

# REVISED LAWS

# MINNESOTA

## 1905

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EDITED AND ANNOTATED BY  
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1906

less the instrument of defeasance is recorded in the county where the lands lie. (4182)

18-232, 212; 22-137; 25-448; 34-547, 27+66; 45-116, 120, 47+644.

**3362. Recorded letter of attorney, how revoked**—No instrument containing a power to convey lands, when recorded, shall be deemed to be revoked by any act of the party by whom it was executed, unless the instrument containing such revocation be also recorded in the same office. (4188)

**3363. Mortgages, how discharged of record**—A mortgage may be discharged by filing for record a certificate of its satisfaction executed and acknowledged by the mortgagee, his personal representative, or assignee, as in the case of a conveyance. The register shall enter the number of such certificate and the book and page of its record upon the record of the mortgage. A discharge may also be made by an entry in the margin of the record of the mortgage, acknowledging its satisfaction, signed by the mortgagee, his personal representative or assignee, without other formality. If such entry be made by a corporation, it shall be signed by its president or vice-president and attested by its secretary or treasurer. If a mortgage be recorded in more than one county, and discharged of record in one of them, a certified copy of such discharge may be recorded in another county with the same effect as the original. If the discharge be by marginal entry, such copy shall include the record of the mortgage. In all cases the discharge shall be entered in the reception book and indexes as conveyances are entered. (4196; '99 c. 182; '03 c. 342)

17-396, 7+826.

**3364. Refusal of mortgagee to discharge—Action**—Whenever any mortgagee, his personal representative or assignee, upon full performance of the conditions of the mortgage, shall fail to discharge the same within ten days after being thereto requested, and after tender of his reasonable charges therefor, he shall be liable to the mortgagor, his heirs or assigns, for all actual damages thereby occasioned; and a claim for such damages may be asserted in an action for discharge of the mortgage. If the defendant be not a resident of the state, such action may be maintained upon the expiration of sixty days after the conditions of the mortgage have been performed, without such previous request or tender. (4197)

27-396, 7+826; 39-32, 38+755.

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## CHAPTER 64

### PLATS

**3365. Platting of land—Donations**—Plats of land may be made in accordance with the provisions of this chapter, and, when so made and recorded, every donation to the public or any person or corporation noted thereon shall operate to convey the fee of all land so donated, for the uses and purposes named or intended, with the same effect, upon the donor and his heirs, and in favor of the donee, as though such land were conveyed by warranty deed. Land donated for any public use in any municipality shall be held in the corporate name in trust for the purposes set forth or intended. (2303, 2308)

8-456, 405; 10-82, 59; 11-119, 75; 12-546, 458; 17-260, 237; 17-265, 243; 21-493; 22-251; 44-251, 46+358; 46-321, 48+1129; 50-551, 52+931.

**3366. Survey and plat—Monument**—The land shall be surveyed, and a plat made setting forth and naming all thoroughfares, showing all public grounds, and giving the dimensions of all lots, thoroughfares, and public grounds. Inlots shall be numbered progressively, or by the block in which they are situated, and outlots shall be numbered, and shall not exceed ten acres in size.

A stone monument, from which to make future surveys, shall be placed at some corner, in the ground, and be designated on the plat. (2303-2305)

22-251.

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07 - 53  
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**3367. Certification, acknowledgment, and approval**—The plat, if correct, shall be certified by the surveyor and acknowledged by the proprietor, and, except in cities whose charters provide for official supervision of plats by municipal officers or bodies, shall not be recorded until the county surveyor shall certify thereon that the stone monuments appearing on the plat have been correctly placed, and all boundary lines and the sizes of all fractional lots correctly shown. When requested, the county surveyor shall verify the plat without unnecessary delay, and, if survey or plat be found incorrect, he shall notify the proprietors. When the lands are within an incorporated village or a city of the fourth class, the plat shall not be recorded until it has been approved by the council, and such approval certified thereon by the clerk or recorder. (2306, 2307; '99 c. 168)

8-491, 436; 11-119, 75; 22-251; 56-259, 57+452; 62-388, 64+922; 94-25, 101+954.

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**3368. Recording—Penalties**—Every plat, when duly certified and acknowledged, shall be recorded in the office of the register of deeds. The register shall transcribe such plat, or bind the original into the proper volume, and shall receive as his fee five cents for each lot designated in the plat in case of transcribing, and two cents for each lot when the original is bound. Any person who shall dispose of, lease, or offer to sell any land included in a plat, before the same is recorded, shall forfeit to the county twenty-five dollars for each lot or part of a lot so disposed of, leased, or offered; and any official or person whose duty it is to comply with any of the provisions of this chapter shall forfeit not less than ten dollars, nor more than one hundred dollars, for each month during which compliance is delayed. All forfeitures under this chapter shall be recovered in an action brought in the name of the county. (2311-2314)

39-158, 39+98.

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2270

**3369. Vacation of plats**—Upon the application of an owner of land included in any plat, and upon proof that all taxes assessed against such land have been paid, and the notice hereinafter provided for given, the district court may vacate or alter all or any part of such plat, and adjudge the title to all streets, alleys, and public grounds to be in the persons entitled thereto; but streets or alleys connecting separate plats, or lying between blocks or lots, shall not be vacated between such lots, blocks, or plats as are not also vacated, unless it appears that the street or alley or part thereof sought to be vacated is useless for the purpose for which it was laid out. The petitioner shall cause two weeks' published and posted notice of such application to be given, the last publication to be at least ten days before the term at which it shall be heard. The court shall hear all persons owning or occupying land that would be affected by the proposed vacation, and if, in the judgment of the court, the same would be damaged, the court may determine the amount of such damage, and direct its payment by the applicant before the vacation or alteration shall take effect. A certified copy of the order of the court shall be filed with the county auditor, and recorded by the register of deeds. (2315-2317; '03 c. 60 ss. 1, 2)

91-242, 97+977; 91-404, 98+98; 84-392, 87+1031; 65-491, 67+1031; 42-511, 44+535; 8-456, 405.