

## CHAPTER 91—H.F.No. 843

*An act relating to insurance; health; requiring coverage for hospitalization and anesthesia coverage for dental procedures; requiring coverage for general anesthesia and treatment for covered medical conditions rendered by a dentist; proposing coding for new law in Minnesota Statutes, chapter 62A.*

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

**Section 1. [62A.308] HOSPITALIZATION AND ANESTHESIA FOR DENTAL PROCEDURES.**

Subdivision 1. SCOPE OF COVERAGE. This section applies to a health plan as defined in section 62A.011 that provides coverage to a Minnesota resident.

Subd. 2. REQUIRED COVERAGES. (a) A health plan included in subdivision 1 must cover anesthesia and hospital charges for dental care provided to a covered person who: (1) is a child under age five; or (2) is severely disabled; or (3) has a medical condition, and who requires hospitalization or general anesthesia for dental care treatment. A health carrier may require prior authorization of hospitalization for dental care procedures in the same manner that prior authorization is required for hospitalization for other covered diseases or conditions.

(b) A health plan included in subdivision 1 must also provide coverage for general anesthesia and treatment rendered by a dentist for a medical condition covered by the health plan, regardless of whether the services are provided in a hospital or a dental office.

**Sec. 2. EFFECTIVE DATE; APPLICATION.**

Section 1 is effective August 1, 1995, and applies to health plans issued or renewed on or after that date.

Presented to the governor April 24, 1995

Signed by the governor April 25, 1995, 2:14 p.m.

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**CHAPTER 92—H.F.No. 344**

*An act relating to real property; providing for the form and record of certain assignments; revising the common interest ownership act; changing the application of the curative and validating law for mortgage foreclosures; authorizing presentation of certain instruments without a duplicate certificate of title; amending Minnesota Statutes 1994, sections 507.411; 508.51; 508A.51; 515B.1-102; 515B.1-103; 515B.1-116; 515B.2-104; 515B.2-105; 515B.2-109; 515B.2-110; 515B.3-112; 515B.3-115; 582.25; and 582.27.*

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

Section 1. Minnesota Statutes 1994, section 507.411, is amended to read:

**507.411 ASSIGNMENT, SATISFACTION, AND RELEASE OF MORTGAGES; CORPORATE IDENTITY CHANGE.**

When a change in the name or identity of a corporate mortgagee or assignee of the mortgagee is caused by or results from a merger, consolidation, amendment to charter or articles of incorporation, or conversion of articles of incorporation or charter from federal to state, from state to federal, or from one form of entity to another, a mortgage assignment, satisfaction, or release that is otherwise recordable and that specifies in the body of the instrument the merger, consolidation, amendment, or conversion event causing the change in name or identity is in recordable form. The assignment, satisfaction, or release is entitled to be recorded in the office of the county recorder or filed with the registrar of titles, without further evidence of corporate merger, consolidation, amendment, or conversion. For purposes of assigning, satisfying, or releasing the mortgage, the assignment, satisfaction, or release is prima facie evidence of the facts stated in it with respect to the corporate merger, consolidation, amendment, or conversion, and the county recorder and the registrar of titles shall rely upon it to assign, satisfy, or release the mortgage.

Sec. 2. Minnesota Statutes 1994, section 508.51, is amended to read:

**508.51 OWNER'S DUPLICATE PRESENTED; EXCEPTION.**

Subdivision 1. GENERAL. Except as provided in subdivision 2, no new certificate of title shall be entered or issued, and no memorial shall be made upon any certificate of title in pursuance of any deed or other voluntary instrument made by the registered owner or the registered owner's attorney-in-fact, unless the owner's duplicate is presented therewith, except upon the order of the court. When such order is made, a memorial thereof shall be entered, or a new certificate issued as directed thereby. The registrar shall require that the owner's duplicate be presented only when an instrument is submitted for filing that is executed by the registered owner or the registered owner's attorney-in-fact. When any voluntary instrument made by the registered owner or the registered owner's attorney-in-fact is presented for registration the production of the owner's duplicate certificate shall authorize the registrar to enter a new certificate or to make a memorial of registration in accordance with such instrument, and the new certificate or memorial shall be binding upon the registered owner and upon all persons claiming under the registered owner in favor of every purchaser for value and in good faith. In all cases of registration which are procured by fraud, the owner may pursue all legal and equitable remedies against the parties to such fraud, without prejudice to the rights of any innocent holder for value of a certificate of title.

