

## CHAPTER 395—S. F. No. 374.

*An act to amend Chapter 131 of the General Laws of 1915 relating to conveyances by husband or wife of insane or incompetent persons.*

Be it enacted by the Legislature of the State of Minnesota :

Section 1. Conveyance by husband or wife of insane or incompetent.—That section 1 of chapter 131 of the General Laws of 1915, is hereby amended to read as follows:

Section 1. The husband or wife of any person who has been *or may be* adjudged, *by a court of competent jurisdiction*, to be insane or incompetent to transact his or her business or manage his or her estate, and whose person or estate, or both, a guardian has been *or may be* appointed by *a probate court of this state*, may with such guardian's approval, by separate deed convey any real estate, the title to which is *or may be* in such husband or wife, as fully as he or she could do if unmarried; provided that in any such case, a duly certified copy of the letters of guardianship of such guardian shall be recorded in the office of the register of deeds of the county in which such real estate is situated and the approval of such conveyance by such guardian shall be in writing, after being first authorized to do so by an order of such probate court, and shall be endorsed on the instrument of such conveyance. Without such approval of such guardian, a conveyance by such husband or wife shall not affect the rights of the insane or incompetent spouse.

Provided further, that in any case where no guardian has been appointed of the person or estate of such insane or incompetent spouse and such insanity or incompetency has existed *or may exist* for three years subsequent to the adjudication of the insanity or incompetency of such insane or incompetent spouse, then and in such event, the husband or wife of such insane or incompetent person may convey any real estate, the title to which is in such husband or wife, as fully as he or she could do if unmarried.

Provided further, that this section shall not authorize the conveyance of a homestead unless the guardian of the person or estate of such insane or incompetent person has been *or shall be* appointed by the probate court of the proper county and such guardian shall consent in writing to such conveyance, by endorsement thereon, after being first authorized so to do, by order of such probate court.

*Provided further, that the provisions of the foregoing provisos shall not apply to a non-resident insane or incompetent person.*

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 23, 1919.