CHAPTER 560

ACTIONS INVOLVING MINERAL LAND

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560.01 IN DISTRICT COURT, BY OWNERS OF HALF THE LAND.

Subdivision 1. **In county where land is.** The owner or owners of a half interest or more in mineral land that has more than one owner of record may bring an action for permission to mine the land. The action must be brought in the district court in the county where the land is.

Subd. 2. **Mineral land defined.** In this chapter, "mineral land" or "land" means real property on or in which veins, lodes, deposits of iron, iron ores, minerals or mineral ores of any kind, stone, coal, clay, sand, gravel, or peat are known to or do exist.

Subd. 3. **Owner of record defined.** In this chapter, "owner" or "owner of record" of mineral land means one who has an interest in the land as shown by a properly executed deed or a lease having more than one year to run. The deed or lease must be of record in the county where the mineral land is.

History: *(9593) 1907 c 177 s 1; 1988 c 469 art 8 s 1*

560.02 COMPLAINT DESCRIBES LAND; COURT DECIDES OWNERSHIP.

Subdivision 1. **Abstract attached to complaint.** The complaint in an action under this chapter must describe the mineral land to be mined. An abstract of the land must be attached to the complaint. The abstract must show the title to the land as it appears on the deeds and leases recorded in the county where the land is.

Subd. 2. **Ownership from records.** When the action is heard, the court must decide who are the owners of the land described in the complaint. The decision must be based on the properly executed deeds or leases recorded in the county where the land is.

History: *(9594) 1907 c 177 s 2; 1988 c 469 art 8 s 1*

560.03 IF SUERS OWN HALF AND GET BOND, THEY MAY MINE.

Subdivision 1. **By court order.** If the complainant in an action under this chapter owns one-half or more of the mineral land, the court must make an order allowing the complainant to enter on and mine the land to produce from it the minerals, mineral ores, coal, clay, sand, gravel, or peat, that may be on or in the land.

Subd. 2. **Bond required; conditions.** The court order is effective only after the complainant files a bond with the court administrator. The bond must have the sureties that the court requires. The bond must be conditioned for the faithful, complete, and timely performance of court orders in, or on the subject of, the action, and for the timely performance of everything required by this chapter.

History: *(9595) 1907 c 177 s 3; 1Sp1986 c 3 art 1 s 82; 1988 c 469 art 8 s 1*

560.04 MINING; ACCOUNTING; PROFITS; LIENS; LIABILITY.

Subdivision 1. **May mine land.** After the bond described in section 560.03 has been filed and approved, the complainant may enter on the mineral land, mine it, and develop the produce from the mining.

Subd. 2. **Detail expenses; output; receipts.** The mining operator must keep a strict account of the expenses and output in tons of the mining and of the receipts from the disposal of the output. The mining operator must make a monthly statement of the expenses and the output and file the statement with the court administrator of the court handling the complainant's action. The mining operator may use as much of the receipts from the disposal of the total output as is necessary to pay the expenses of the mining operation.

Subd. 3. **All owners get profits.** The balance of the receipts must be prorated among all the owners of the mineral land according to their interests. An owner may demand payment after a monthly statement showing a surplus is filed. The mine operator must make the payment when it is demanded.

Subd. 4. **Other owners not liable.** An expense or a claim for work performed in or about the mining operation cannot be a lien on or a charge against any part of the land or interest in the land not owned by the owners mining the land. An owner who is not one of the owners mining the land is not liable for a charge or expense related to the mining operation on the land.

History: *(9596) 1907 c 177 s 4; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 1988 c 469 art 8 s 1*

560.05 MINERS MAY USE SURFACE AS NECESSARY.

Subdivision 1. **Includes office, housing.** The operators mining the mineral land may use the surface of the land for placing and sheltering machinery, for roads, tramways, drains, water pipes, steam and electric plants, and for other appliances necessary to mine the land. The surface may also be used for office buildings, and for houses for workers and shelter for animals involved in the mining operation.

Subd. 2. **No charge for use.** A nonoperating co-owner must not charge an operating co-owner for the use under subdivision 1 of the surface of the mineral land.

History: *(9597) 1907 c 177 s 5; 1986 c 444; 1988 c 469 art 8 s 1*

560.06 NONMINING OWNERS HAVE ACCESS.

Subdivision 1. **To verify accounts.** An owner of mineral land who is not involved in mining the land has access to the land and the workings of the mining operation at all reasonable times to measure the workings and in so doing, to verify the accounts of the operators.

Subd. 2. **To take deliveries.** A nonmining owner also has access to the property to remove property delivered to the nonmining owner on the dump of the property. In using the access for removal, a nonmining owner must not interfere with the mine operators, the land, the workings on or in the land, the appliances on the land, or those working for the operators on the land.

History: *(9598) 1907 c 177 s 6; 1986 c 444; 1988 c 469 art 8 s 1*

560.07 IF MAJORITY DOES NOT ACT, MINORITY MAY TAKE OVER.

An owner of less than a half interest in mineral land may mine the land under conditions in this section.

(a)(1) The owner of a half or greater interest must fail or refuse to use the procedure in this chapter; or (2) after starting to mine the land under this chapter, the owner of the half or greater interest must abandon the work for at least one year.

(b) The ownership of the interest must be shown by properly executed deeds recorded in the county where the land is.

(c) The owner of the interest must start to open and work the land according to this chapter.

History: *(9599) 1907 c 177 s 7; 1988 c 469 art 8 s 1*

560.08 NO LIENS EXCEPT JUDGMENTS MAY ATTACH TO THE LAND.

No liens created by statute for mechanics, material suppliers, or laborers, or for other supplies or other liens except those of judgment against owners of interests in the land, may attach to mineral land on or in which mining operations are carried on under this chapter.

History: *(9600) 1907 c 177 s 8; 1986 c 444; 1988 c 469 art 8 s 1*

560.09 ACTION, PARTITION APPLY ONLY TO OUTPUT.

An action under this chapter applies only to the output of the workings of the mineral land. A decree of partition by the court applies only to the division of the output of the workings of the land.

History: *(9601) 1907 c 177 s 9; 1988 c 469 art 8 s 1*