Subd. 2. INSTRUMENT IN FAVOR OF GOVERNMENT AGENCY. A deed or other voluntary instrument, made by the registered owner or the registered owner's attorney-in-fact, in favor of the United States of America, this state, or any political subdivision, agency, or instrumentality of the United States of America or this state must be accepted for registration regardless of whether the owner's duplicate is presented with it. The execution of a deed or other voluntary instrument by the registered owner or the registered owner's attorney-in-fact authorizes the registrar to enter a new certificate or to make a

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memorial of registration in accordance with the instrument, and the new certificate or memorial is binding upon the registered owner and upon all persons claiming under the registered owner in favor of every purchaser for value and in good faith. In all cases of registration that are procured by fraud, the owner may pursue all legal and equitable remedies against the parties to the fraud, without prejudice to the rights of any innocent holder for value of a certificate of title.

Sec. 3. Minnesota Statutes 1994, section 508A.51, is amended to read:

**508A.51 OWNER'S DUPLICATE PRESENTED; ~~EXCEPTION~~ EXCEPTIONS.**

Subdivision 1. GENERAL. Except as provided in subdivision 2, no new CPT shall be entered or issued, and no memorial shall be made upon any CPT in pursuance of any deed or other voluntary instrument made by the registered owner or the registered owner's attorney-in-fact, unless the owner's duplicate is presented with it, except upon the order of the court. When an order or directive is made, a memorial of it shall be entered, or a new CPT issued as directed. The registrar shall require that the owner's duplicate be presented only when an instrument is submitted for filing that is executed by the registered owner or the registered owner's attorney-in-fact. When any voluntary instrument made by the registered owner or the registered owner's attorney-in-fact is presented for registration, the production of the owner's duplicate CPT shall authorize the registrar to enter a new CPT or to make a memorial of registration in accordance with the instrument, and the new CPT or memorial shall be binding upon the registered owner and upon all persons claiming under the registered owner in favor of every purchaser for value and in good faith. In all cases of registration which are procured by fraud, the owner may pursue all legal and equitable remedies against the parties to the fraud, without prejudice to the rights of any innocent holder for value of a CPT.

Subd. 2. INSTRUMENT IN FAVOR OF GOVERNMENT AGENCY. A deed or other voluntary instrument, made by the registered owner or the registered owner's attorney-in-fact, in favor of the United States of America, this state, or any political subdivision, agency, or instrumentality of the United States of America or this state, must be accepted for registration regardless of whether the owner's duplicate CPT is presented with it. The execution of a deed or other voluntary instrument by the registered owner or the registered owner's attorney-in-fact authorizes the registrar to enter a new CPT or to make a memorial of registration in accordance with the instrument, and the new CPT or memorial is binding upon the registered owner and upon all persons claiming under the registered owner in favor of every purchaser for value and in good faith. In all cases of registration that are procured by fraud, the owner may pursue all legal and equitable remedies against the parties to the fraud, without prejudice to the rights of any innocent holder for value of a CPT.

Sec. 4. Minnesota Statutes 1994, section 515B.1-102, is amended to read:

**515B.1-102 APPLICABILITY.**

New language is indicated by underline, deletions by ~~strikeout~~.

(a) Except as provided in this section, this chapter, and not chapters 515 and 515A, applies to all common interest communities created within this state on and after June 1, 1994.

