

CHAPTER 543—H.F.No. 1956

An act relating to real estate; providing for a state land registration assurance fund; combining the tax forfeited land assurance account with the land registration assurance fund; eliminating separate county assurance funds; empowering the commissioner of banks to clear certain title defects involving a defunct state agency; appropriating money; amending Minnesota Statutes 1978, Sections 284.28, Subdivisions 8, 9 and 10; 508.75; 508.77; 508.79; 508.82; and 541.024, Subdivision 1; and Laws 1980, Chapter 373, Section 8; repealing Minnesota Statutes 1978, Section 508.83.

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

Section 1. Minnesota Statutes 1978, Section 284.28, Subdivision 8, is amended to read:

Subd. 8. There is established in the state treasury a ~~tax forfeited land~~ real estate assurance account. This account is composed of money appropriated by the legislature for this purpose and all money deposited in the state treasury and credited to the account ~~pursuant to this subdivision~~. Money in the state treasury credited to the ~~tax forfeited land~~ real estate assurance account from all sources is annually appropriated to the state treasurer for the purpose of paying claims ordered by the district court to be paid from the fund. At the time of sale of a parcel of tax forfeited land, the county auditor shall charge and collect in full an amount equal to three percent of the total sale price of land. Before filing a notice of expiration of time for redemption, in cases where an auditor's certificate of sale or a state assignment certificate has been issued, the county auditor shall charge and collect in full from the holder of the certificate an amount equal to three percent of the appraised value of the property for tax purposes. The amounts so collected by the auditor shall be deposited in the state treasury and credited to the ~~tax forfeited land~~ real estate assurance account. Income earned from moneys in the account shall be credited to the account. The state treasurer may separately invest account moneys.

In determining compensation for the unjust deprivation suffered by the claimant, which may include severance damages sustained if the claimant owns adjoining land, the court shall take into account delinquent taxes, penalties, costs, and interest which would have been due and owing if the claimant had redeemed the land.

No claimant shall recover the value of improvements made to the land by other persons or the increment in value of land that occurs after the claimant has actual notice of the forfeiture proceeding. All claims against the ~~tax forfeited land~~ real estate assurance account and ordered by the district court to be paid therefrom shall be obligations of the state and shall be paid out of the first moneys coming into the assurance fund from legislative appropriations, the collection of money by county auditors or from any other sources as provided by law.

Sec. 2. Minnesota Statutes 1978, Section 284.28, Subdivision 9, is amended to read:

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Subd. 9. In any action brought to recover loss or damage from the ~~tax forfeited land~~ real estate assurance account, the state treasurer, in his official capacity, shall be named as defendant. If the assurance account is insufficient to pay the amount of any judgment, in full, the unpaid balance thereof shall bear interest at the legal rate and shall be paid together with any accrued interest thereon. The attorney general or, at the attorney general's request, the county attorney of the county in which the land or a major part of it lies, shall defend the state treasurer in all such actions.

Sec. 3. Minnesota Statutes 1978, Section 284.28, Subdivision 10, is amended to read:

Subd. 10. Any action or proceeding pursuant to section 284.28 to recover damages out of the real estate assurance fund shall be commenced within ten years after the expiration of the periods within which claims may be asserted pursuant to subdivisions 2 and 3, and not afterwards. If, within this ten year period the person entitled to bring such action or proceeding is under legal disability, such person, or anyone claiming under him, may commence such action or proceeding within the period expiring two years after such disability is removed or within the ten year period, whichever period is greater.

