

real estate shall never exceed three percent of the company's cash assets as shown by its annual statement last filed with the commissioner of insurance. All real property which shall not be necessary for its accommodation in the convenient transaction of its business, or the housing of its employees, shall be sold and disposed of within five years after the same shall have ceased to be necessary for the accommodation of its business, or the housing of its employees, and it shall not hold this property for a longer period unless, (a) it shall procure a certificate from the commissioner of insurance that its interest will suffer materially by the forced sale thereof, in which event the time for sale may be extended to such time as the commissioner shall direct in the certificate, or (b) such real property qualifies as an investment under the terms of subdivision 3 of this section in which event the company may, at its option consider such real property as held under the provisions of said subdivision, subject to the conditions, standards, or other limitations of said subdivision as though it had been originally acquired thereunder.

Approved May 20, 1969.

CHAPTER 495—S. F. No. 214

An act relating to courts; fixing and regulating the collection and disposition of fees of the clerk of district court; amending Minnesota Statutes 1967, Section 357.021; and repealing Laws 1961, Chapters 313, as amended, and 632; Laws 1963, Chapter 744; Laws 1965, Chapters 468, 554, 634, and 665; and Laws 1967, Chapter 826.

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

Section 1. Minnesota Statutes 1967, Section 357.021, is amended to read:

357.021 District courts; clerk of district court; fees. *Subd. 1a. Every person, including the state of Minnesota and all bodies politic and corporate, who shall transact any business in the district court, shall pay to the clerk of said court, for the use of said county, the sundry fees hereinafter prescribed; provided, however, that no county to which this section applies, being a party to any action or proceeding in the district court established in such county, shall be required to pay fees to the clerk thereof.*

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

Subd. 2. The fees to be charged and collected by the clerk of district court shall be as follows:

(1) In every civil action or proceeding in said court, the plaintiff, petitioner, or other moving party shall pay, when the first paper on his part is filed in said action, a fee of \$10.

The defendant or other adverse or intervening party, or any one or more of several defendants or other adverse or intervening parties appearing separately from the others, shall pay, when the first paper on his or their part is filed in said action, a fee of \$5.

The fees above stated shall be the full trial fee chargeable to said parties irrespective of whether trial be to the court alone, to the court and jury, or disposed of without trial; and shall include the entry of judgment in the action, but does not include copies or certified copies of any papers so filed or *proceedings under Minnesota Statutes, Chapter 106, except the provisions therein as to appeals.*

(2) Copy of any instrument from a civil or criminal proceeding \$2.50 and \$1 for a certificate of the clerk.

(3) Issuing a subpoena 50 cents for each name.

(4) Issuing an execution and filing the return thereof; issuing a writ of attachment, injunction, habeas corpus, mandamus, quo warranto, certiorari, or other writs not specifically mentioned, \$2.

(5) Issuing a transcript of judgment, or for filing and docketing a transcript of judgment from another court \$3.

(6) Filing and entering a satisfaction of judgment, partial satisfaction or assignment of judgment, \$1.

(7) Certificate as to existence or non-existence of judgments docketed, 50 cents for each name certified to and 50 cents for each judgment certified to.

(8) Filing and indexing trade name; or recording notary commission; or recording basic science certificate; or recording certificate of physicians, ~~dentists~~, osteopaths, chiropractors, veterinarians or optometrists, \$1.

(9) Filing and entering notice of appeal and bond and making return on appeal to supreme court, \$15, as provided by Minnesota Statutes 1961, Section 605.03; as amended by Laws 1963, Chapter 896.

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.

(10) *For the filing of each partial, final, or annual account in all trusteeships, \$2.*

(10) (11) All other services required by law for which no fee is provided such fee as compares favorably with those herein provided, or such as may be fixed by rule or order of the court.

Subd. 3. All fees of said clerks, except in criminal proceedings, shall be paid in advance at or prior to the time of the performance of any service requiring payment of such fees, and said clerk shall not proceed in any matter requiring the payment of fees until the full amount of the same is paid.

Subd. 4. ~~Subdivisions 2 to 5 shall not affect any actions, or proceedings that have been or are pending in said court on the effective date hereof.~~

Subd. 5. ~~Subdivisions 2 to 5 shall be effective on July 1, 1965, in each respective county in which the compensation of the clerk of district court on January 5, 1965 was by annual salary, with the fees collected to be paid into the county treasury. Said subdivisions shall be effective in all other counties of the state on January 1, 1967, except for those counties excluded by subdivision 6.~~

Subd. 6. This section shall not apply to the clerk of court in any county containing a city of the first class.

Sec. 2. *Actions pending. The provisions of this act shall not affect any actions or proceedings that have been filed in said court prior to the effective date hereof.*

Sec. 3. [357.021] **Limitation.** [Subd. 4.] *Nothing in this act shall be construed as amending, modifying or repealing the provisions as to library fees contained in Minnesota Statutes, Chapter 140.*

Sec. 4. **Repealer.** *Laws 1961, Chapter 313, as amended by Laws 1965, Chapter 559, Section 1; Laws 1961, Chapter 632; Laws 1963, Chapter 744; Laws 1965, Chapters 468, 554, 634, and 665; and Laws 1967, Chapter 826, are repealed.*

Sec. 5. **Effective date.** *This act takes effect on July 1, 1969.*

Approved May 20, 1969.

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