(b) The applicability of this chapter to common interest communities created prior to June 1, 1994, shall be as follows:

(1) This chapter shall apply to condominiums created under chapter 515A with respect to events and circumstances occurring on and after June 1, 1994; provided (i) that this chapter shall not invalidate the declarations, bylaws or condominium plats of those condominiums, and (ii) that chapter 515A, and not this chapter, shall govern all rights and obligations of a declarant of a condominium created under chapter 515A, and the rights and claims of unit owners against that declarant.

(2) The following sections shall apply to condominiums created under chapter 515: 515B.1-105 (Separate Titles and Taxation); 515B.1-106 (Applicability of Local Ordinances, Regulations, and Building Codes); 515B.1-107 (Eminent Domain); 515B.1-116 (Recording); 515B.2-103 (Construction and Validity of Declaration and Bylaws); 515B.2-104 (Description of Units); 515B.2-118 (Amendment of Declaration); 515B.3-102 (Powers of Unit Owners' Association); 515B.3-110 (Voting; Proxies); 515B.3-111 (Tort and Contract Liability); 515B.3-113 (Insurance); 515B.3-116 (Lien for Assessments); 515B.3-117 (Other Liens); 515B.3-118 (Association Records); 515B.3-121 (Accounting Controls); 515B.4-107 (Resale of Units); 515B.4-108 (Purchaser's Right to Cancel Resale); 515B.4-116 (Rights of Action; Attorney's Fees); and 515B.1-103 (Definitions) to the extent necessary in construing any of those sections. The foregoing sections shall apply only with respect to events and circumstances occurring on and after June 1, 1994, and shall not invalidate the declarations, bylaws or condominium plats of those condominiums.

(3) This chapter shall not apply to cooperatives and planned communities created prior to June 1, 1994; except by election pursuant to subsection (d).

(c) This chapter shall not invalidate any amendment to the declaration, bylaws or condominium plat of any condominium created under chapter 515 or 515A if the amendment was recorded before June 1, 1994. Any amendment recorded on or after June 1, 1994, shall be adopted in conformity with the procedures and requirements specified by those instruments and by this chapter. If the amendment grants to any person any rights, powers or privileges permitted by this chapter, all correlative obligations, liabilities and restrictions contained in this chapter shall also apply to that person.

(d) Any condominium created under chapter 515, any planned community or cooperative which would be exempt from this chapter under subsection (e), or any planned community or cooperative created prior to June 1, 1994, may elect to be subject to this chapter, as follows:

(1) The election shall be accomplished by recording a declaration or

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amended declaration, and a new or amended CIC plat where required, and by approving bylaws or amended bylaws, which conform to the requirements of this chapter, and which, in the case of amendments, are adopted in conformity with the procedures and requirements specified by the existing declaration and bylaws of the common interest community, and by any applicable statutes.

(2) ~~An amended CIC plat shall not be required unless the amended declaration or bylaws contain provisions inconsistent with the existing CIC plat; provided, that the recording officer shall index or cross-reference the CIC number to any existing CIC plat. In a condominium, the preexisting condominium plat shall be the CIC plat and an amended CIC plat shall be required only if the amended declaration or bylaws contain provisions inconsistent with the preexisting condominium plat. The condominium's CIC number shall be the apartment ownership number or condominium number originally assigned to it by the recording officer. In a cooperative in which the unit owners' interests are characterized as real estate, a CIC plat shall be required. In a planned community, the preexisting plat recorded pursuant to chapter 505, 508, or 508A, or the part of the plat upon which the common interest community is located, shall be the CIC plat.~~

(3) The amendment shall conform to the requirements of section 515B.2-118(d).

(4) Except as permitted by paragraph (3), no declarant, affiliate of declarant, association, master association nor unit owner may acquire, increase, waive, reduce or revoke any previously existing warranty rights or causes of action that one of said persons has against any other of said persons by reason of exercising the right of election under this subsection.

(5) A common interest community which elects to be subject to this chapter may, as a part of the election process, change its form of ownership by complying with the requirements of section 515B.2-123.

