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# GENERAL STATUTES OF MINNESOTA

## SUPPLEMENT 1917

CONTAINING THE AMENDMENTS TO THE GENERAL STATUTES  
AND OTHER LAWS OF A GENERAL AND PERMANENT  
NATURE, ENACTED BY THE LEGISLATURE  
IN 1915, 1916, AND 1917

WITH NOTES OF ALL APPLICABLE DECISIONS

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1918

**6892. Certificate of title—What survives—**

The purpose of this section is to create an indefeasible title in the person adjudged to be the owner (123-182, 143+324, L. R. A. 1916D, 4). Records, ⇨9(3).

**6943. Damages through erroneous registration—Action—**

Since land, title to which is in the United States, cannot be registered, the omission of the examiner to ascertain and report such fact is an "omission" which entitles a good-faith purchaser, relying on the certificate of title, to reimbursement out of the assurance fund, though the certificate does not purport to bar the rights of the United States. Purchasing registered land on the faith of the certificate of title, and without making an independent investigation of the title, is not negligence on the part of the purchaser (130-456, 153+871). Records, ⇨9(10).

**6944. Parties defendant—Judgment—Execution—**

130-456, 153+871; note under § 6943.

## CHAPTER 66

## HOMESTEAD EXEMPTION

**6957. Dwelling place exempt—Exceptions—**

206 Fed. 877, 124 C. C. A. 537.

Where a vendor conveys to a third person, who is actually residing on the land, and such third person conveys to the vendee, an existing judgment against such third person does not become a lien as against the vendee, as whatever interest vested in such third person forthwith became his homestead (123-293, 143+720). Homestead, ⇨103.

The owner of a lot 50 feet wide, living in a store building located on one side, and renting a small dwelling on the other side to third parties, is entitled to retain the entire lot as his homestead (134-478, 159+788). Homestead, ⇨63.

Declarations of homestead claimant, since deceased, as evidence of homestead character of occupancy (128-525, 151+416). Evidence, ⇨236(1).

**6958. Area, how limited—**

206 Fed. 877, 124 C. C. A. 537.

The homestead may consist of a tract made up of lots owned separately by husband and wife, where the aggregate of the two parcels does not exceed the statutory limit as to quantity (161+515; note under § 6960, post). Homestead, ⇨70.

**6960. Title may be in husband or wife—Equitable title exempt—**

The interest acquired by the vendee in a contract of sale, where such vendee takes possession and makes improvements, is one subject to homestead estate (123-483, 144+222). Homestead, ⇨128.

Where land owned by a wife adjoins that owned by the husband, and the same is in a single inclosure and occupied as a homestead, the house being located over the boundary line, and the entire tract does not exceed the homestead limit as to quantity, the land as a whole may be claimed as a homestead exempt from execution (161+515). Homestead, ⇨87.

**6961. No alienation without consent of spouse—Exceptions—**

**In general**—It was error to receive as evidence of marriage a judgment in a former action to which defendant was not a party (128-525, 151+416). Judgment, ⇨707.

Where a father conveyed land to his son, and the latter took possession with his wife, and lived on the land as a homestead, a judgment in an action against the son alone, decreeing a half interest in the land to plaintiff based on a former contract with the father, was a nullity, and passed no title to plaintiff (133-218, 158+250). Husband and Wife, ⇨238(3).

**Separate deeds—Estoppel**—Though separate conveyances by husband and wife to the homestead are void, they may be estopped to deny the validity thereof. Where a wife separates from her husband, executes a separate deed to a purchaser from the husband of the homestead, and thereafter procures a divorce, the husband, who has surrendered possession to the purchaser, cannot assert, as against a subsequent bona fide purchaser, that his own separate deed is void, especially where he does not offer to return the purchase money received, or to reimburse his grantees for improvements (133-261, 158+244). Homestead, ⇨122.