Sec. 4. Minnesota Statutes 1978, Section 508.75, is amended to read:

508.75 ASSURANCE FUND; INVESTMENT. All money received by the registrar under the provisions of sections 508.74 and 508.82, clause (1) shall ~~immediately~~ be paid quarterly by him or the county treasurer to the county state treasurer and placed in the real estate assurance account as an assurance fund. ~~The county treasurer shall invest the same and may purchase appropriate insurance for claims against the fund upon the order of the district court, and subject to its approval. The assurance fund shall only be invested in bonds of the United States or of the state of Minnesota or of any county or municipality thereof. The county treasurer shall render to the district court, at least once each year, a full and detailed report, showing all receipts, disbursements, and investments on account of such fund. There is annually appropriated to the state treasurer from the real estate assurance account sums sufficient to pay claims ordered by a district court.~~

Sec. 5. Minnesota Statutes 1978, Section 508.77, is amended to read:

508.77 PARTIES DEFENDANT; JUDGMENT; EXECUTION. If such action is brought to recover any loss or damage occasioned solely by the registration of such land, or solely by the registration of any other person as the owner thereof, or if such action be brought for the recovery of any loss or damage occasioned solely by the omission, mistake or misfeasance of the registrar or his deputy, or of any examiner or of any clerk of court, or his deputy, in the performance of their respective duties, the county state treasurer, in his official capacity, shall be the sole defendant. If such action be brought to recover for any loss or damage occasioned either wholly, or in part, by the fraud or wrongful act of some person other than the officers herein named, or to recover for any loss or damage caused jointly by the fraud or wrongful act, and by the omission, mistake

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or misfeasance of the officers above named, or any of them, and of some other person, the county state treasurer, in his official capacity, and such other person shall be joined as defendants therein. In any action where there are defendants other than the county state treasurer, no execution shall issue against such treasurer until execution against all other defendants against whom judgment has been recovered has been returned unsatisfied, either in whole or in part. An officer returning such execution shall certify thereon that the amount still due upon the execution cannot be collected from them. Thereupon the court, being satisfied as to the truth of the return, shall order the county state treasurer to pay the amount due upon such execution out of the assurance fund. If the assurance fund is insufficient to pay the amount of any judgment in full, the unpaid balance thereof shall bear interest at the legal rate and be paid out of the first moneys coming into the assurance fund. The county attorney general or, at the request of either the attorney general or the board of county commissioners of the county in which the land or a major part of it lies, the county attorney of that county shall defend the county state treasurer in all such actions.

Sec. 6. Minnesota Statutes 1978, Section 508.79, is amended to read:

508.79 **LIMITATION OF ACTION.** Any action or proceeding pursuant to section 508.76 to recover damages out of the assurance fund, shall be commenced within six years from the time when the right to commence the same accrued, and not afterwards. If at the time the right accrued or thereafter within the six year period, the person entitled to bring such action or proceeding is a minor, or insane, or imprisoned, or absent from the United States in its service or the service of the state, such person, or anyone claiming under him, may commence such action or proceeding within two years after such disability is removed.

Sec. 7. Minnesota Statutes 1978, Section 508.82, is amended to read:

508.82 **REGISTRAR'S FEES.** The fees to be paid to the registrar shall be as follows:

- (1) In addition to other fees provided herein, for the entry of each memorial upon a certificate of title, fifty cents, which shall be paid to the county state treasurer and credited to the ~~assurance fund~~ real estate assurance account;
- (2) For registering each original certificate of title, and issuing a duplicate thereof, \$6;
- (3) For registering each transfer, including the filing of all instruments connected therewith, and the issuance and registration of the new certificate of title, \$7.50;
- (4) For the entry of each memorial on the register, or the cancellation thereof, including the filing of all instruments and papers connected therewith and endorsements upon duplicate certificates, \$3;
- (5) For issuing each mortgagee's or lessee's duplicate, \$3;
- (6) For issuing each residue certificate, \$6;

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(7) For issuing separate certificates and duplicates thereof, in exchange for one certificate for two or more distinct parcels, for each exchange certificate, \$3;

(8) For each certificate showing condition of the register, \$4.50;

(9) For any certified copy of any instrument or writing on file in his office, the same fees allowed by law to county recorders for like services;

(10) For filing two copies of any plat in the office of the registrar, \$15;

(11) For any other service under this chapter, such fee as the court shall determine;

(12) For issuing a duplicate certificate of title pursuant to the directive of the examiner of titles in counties in which the compensation of the examiner is paid in the same manner as the compensation of other county employees, \$35;

(13) For issuing a duplicate certificate of title pursuant to the directive of the examiner of titles in counties in which the compensation of the examiner is not paid by the county or pursuant to an order of the court, \$3.