(e) Except as otherwise provided in this subsection, this chapter shall not apply, except by election pursuant to subsection (d), to the following:

(1) a planned community or cooperative which consists of 12 or fewer units subject to the same declaration, which is not subject to any rights to add additional real estate and which will not be subject to a master association;

(2) a common interest community where the units consist solely of separate parcels of real estate designed or utilized for detached single family dwellings or agricultural purposes, and where the association has no obligation to maintain any building containing a dwelling or any agricultural building;

(3) a planned community or cooperative where, at the time of creation of the planned community or cooperative, the unit owners' interests in the dwellings consist solely of leasehold interests having an unexpired term of fewer than 20 years, including renewal options;

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(4) a common interest community containing only a combination of dwellings described in paragraphs (2) and (3);

(5) planned communities and cooperatives limited by the declaration to nonresidential use; or

(6) real estate subject only to an instrument or instruments filed primarily for the purpose of creating or modifying rights with respect to access, ditches, drainage or irrigation.

(f) Section 515B.1-106 shall apply to all common interest communities.

Sec. 5. Minnesota Statutes 1994, section 515B.1-103, is amended to read:

**515B.1-103 DEFINITIONS.**

In the declaration and bylaws, unless specifically provided otherwise or the context otherwise requires, and in this chapter:

(1) "Additional real estate" means real estate that may be added to a flexible common interest community.

(2) "Affiliate of a declarant" means any person who controls, is controlled by, or is under common control with a declarant.

(A) A person "controls" a declarant if the person (i) is a general partner, officer, director, or employer of the declarant, (ii) directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds with power to vote, or holds proxies representing, more than 20 percent of the voting interest in the declarant, (iii) controls in any manner the election of a majority of the directors of the declarant, or (iv) has contributed more than 20 percent of the capital of the declarant.

(B) A person "is controlled by" a declarant if the declarant (i) is a general partner, officer, director, or employer of the person, (ii) directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds with power to vote, or holds proxies representing, more than 20 percent of the voting interest in the person, (iii) controls in any manner the election of a majority of the directors of the person, or (iv) has contributed more than 20 percent of the capital of the person.

(C) Control does not exist if the powers described in this subsection are held solely as a security interest and have not been exercised.

(3) "Allocated interests" means the following interests allocated to each unit: (i) in a condominium, the undivided interest in the common elements, the common expense liability, and votes in the association; (ii) in a cooperative, the common expense liability and the ownership interest and votes in the association; and (iii) in a planned community, the common expense liability and votes in the association.

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(4) "Association" means the unit owners' association organized under section 515B.3-101.

(5) "Board" means the body, regardless of name, designated in the articles of incorporation, bylaws or declaration to act on behalf of the association, or on behalf of a master association when so identified.

(6) "CIC plat" means a common interest community plat described in section 515B.2-110.

(7) "Common elements" means all portions of the common interest community other than the units.

(8) "Common expenses" means expenditures made or liabilities incurred by or on behalf of the association, or master association when so identified, together with any allocations to reserves.

(9) "Common expense liability" means the liability for common expenses allocated to each unit pursuant to section 515B.2-108.

(10) "Common interest community" means contiguous or noncontiguous real estate within Minnesota that is subject to an instrument which obligates persons owning a separately described parcel of the real estate, or occupying a part of the real estate pursuant to a proprietary lease, by reason of their ownership or occupancy, to pay for (i) real estate taxes levied against; (ii) insurance premiums payable with respect to; (iii) maintenance of; or (iv) construction, maintenance, repair or replacement of improvements located on one or more parcels or parts of the real estate other than the parcel or part that the person owns or occupies.

(11) "Condominium" means a common interest community in which (i) portions of the real estate are designated as units, (ii) the remainder of the real estate is designated for common ownership solely by the owners of the units, and (iii) undivided interests in the common elements are vested in the unit owners.

(12) "Conversion property" means real estate on which is located a building that at any time within two years before creation of the common interest community was occupied as a residence wholly or partially by persons other than purchasers and persons who occupy with the consent of purchasers.

(13) "Cooperative" means a common interest community in which the real estate is owned by an association, each of whose members is entitled by virtue of the member's ownership interest in the association to a proprietary lease.

