365.40 TOWN NAME IN SUIT; EXCEPTION; SERVICE; DEFENSE.

Subdivision 1. **Town or officers named.** In all actions or proceedings the town shall sue and be sued in its name, except that town officers may sue in their official names for the town's benefit.

Subd. 2. **Serve chair or clerk.** In an action against a town, process and papers must be served on the chair of the town board or on the town clerk.

Subd. 3. **Chair defends, tells board.** The chair shall see that the action is defended. The chair shall also give the town board a full statement of the facts about the action or proceeding so that the board can decide how to defend it. The statement must be given at the first board meeting after the town is served.

History: *(1105) RL s 694; 1974 c 394 s 4; 1978 c 497 s 2; 1986 c 444; 1987 c 229 art 8 s 1*