**Deed as mortgage**—An absolute deed of homestead owned by the husband, in which deed the wife joins, binds her homestead right for future advances made to the husband to secure which the deed is made (122-419, 142+721). Homestead, ⇨118(1).

**Deed reserving life estate**—A warranty deed reserving a life estate in the grantor was void as to the homestead included in such conveyance, where the same was not signed by the grantor's wife (124-335, 144+1094). Homestead, ⇨118(5).

**Giving right of way for a road**—An agreement by a husband, in which his wife does not join, and to which she does not assent, to give a town a right of way for a road across a tract which constitutes the homestead, is void. Evidence held insufficient to show assent by a

wife to the grant by the husband of a right of way over the homestead (133-128, 157+1089). Homestead, [§118\(5\)](#).

A deed granting a perpetual right of way over a homestead is an "alienation," and is invalid, unless signed by both husband and wife (129-288, 152+648, Ann. Cas. 1916E, 1130). Homestead, [§118\(3\)](#).

**Reformation of deed conveying homestead**—A conveyance of the homestead, or a portion thereof, executed by both husband and wife, as required by this section, may be reformed by correcting a misdescription of the property intended to be conveyed thereby (129-288, 152+648, Ann. Cas. 1916E, 1130). Reformation of Instruments, [§13\(3\)](#).

Evidence examined, and held sufficient to sustain a finding that both husband and wife agreed to grant a right of way through the homestead, and that it was omitted from the deed by mutual mistake, so that reformation would be decreed (129-288, 152+648, Ann. Cas. 1916E, 1130). Reformation of Instruments, [§45\(4\)](#).

**6963. Sale or removal permitted—Notice—**

206 Fed. 877, 124 C. C. A. 537.

## CHAPTER 67

### CHATTEL MORTGAGES AND CONDITIONAL SALES

#### CHATTEL MORTGAGES

**6966. Mortgages, when void—**

A chattel mortgage by a son to his father of 2,500 bushels of a growing crop of corn estimated to produce 3,000 bushels, accompanied by an understanding that the son might continue for a time to feed a small amount of stock, was not void as matter of law; it not appearing that the feeding of the stock would impair the security (130-141, 153+125). Chattel Mortgages, [§188\(1\)](#).

A chattel mortgage held not fraudulent as to creditors, though it was agreed between the parties that a part of the property included in the mortgage might be used to feed animals, also included in the mortgage, and that the mortgagor might use sufficient of the property for his living, since the property so needed is exempt (133-375, 153+612). Chattel Mortgages, [§191](#).

**6967. Where filed—**

**Applicable only in cities of first class and counties where the salary of the register of deeds is fixed by special law**—See §§ [6993—]1 to [6993—]7.

Cited (130-256, 153+324; 130-256, 153+593).

[6967—]1. **Defective chattel mortgages—Curative**—That in all cases where chattel mortgages have heretofore been executed between the first day of January, 1911, and the first day of January, 1914, which were attested by only one subscribing witness, and have been actually filed with the register of deeds of the proper county, and in all cases where such chattel mortgages have heretofore been actually filed in the office of the clerk or recorder of the proper town or municipality, all such chattel mortgages and the filing thereof are hereby legalized and confirmed. All of such instruments so filed shall in all respects have the same force and effect as they would have if such original instrument at the time they were so filed had been duly attested by two subscribing witnesses, and duly certified copies thereof may be read in evidence in any court in this state with the same effect as the original.

Provided, that nothing in this act shall be held to apply to any action heretofore commenced or now pending in any court in this state; nor in any manner apply to any one in good faith acquiring any interest in any property included in any such mortgage subsequent to the delivery of such mortgage, and prior to the taking effect of this act. ('15 c. 308 § 1)

**6973. Foreclosure, when and where made—**

A junior mortgagee may bring an action in equity to foreclose, where the first mortgagee is in possession, but he must redeem or show that there will be a surplus after satisfying the first mortgage (122-283, 142+195). Chattel Mortgages, [§271](#).