

authenticated or exemplified by the registrar or in the same manner as those issued by the court. All files shall be maintained by the clerk of court. The probate registrar shall not render advice calling for the exercise of such professional judgment as constitutes the practice of law.

Sec. 3. Minnesota Statutes 1976, Section 524.3-108, is amended to read:

524.3-108 PROBATE, TESTACY AND APPOINTMENT PROCEEDINGS; ULTIMATE TIME LIMIT. No informal probate or appointment proceeding or formal testacy or appointment proceeding, other than a proceeding to probate a will previously probated at the testator's domicile and appointment proceedings relating to an estate in which there has been a prior appointment, may be commenced more than three years after the decedent's death, except (1) if a previous proceeding was dismissed because of doubt about the fact of the decedent's death, appropriate probate, appointment or testacy proceedings may be maintained at any time thereafter upon a finding that the decedent's death occurred prior to the initiation of the previous proceeding and the applicant or petitioner has not delayed unduly in initiating the subsequent proceeding; (2) appropriate probate, appointment or testacy proceedings may be maintained in relation to the estate of an absentee, or disappeared or missing person, at any time within three years after the death of the absentee or disappeared or missing person is established; and (3) a proceeding to contest an informally probated will and to secure appointment of the person with legal priority for appointment in the event the contest is successful, may be commenced within the later of twelve months from the informal probate or three years from the decedent's death. These limitations do not apply to proceedings to construe probated wills, determine heirs of an intestate, or proceedings to determine descent. In cases under (1) or (2) above, the date on which a testacy or appointment proceeding is properly commenced shall be deemed to be the date of the decedent's death for purposes of other limitations provisions of this chapter which relate to the date of death. Nothing herein contained prohibits the formal appointment of a special administrator at any time for the purposes of reducing assets to possession, administering the same under direction of the court, or making distribution of any residue to the heirs or distributees determined to be entitled thereto pursuant to a descent proceeding under section 525.31 or an exempt summary proceeding under section 525.51, even though the three year period above referred to has expired.

Sec. 4. This act is effective the day following final enactment as to all informal proceedings commenced after January 1, 1976.

Approved June 2, 1977.

CHAPTER 441—S.F.No.977

[Coded in Part]

An act relating to marriage; clarifying eligibility for marriage contract; requiring certain information on application for marriage license and marriage certificate; requiring clerk of court to furnish certified copies of marriage certificate; amending Minnesota Statutes

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

1976, Sections 517.01; 517.08, Subdivisions 1 and 3; 517.10; and Chapter 517, by adding a section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1976, Section 517.01, is amended to read:

517.01 **MARRIAGE; ELIGIBILITY.** Marriage, so far as its validity in law is concerned, is a civil contract between a man and a woman, to which the consent of the parties, capable in law of contracting, is essential. Lawful marriage hereafter may be contracted only when a license has been obtained therefor as provided by law and when such marriage is contracted in the presence of two witnesses and solemnized by one authorized, or whom the parties in good faith believe to be authorized, so to do. Marriages subsequent to April 26, 1941, not so contracted shall be null and void.

Sec. 2. Minnesota Statutes 1976, Section 517.08, Subdivision 1, is amended to read:

517.08 **APPLICATION FOR LICENSE.** Subdivision 1. Application for a marriage license shall be made at least five days before a license shall be issued. Such application shall be made upon a *form provided for the purpose and shall contain the full names of the parties, their post office addresses and county and state of residence, and their full ages, and the full names the parties will have after marriage.* The clerk shall examine upon oath the party applying for license relative to the legality of such contemplated marriage and, if at the expiration of this five-day period, he is satisfied that there is no legal impediment thereto, he shall issue such license, containing the full names of the parties before and after marriage, and county and state of residence, with the district court seal attached, and make a record of the date of issuance thereof, which license shall be valid for a period of six months. In case of emergency or extraordinary circumstances, the judge of the probate court, the court commissioner, or any judge of the district court, of the county in which the application is made, may authorize the license to be issued at any time before the expiration of the five days. The clerk shall collect from the applicant a fee of ~~\$10~~ \$11 for administering the oath, issuing, recording, and filing all papers required, and preparing and transmitting to the state registrar of vital statistics the reports of marriage required by this section. If illness or other extenuating circumstances, it may be surrendered to the clerk for cancellation, and in such case a new license shall issue upon request of the parties of the original license without fee therefor. Any clerk who shall knowingly issue or sign a marriage license in any other manner than in this section provided shall forfeit and pay for the use of the parties aggrieved not to exceed \$1,000.

Sec. 3. Minnesota Statutes 1976, Section 517.08, Subdivision 3, is amended to read:

Subd. 3. The personal information necessary to complete the report of marriage shall be furnished by the applicant prior to the issuance of the license. The report shall contain only the following information:

(a) Personal information on bride and groom.

1. Name.

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

2. Residence.
3. Date and place of birth.
4. Race.
5. If previously married, how terminated.
6. Name after marriage.
7. Signature of applicant and date signed.

(b) Information concerning the marriage.

1. Date of marriage.
2. Place of marriage.
3. Civil or religious ceremony.

(c) Signature of clerk of court and date signed.

(d) Address of the bride and groom after the marriage to which the clerk shall send a certified copy of the marriage certificate.

Sec. 4. Minnesota Statutes 1976, Chapter 517, is amended by adding a section to read:

[517.101] CERTIFIED COPIES OF MARRIAGE CERTIFICATE. Within ten days of receipt of the certificate and after recording the certificate the clerk shall prepare two certified copies of the certificate of which he shall mail one to the married parties and the other to the person solemnizing the marriage. The person solemnizing the marriage may indicate at the time he files the certificate with the clerk that he does not wish to receive a certified copy.

Sec. 5. Minnesota Statutes 1976, Section 517.10, is amended to read:

517.10 CERTIFICATE; WITNESSES. The person solemnizing a marriage shall prepare under his hand three certificates thereof. Each certificate shall contain the full names before and after marriage and county and state of residences of the parties and the date and place of the marriage. Each certificate shall also contain the signatures of at least two of the witnesses present at the marriage who shall be at least 16 years of age. The person solemnizing the marriage shall give each of the parties one such certificate, and shall immediately make a record of such marriage, and file one such certificate with the clerk of the district court of the county in which the license was issued within five days after the ceremony. The clerk shall record such certificate in a book kept for that purpose.

Approved June 2, 1977.

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