(14) "Dealer" means a person in the business of selling units for the person's own account.

(15) "Declarant" means:

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(i) if the common interest community has been created, (A) any person who has executed a declaration, or an amendment to a declaration to add additional real estate, except secured parties, persons whose interests in the real estate will not be transferred to unit owners, or, in the case of a leasehold common interest community, a lessor who possesses no special declarant rights and who is not an affiliate of a declarant who possesses special declarant rights, or (B) any person who reserves, or succeeds under section 515B.3-104 to any special declarant rights; or

(ii) any person or persons acting in concert who have offered prior to creation of the common interest community to transfer their interest in a unit to be created and not previously transferred.

(16) "Declaration" means any instrument, however denominated, including any amendment to the instrument, that creates a common interest community.

(17) "Dispose" or "disposition" means a voluntary transfer to a purchaser of any legal or equitable interest in the common interest community, but the term does not include the transfer or release of a security interest.

(18) "Flexible common interest community" means a common interest community to which additional real estate may be added.

(19) "Leasehold common interest community" means a common interest community in which all or a portion of the real estate is subject to a lease the expiration or termination of which will terminate the common interest community or reduce its size.

(20) "Limited common element" means a portion of the common elements allocated by the declaration or by operation of section 515B.2-102(d) or (f) for the exclusive use of one or more but fewer than all of the units.

(21) "Master association" means an entity that directly or indirectly exercises any of the powers set forth in section 515B.3-102 on behalf of one or more members described in section 515B.2-121(b), (i), (ii) or (iii), whether or not it also exercises those powers on behalf of one or more property owners associations described in section 515B.2-121(b)(iv). An entity hired by an association to perform maintenance, repair, accounting, bookkeeping or management services is not, solely by virtue of that relationship, a master association.

(22) "Period of declarant control" means the time period provided for in section 515B.3-103(c) during which the declarant may appoint and remove officers and directors of the association.

(23) "Person" means an individual, corporation, limited liability company, partnership, trustee under a trust, personal representative, guardian, conservator, government, governmental subdivision or agency, or other legal or commercial entity capable of holding title to real estate.

(24) "Planned community" means a common interest community that is not

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a condominium or a cooperative. A condominium or cooperative may be a part of a planned community.

(25) "Proprietary lease" means an agreement with a cooperative association whereby a member of the association is entitled to exclusive possession of a unit in the cooperative.

(26) "Purchaser" means a person, other than a declarant, who by means of a voluntary transfer acquires a legal or equitable interest in a unit other than (i) a leasehold interest of less than 20 years, including renewal options, or (ii) a security interest.

(27) "Real estate" means any fee simple, leasehold or other estate or interest in, over, or under land, including structures, fixtures, and other improvements and interests that by custom, usage, or law pass with a conveyance of land though not described in the contract of sale or instrument of conveyance. "Real estate" may include spaces with or without upper or lower boundaries, or spaces without physical boundaries.

(28) "Residential use" means use as a dwelling, whether primary, secondary or seasonal, but not transient use such as hotels or motels.

(29) "Secured party" means the person owning a security interest as defined in paragraph (30).

(30) "Security interest" means a perfected interest in real estate or personal property, created by contract or conveyance, which secures payment or performance of an obligation. The term includes a mortgagee's interest in a mortgage, a vendor's interest in a contract for deed, a lessor's interest in a lease intended as security, a holder's interest in a sheriff's certificate of sale during the period of redemption, an assignee's interest in an assignment of leases or rents intended as security, a lender's interest in a cooperative share loan, a pledgee's interest in the pledge of an ownership interest, or any other interest intended as security for an obligation under a written agreement.

