507.251 CONSTRUCTIVE NOTICE, WHEN NOT AFFECTED.

Subdivision 1. **Attestation clause, acknowledgment; defect, absence.** In any case where an instrument affecting the title to real estate, or authorizing an act affecting the title to real estate, was heretofore or is hereafter filed for record and recorded in the office of the county recorder or filed in the office of the registrar of titles of the county in this state wherein the real estate, or any part thereof, is situated, and there is apparent on the face of the instrument or the record thereof a defect in the attestation of the instrument, or the absence of any attestation, or a defect in the acknowledgment of the instrument or in the certification of the acknowledgment, or the absence of any certificate of acknowledgment, or a combination of two or more of such defects, the instrument and the filing and record thereof and certified copies of the instrument and of the record thereof shall have the same force and effect as constructive notice and the same force and effect as evidence and the same force and effect for all purposes that they would have had if no such defect or omission in attestation, acknowledgment or certification of acknowledgment had been apparent on the face of the instrument or the record thereof.

Subd. 2. **Recording and filing of wills excepted.** This section shall not apply to the recording or filing of wills.

Subd. 3. **Recording officers, liability not affected.** This section shall not be construed as relieving the county recorder or the registrar of titles of any county in this state from any penalty or liability imposed by law for accepting and recording or filing an instrument not legally entitled to record or filing.

Subd. 4. **Limitation.** This section shall not affect any action pending on March 18, 1949, or commenced before January 1, 1950, in any court in this state.

History: *1949 c 134 s 1-4; 1976 c 181 s 2*