Sec. 8. **TRANSFER OF FUNDS.** All county assurance fund assets shall be transferred to the real estate assurance account by January 1, 1981. The state real estate assurance account shall pay all judgments for which a county assurance fund is or becomes liable.

All assets in the tax forfeited land assurance account in the state treasury shall be transferred to the state real estate assurance account by August 1, 1980. The state real estate assurance account shall assume all liabilities of the tax forfeited land assurance account which is abolished as of August 1, 1980.

Sec. 9. Minnesota Statutes 1978, Section 541.024, Subdivision 1, is amended to read:

541.024 LIMITATION OF ACTIONS AFFECTING TITLE TO OR POSSESSION OF TAX FORFEITED LANDS. Subdivision 1. As against a real estate title based upon or derived from a county auditor's certificate of forfeiture, or auditor's certificate of sale or state assignment certificate which has been of record for at least ~~ten~~ four years in the office of the county recorder or in the office of the registrar of titles, no action affecting the possession or title of the real estate shall be commenced on or after June 15, 1978, to enforce any adverse right, claim, interest, incumbrance or lien, based upon the alleged invalidity of the county auditor's certificate of forfeiture, or auditor's certificate of sale or state assignment certificate.

Sec. 10. Laws 1980, Chapter 373, Section 8, is amended to read:

Sec. 8. This act is effective May 1, 1980 except that for a contract for deed executed prior to May 1, 1980, a notice required by section 6 is not required until July 1, 1980.

Sec 11. **[46.221] ISSUANCE OF QUITCLAIM DEEDS.** The commissioner of banks is empowered to issue quitclaim deeds in connection with loans made by

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the now defunct department of rural credit, a former state agency. The commissioner shall issue the quitclaim deeds upon reasonable evidence the state of Minnesota no longer has a valid claim of title to the property involved. No fee shall be charged for the issuance of a quitclaim deed.

Sec. 12. **REPEALER.** Minnesota Statutes 1978, Section 508.83, is repealed.

Approved April 11, 1980

CHAPTER 544—H.F.No. 1981

An act relating to crimes; authorizing certain payments to shelter facilities for battered women; requiring direct payments to shelter facilities from general assistance; providing that the status of marriage or an ongoing voluntary sexual relationship of cohabiting adults shall not be a defense to most prosecution for criminal sexual conduct; amending Minnesota Statutes 1978, Sections 256D.05, Subdivision 3; and 609.349.

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

Section 1. Minnesota Statutes 1978, Section 256D.05, Subdivision 3, is amended to read:

Subd. 3. **RESIDENTS OF SHELTER FACILITIES.** Notwithstanding the provisions of subdivisions 1 and 2, general assistance payments ~~may~~ shall be made ~~to individuals receiving aid to families with dependent children who are residing for maintenance costs and security costs which are related to providing 24-hour staff coverage at the facility incurred as a result of residence in a secure crisis shelter, a housing network, or other shelter facility facilities which provides~~ provide shelter services to women and their children who are being or have been assaulted by their spouses, other male relatives, or other males with whom they are residing or have resided in the past.

These payments shall be made directly to the shelter facility from general assistance funds on behalf of women and their children who are receiving, or who are eligible to receive, aid to families with dependent children or general assistance.

In determining eligibility of women and children for payment of general assistance under this subdivision, the asset limitations of the aid to families with dependent children program shall be applied. Payments to shelter facilities shall not affect the eligibility of individuals who reside in shelter facilities for aid to families with dependent children or general assistance or payments made to individuals who reside in shelter facilities through aid to families with dependent children or general assistance, except when required by federal law or regulation.

Sec. 2. Minnesota Statutes 1978, Section 609.349, is amended to read:

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