(31) "Special declarant rights" means rights reserved in the declaration for the benefit of a declarant to:

(i) complete improvements indicated on the CIC plat;

(ii) add additional real estate to a common interest community;

(iii) ~~create units, common elements, or limited common elements within a common interest community;~~ (iv) subdivide units or convert units into common elements, limited common elements and/or units;

~~(v)~~ (iv) maintain sales offices, management offices, signs advertising the common interest community, and models;

~~(vi)~~ (v) use easements through the common elements for the purpose of

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making improvements within the common interest community or any additional real estate;

~~(vii)~~ (vi) create a master association and provide for the exercise of authority by the master association over the common interest community or its unit owners;

~~(viii)~~ (vii) merge or consolidate a common interest community with another common interest community of the same form of ownership; or

~~(ix)~~ (viii) appoint or remove any officer or director of the association, or ~~any~~ the master association where applicable, during any period of declarant control.

(32) "Time share" means a right to occupy a unit or any of several units during three or more separate time periods over a period of at least three years, including renewal options, whether or not coupled with an estate or interest in a common interest community or a specified portion thereof.

(33) "Unit" means a physical portion of a common interest community the boundaries of which are described in the common interest community's declaration and which is intended for separate ownership or separate occupancy pursuant to a proprietary lease.

(34) "Unit identifier" means English letters or Arabic numerals, or a combination thereof, which identify only one unit in a common interest community and which meet the requirements of section 515B.2-104.

(35) "Unit owner" means a declarant or other person who owns a unit, or a lessee of a unit in a leasehold common interest community whose lease expires simultaneously with any lease the expiration or termination of which will remove the unit from the common interest community, but does not include a secured party. In a common interest community, the declarant is the unit owner of a unit until that unit has been conveyed to another person.

Sec. 6. Minnesota Statutes 1994, section 515B.1-116, is amended to read:

515B.1-116 **RECORDING.**

(a) A declaration, bylaws, any amendment to a declaration or bylaws, and any other instrument affecting a common interest community shall be entitled to be recorded. In those counties which have a tract index, the county recorder shall enter the declaration in the tract index for each unit affected. The registrar of titles shall file the declaration on the certificate of title for each unit affected.

(b) The recording officer shall upon request promptly assign a number (CIC number) to a common interest community to be formed or to a common interest community resulting from the merger of two or more common interest communities.

(c) Documents recorded pursuant to this chapter shall in the case of regis-

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tered land be filed, and references to the recording of documents shall mean filed in the case of registered land.

(d) Subject to any specific requirements of this chapter, if any document to be recorded pursuant to this chapter requires approval by a certain vote or agreement of the unit owners or secured parties, an affidavit of the secretary of the association stating that the required vote or agreement has occurred shall be attached to the document and shall constitute prima facie evidence of the representations contained therein.

(e) If a common interest community is located on registered land, the recording fee for any document affecting two or more units shall be the then-current fee for registering the document on the certificates of title for the first ten affected certificates and one-third of the then-current fee for each additional affected certificate. This provision shall not apply to recording fees for deeds of conveyance, with the exception of deeds given pursuant to sections 515B.2-119 and 515B.3-112.

(f) An amendment to or restatement of a declaration or bylaws, or an amended CIC plat, approved by the required vote of unit owners of an association may be recorded without the necessity of paying the current or delinquent taxes on any of the units in the common interest community.

(g) The registrar of titles shall not require the filing on certificates of title previously issued for units in a flexible common interest community of an amendment to a declaration pursuant to section 515B.2-111 made solely to add additional real estate.

Sec. 7. Minnesota Statutes 1994, section 515B.2-104, is amended to read:

**515B.2-104 DESCRIPTION OF UNITS.**

(a) A description of a unit is legally sufficient if it sets forth (i) the unit identifier of the unit, (ii) the number assigned to the common interest community by the recording officer, and (iii) the county in which the unit is located.

(b) ~~The unit identifier shall be stated in the declaration. If the CIC plat for a planned community complies with chapter 505, 508, or 508A, then the declaration shall designate the lot, block, and subdivision name, or the tract and registered land survey number, as the unit identifier~~ a description of a unit in the planned community is legally sufficient if it is stated in terms of a plat or registered land survey. Any instrument conveying or asserting an interest in a unit shall reference the county and the common interest community number immediately following the name of the plat or registered land survey. In ~~all other~~ planned communities ~~whose CIC plats comply with section 515B.2-110(c), and~~ in all condominiums and cooperatives created under this chapter, a unit identifier shall contain no more than six characters, only one of which may be a letter.

