

CHAPTER 561—S. F. No. 1116

An act defining the duties, providing for the bond, filling of vacancies and fixing the fees of county abstract clerks in all counties of the State of Minnesota having a population of not less than 250,000 nor more than 350,000 inhabitants, providing penalties for destroying or defacing records, and repealing Minnesota Statutes 1941, Section 386.38, and all other acts or parts of acts inconsistent herewith.

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

Section 1. County abstract clerks in certain counties; penalty for defacing records. In all counties of the State of Minnesota having a population of not less than 250,000 nor more than 350,000 inhabitants:

(a) The records and indices in the office of County Abstract Clerk are hereby designated and defined as public records, open to inspection, but only to the extent in this section provided.

(b) Every record, index, abstract copy, plat, bookkeeping record, or paper of any type whatsoever, prepared in such office, shall be the property of the County for the use of the County Abstract Clerk and his successors in office, and shall, at the expiration of the term of any such Abstract Clerk be turned over to his successor in office.

(c) The County Abstract Clerk shall permit, without fee and within such reasonable business hours as not to interfere with the conduct of the work of the office, and under such supervision as shall assure the safety of the records, inspection of the Tract Index as hereinafter defined, by any party interested in the ownership of any particular parcel of land, or his agent or attorney. There shall be no right on the part of anyone to make general or indiscriminate searches of the records or to copy any part thereof for the purpose of making abstracts of title or abstract books or in any manner to deprive the Abstract Clerk of the fees provided by law for his official duties.

(d) Any person who destroys, attempts to destroy, deface or alter any record in the office of the County Abstract Clerk shall be guilty of a gross misdemeanor and upon conviction thereof shall be subject to punishment according to law.

Sec. 2. Duties of clerk. (a) It shall be the duty of the County Abstract Clerk to maintain, current as of eight o'clock A. M. of every business day, abstract indices to all the lands

of such county, including a tract and miscellaneous system of indices, correctly indexing every instrument filed of record in the office of the Register of Deeds in such county which in any manner affects the title to real property within the county. He shall maintain currently correct as of each day, indices to all judgments in any court which are a lien on real property within the county and all Federal tax liens. He shall maintain such other and further abstract records and indices as the Board of County Commissioners of such county may direct.

(b) It shall be the duty of the County Abstract Clerk to furnish, within ten days, upon demand of anyone and proffer of his fees, a complete true and perfect Abstract of Title to any parcel of land in such county.

(c) The County Abstract Clerk shall, without fee and within such reasonable hours as not to interfere with the conduct of his office and under such reasonable supervision as to assure the safety of the public records, permit the use of any records in such office by duly authorized representatives of other State, County, Municipal or Federal governmental agencies for public purposes.

(d) It shall be the duty of the County Abstract Clerk to furnish to anyone within 48 hours of demand, and without fee, an oral report of the apparent ownership and apparent unsatisfied encumbrance as to any parcel of land within such county, but he shall not be responsible under the bond herein required, for the correctness of any report furnished without fee.

(e) The County Abstract Clerk shall not be required, without demand and proffer of fees as herein set forth, to furnish any report of personal judgments in any court against any person, firm or corporation. He shall not be required or permitted, except as incident to the issuance of or with reference to Abstract of Title, to report any Old Age Assistance Lien against any person.

(f) The County Abstract Clerk and his deputies and employees shall not be permitted to practice law, or demand or receive any fee for any opinion as to the condition of the title to any parcel of real estate, save as to reports of the apparent record ownership as hereinbefore provided nor to prepare or execute any papers incident to the transfer of title to real property or in any manner act as advisor or counsellor at law or as agent for the sale of real property or in any manner assume the function of lawyer, real estate broker or advisor.

(g) The County Abstract Clerk may appoint a Deputy County Abstract Clerk to act in his stead and behalf, and for whose acts the County Abstract Clerk shall be responsible.

Sec. 3. Annual inspection and appraisal of clerk's office. It shall be the duty of the Board of County Commissioners in any such county, to appoint each year a committee to inspect the records and the conduct of the office of the County Abstract Clerk, such committee to consist of an accountant representing the office of the County Auditor, a representative of the County Attorney's office and one member of the said Board, all of whom shall serve without further compensation than now provided by law for their respective positions. It shall be the duty of the said committee to inspect at least once each year all the records of the office of County Abstract Clerk and report to the Board of County Commissioners on the fees collected, the public service rendered, the condition of the public records therein contained and the general conduct of the office. The County Abstract Clerk shall permit inspection of all records of whatsoever nature having to do with his conduct of the office, upon demand at any time by said committee.

Sec. 4. Compensation; fees allowable. The County Abstract Clerk shall be permitted to collect and retain for his own use, fees for his services as follows: In the preparation and issuance of each Abstract of Title or Registered Property Report, 35 cents for each pertinent and proper entry thereon of a transfer or other instrument affecting title to the premises; but if the proper presentation of the instrument necessitates an entry of more than 200 words, he shall be permitted to charge 20 cents additional for each additional folio thereof; for abstractors certificate, \$1.00; for report as to taxes or assessments, 50 cents for each abstract or continuation thereof; for each name searched for Judgments \$1.00 which shall include both State and Federal Courts; for each name searched for Bankruptcies, 25 cents; for each name searched for Old Age Assistance Liens, 25 cents; for each name searched for Federal Tax Liens, 25 cents; for every plat or drawing furnished on request with any Abstract, such reasonable fee as may seem fit and proper. Provided, however, that the maximum fee permitted to be charged for any Abstract of Title or continuation as to any one description shall be \$50.00.

Sec. 5. Provide office space. The Board of County Commissioners of any such County shall provide the necessary office and vault space for the County Abstract Clerk in the Court House of such county, with suitable furniture therefor, and shall provide heating, lighting and maintenance of

such offices. The said Board shall furnish the said Abstract Clerk with all books, stationery, letterheads, envelopes, telephone service, office equipment and supplies necessary for the discharge of his duties.

Sec. 6. Bonds. The County Abstract Clerk shall before entering upon his duties, give bond to the County at County expense in the penal sum of \$5,000.00, to be approved by the County Board, conditioned that he will faithfully discharge the duties of his office, and shall give bond to the public, in the penal sum of \$10,000.00, at his own expense, to be approved by the County Board, conditioned that he shall pay all damages suffered by anyone through any error or deficiency in any Abstract of Title or Registered Property Report issued by his office.

Sec. 7. Vacancies; appointment. Vacancies in the office of County Abstract Clerk, for whatever cause, shall be filled by appointment by the Board of County Commissioners of any such county. The person so appointed shall give the bond and take the oath required by law, and shall hold for the remainder of the unexpired term, and until his successor qualifies.

Sec. 8. Severable. If any provision of this act is held invalid, such invalidity shall not affect other provisions of the act which can be given effect without the invalid provision, and to this end the provisions of this act are declared to be severable.

Sec. 9. Repeal. Minnesota States 1941, Section 386.38 and any and all acts or parts of acts inconsistent herewith are hereby repealed.

Approved April 23, 1945.

CHAPTER 562—S. F. No. 1117

An act relating to the salary of probate judge in certain counties.

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

Section 1. Salary of probate judge in certain counties. In all counties of this state now or hereafter containing not less than nineteen nor more than twenty-one organized town-