

municipality, all money, claims, or properties, including real estate owned, held, or possessed by the annexed, incorporated or consolidated township or municipality, and any proceeds or taxes levied by such town or municipality, collected or uncollected, shall become and be the property of the new or annexing municipality with full power and authority to use and dispose of the same for public purposes as the council or new annexing municipality may deem best, subject to the rights of creditors. Any bonded indebtedness of a town or former municipality annexed to an existing municipality or incorporated or consolidated into a new municipality shall be borne only by that property within the boundaries of the former town or municipality, provided, however, the units of government concerned may by resolution of their governing bodies agree that the new municipality shall assume the bonded indebtedness of the former units of government existing and outstanding at the time of annexation, incorporation or consolidation.

Approved March 19, 1971.

#### CHAPTER 63—H.F.No.36

*An act relating to real property; providing for certifications of taxes paid before recording instruments; amending Minnesota Statutes 1969, Section 272.12; 272.14; and 508.47, Subdivision 4; repealing Minnesota Statutes 1969, Section 272.13.*

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

Section 1. Minnesota Statutes 1969, Section 272.12, is amended to read:

**272.12 REAL PROPERTY; RECORDATION; CERTIFICATION OF TAXES.** When a deed or other instrument conveying land, or a plat of any town site or addition thereto, or a survey required pursuant to section 508.47, is presented to the county auditor for transfer, he shall ascertain from his records if there be taxes ~~due delinquent~~ upon the land described therein, or if it has been sold for taxes. If there are taxes ~~due delinquent~~, he shall certify to the same; and upon payment of such taxes, ~~and of any other taxes that may be in the hands of the county treasurer for collection~~ or in case no taxes are ~~due delinquent~~, he shall transfer the land upon the books of his office, and note upon the instrument, over his official signature, the words, "no delinquent taxes paid and transfer entered," or, if the land described has been sold or assigned to an actual purchaser for taxes, the words "paid by sale of land described

Changes or additions indicated by underline, deletions by ~~strikeout~~.

within;" and, unless such statement is made upon such instrument, the register of deeds or the registrar of titles shall refuse to receive or record the same; provided, that sheriff's or referees' certificates of sale on execution or foreclosure of a lien or mortgage, decrees and judgments, receivers receipts, patents, and copies of town or village plats, in case the original plat filed in the office of the register of deeds has been lost or destroyed, and the instruments releasing, removing and discharging reversionary and forfeiture provisions affecting title to land and instruments releasing, removing or discharging easement rights in land or building or other restrictions, may be recorded without such certificate; and, provided that instruments conveying land and, as appurtenant thereto an easement over adjacent tract or tracts of land, may be recorded without such certificate as to the land covered by such easement; and, provided, further, that any instrument granting an easement made in favor of any public utility or pipe line for conveying gas, liquids or solids in suspension, in the nature of a right of way over, along, across or under a tract of land may be recorded without such certificate as to the land covered by such easement.

A violation of this section by the register of deeds or the registrar of titles shall be a gross misdemeanor, and, in addition to the punishment therefor, he shall be liable to the grantee of any instrument so recorded for the amount of any damages sustained.

When, as a condition to permitting the recording of deed or other instrument affecting the title to real estate previously forfeited to the state under the provisions of sections 281.16 to 281.27, county officials, after such real estate has been purchased or repurchased, have required the payment of taxes erroneously assumed to have accrued against such real estate after forfeiture and before the date of purchase or repurchase, the sum required to be so paid shall be refunded to the persons entitled thereto out of moneys in the funds in which the sum so paid was placed. Delinquent taxes are those taxes deemed delinquent under section 279.02.

Sec. 2. Minnesota Statutes 1969, Section 272.14, is amended to read:

**272.14 TRANSFER OF UNDIVIDED INTEREST.** Upon presentation of a deed or other instrument conveying an undivided part of a parcel of land, and upon payment of an equivalent proportional part of the taxes due delinquent thereon, according to the records of the county auditor the county auditor ~~and county treasurer~~ shall endorse their respective certificates his certificate thereon, as prescribed in sections section 272.12 and 272.13. ~~The county treasurer shall receive payment of such fractional part of the taxes due on such parcel.~~ Delinquent taxes are those taxes deemed delinquent under section 279.02.

Sec. 3. Minnesota Statutes 1969, Section 508.47, Subdivision 4, is amended to read:

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Subd. 4. **SURVEY; REQUISITES; FILING; COPIES.** The registered land survey shall correctly show the legal description of the parcel of unplatted land represented by said registered land survey and the outside measurements of the parcel of unplatted land and of all tracts delineated therein, the direction of all lines of said tracts to be shown by angles or bearings or other relationship to the outside lines of said registered land survey, and the surveyor shall place stakes in the ground at appropriate corners, and all tracts shall be lettered consecutively beginning with the letter "A". None of said tracts or parts thereof may be dedicated to the public by said registered land survey. The registered land survey shall be on paper, mounted on cloth, shall be a black on white drawing, the scale to be not smaller than one inch equals 200 feet, and shall be certified to be a correct representation of said parcel of unplatted land by a registered surveyor. The mounted drawing shall be exactly 17 inches by 14 inches and not less than 2 ½ inches of the 14 inches shall be blank for binding purposes, and such survey shall be filed in triplicate with the registrar of titles upon the payment of a fee of \$10. Before filing, however, any such survey shall be approved in the manner required for the approval of subdivision plats, which approval shall be endorsed thereon or attached thereto. ~~Before any such survey is filed, there shall be endorsed on all copies thereof required to be furnished, the certification of the county treasurer to the effect that the current real estate taxes upon the land described in said survey have been paid in full and the certification by the county auditor that the real estate taxes for all prior years against the land described in said survey have been paid in full.~~

The registrar shall furnish to any person a copy of said registered land survey, duly certified by him, for a fee of \$5, which shall be admissible in evidence.

Sec. 4. Minnesota Statutes 1969, Section 272.13, is repealed.

Sec. 5. This act is effective upon its final enactment.

Approved March 19, 1971.

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#### CHAPTER 64—H.F.No.254

*An act relating to registration of title to real estate; service and form of summons; amending Minnesota Statutes 1969, Section 508.16.*

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

Changes or additions indicated by underline, deletions by ~~strikeout~~.