(c) A description which conforms to the requirements of this section shall be

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deemed to include all rights, obligations, and interests appurtenant to the unit which were created by the declaration or bylaws, or by this chapter, whether or not those rights, obligations, or interests are expressly described.

(d) If the CIC plat for a planned community complies with section 515B.2-110(c) a description of the common elements is legally sufficient if it sets forth (i) the words "common elements," (ii) the number assigned to the common interest community by the recording officer, and (iii) the county in which the common elements are located. The common elements may consist of separate parcels of real estate, in which case each parcel shall be separately identified on the CIC plat and in any recorded instrument referencing a separate parcel of the common elements.

Sec. 8. Minnesota Statutes 1994, section 515B.2-105, is amended to read:

**515B.2-105 CONTENTS OF DECLARATION; ALL COMMON INTEREST COMMUNITIES.**

(a) The declaration shall contain:

(1) the number of the common interest community, whether the common interest community is a condominium, planned community or cooperative, and the names name of the common interest community and the association, which shall appear at the top of the first page of the declaration in the following format:

Common Interest Community No. ....  
(Type of Common Interest Community)

(Name of Common Interest Community)

(DECLARATION)

(2) a statement ~~that as to whether~~ the common interest community is ~~either a condominium, cooperative, or planned community, and whether~~ it is or is not subject to a master association;

(3) the name of the association, a statement that the association has been incorporated and a reference to the statute under which it was incorporated;

(4) a legally sufficient description of the real estate included in the common interest community, including the name of the county, and any appurtenant easements;

(5) a description of the boundaries of each unit created by the declaration and the unit's unit identifier;

(6) in a planned community containing common elements, a legally sufficient description of the common elements;

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(7) in a cooperative, a statement as to whether the unit owners' interests in all units and their allocated interests are real estate or personal property;

(8) an allocation to each unit of the allocated interests in the manner described in section 515B.2-108;

(9) a statement of (i) the total number of units and (ii) which units will be restricted to residential use and which units will be restricted to nonresidential use;

(10) a statement of the maximum number of units which may be created by the subdivision or conversion of units owned by the declarant pursuant to section 515B.2-112;

(11) any material restrictions on use, occupancy, or alienation of the units, or on the sale price of a unit or on the amount that may be received by an owner on sale, condemnation or casualty loss to the unit or to the common interest community, or on termination of the common interest community; provided, that these requirements shall not affect the power of the association to adopt, amend or revoke rules and regulations pursuant to section 515B.3-102;

(12) a statement as to whether time shares are permitted; and

(13) all matters required by sections 515B.1-103(31), Special Declarant Rights; 515B.2-107, Leaseholds; 515B.2-109, Common Elements and Limited Common Elements; 515B.2-110, Common Interest Community Plat; 515B.3-115, Assessments for Common Expenses; and 515B.2-121, Master Associations.

(b) The declaration may contain any other matters the declarant considers appropriate.

Sec. 9. Minnesota Statutes 1994, section 515B.2-109, is amended to read:

**515B.2-109 COMMON ELEMENTS AND LIMITED COMMON ELEMENTS.**

(a) Common elements other than limited common elements may be used in common by all unit owners. Limited common elements are designated for the exclusive use of the unit owners of the unit or units to which the limited common elements are allocated, subject to subsection (b) and the rights of the association as set forth in the declaration, the bylaws or this chapter.

(b) Except for the limited common elements described in section 515B.2-102, subsections (d) and (f), the declaration shall specify to which unit or units each limited common element is allocated.

