20, subdivision 2a, or successor statutes do not apply.

*[For text of subs 3 to 7, see M.S.1992]***History:** 1993 c 222 art 5 s 4

NOTE: The amendment to subdivision 2 by Laws 1993, chapter 222, article 5, section 4, is effective June 1, 1994. See Laws 1993, chapter 222, article 6, section 1.

541.15 PERIODS OF DISABILITY NOT COUNTED.

(a) Except as provided in paragraph (b), any of the following grounds of disability, existing at the time when a cause of action accrued or arising anytime during the period of limitation, shall suspend the running of the period of limitation until the same is removed; provided that such period, except in the case of infancy, shall not be extended for more than five years, nor in any case for more than one year after the disability ceases:

- (1) that the plaintiff is within the age of 18 years;
- (2) the plaintiff's insanity;
- (3) is an alien and the subject or citizen of a country at war with the United States;
- (4) when the beginning of the action is stayed by injunction or by statutory prohibition.

If two or more disabilities shall coexist, the suspension shall continue until all are removed.

(b) In actions alleging malpractice, error, mistake, or failure to cure, whether based on contract or tort, against a health care provider, the ground of disability specified in paragraph (a), clause (1), suspends the period of limitation until the disability is removed. The suspension may not be extended for more than seven years, or for more than one year after the disability ceases.

For purposes of this paragraph, health care provider means a physician, surgeon, dentist, or other health care professional or hospital, including all persons or entities providing health care as defined in section 145.61, subdivisions 2 and 4, or a certified health care professional employed by or providing services as an independent contractor in a hospital.

History: 1993 c 326 art 8 s 14