(c) ~~If the declaration so provides,~~ An allocation of limited common elements may be changed: ~~The reallocation shall be accomplished~~ by an amendment to the declaration executed by the unit owners between or among whose units the reallocation is made and the association. ~~The unit owners required to~~

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~~execute the amendment shall submit to the association an application, including a proposed amendment, for approval shall be approved by the board of directors of the association as to form, and compliance with the declaration and this chapter. The association shall establish fair and reasonable procedures and time frames for the submission and processing of the applications reallocations, and shall maintain records thereof. If approved, the unit owners executing association shall cause the amendment shall promptly record to be recorded promptly. The amendment and deliver a copy of the recorded amendment to the association shall be effective when recorded.~~ The association may require the unit owners executing the amendment requesting the reallocation to pay all fees and costs for reviewing, preparing and recording the amendment and any amended CIC plat.

Sec. 10. Minnesota Statutes 1994, section 515B.2-110, is amended to read:

**515B.2-110 COMMON INTEREST COMMUNITY PLAT (CIC PLAT).**

(a) The CIC plat is required for condominiums and planned communities, and cooperatives in which the unit owners' interests are characterized as real estate. The CIC plat for a planned community which does not comply with subsection (c) may consist of all or part of the subdivision plat satisfying the requirements of chapter 505, 508, or 508A, and the number of the common interest community need not appear on the CIC plat. The CIC plat is a part of the declaration; but need not be physically attached to the declaration. The CIC plat is required for condominiums and planned communities, in condominiums, and in cooperatives in which the unit owners' interests are characterized as real estate, but need not be physically attached to the declaration. In cooperatives in which the unit owners' interests are characterized as personal property, a CIC plat shall not be required. In lieu of a CIC plat, the declaration or any amendment to it creating, converting, or subdividing units in a personal property cooperative shall include an exhibit containing a scale drawing of each building, identifying the building, and showing the perimeter walls of each unit created or changed by the declaration or ~~the~~ any amendment to it, including the unit's unit identifier, and its location within the building if the building contains more than one unit.

(b) The CIC plat for condominiums, for planned communities using a plat complying with subsection (c), and for cooperatives in which the unit owners' interests are characterized as real estate, shall contain certifications by a registered professional land surveyor and registered professional architect, as to the parts of the CIC plat prepared by each, that (i) the CIC plat accurately depicts all information required by this section, and (ii) the work was undertaken by, or reviewed and approved by, the certifying land surveyor or architect. The portions of the CIC plat depicting the dimensions of the portions of ~~a condominium or cooperative~~ the common interest community described in subsections (c)(8), (9), (10), and (12), may be prepared by either a land surveyor or an architect. The other portions of the CIC plat shall be prepared only by a land surveyor. Certification by the land surveyor or architect does not constitute a guaranty or

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warranty of the nature, suitability, or quality of construction of any improvements located or to be located in the common interest community.

(c) A CIC plat for a condominium or cooperative shall show:

(1) the number of the common interest community, and the boundaries, dimensions and a legally sufficient description of the land included therein;

(2) the dimensions and location of all existing, material structural improvements and roadways;

(3) the intended location and dimensions of any contemplated common element improvements to be constructed within the common interest community after the filing of the CIC plat, labeled either "MUST BE BUILT" or "NEED NOT BE BUILT";

(4) the location and dimensions of any additional real estate, labeled as such, and a legally sufficient description of the additional real estate;

(5) the extent of any encroachments by or upon any portion of the common interest community;

(6) the location and dimensions of all recorded easements within the common interest community serving or burdening any portion of the common interest community;

(7) the distance and direction between noncontiguous parcels of real estate;

(8) the location and dimensions of limited common elements, for example, storage lockers, porches, balconies, decks and patios, other than limited common elements described in section 515B.2-102, subsections ~~(b)~~ and (d) and (f);

(9) the location and dimensions of the front, rear, and side boundaries of each unit and that unit's unit identifier;

(10) the location and dimensions of the upper and lower boundaries of each unit with reference to an established or assumed datum and that unit's unit identifier;

(11) a legally sufficient description of any real estate in which the unit owners will own only an estate for years, labeled as "leasehold real estate";

(12) any units which may be converted by the declarant to create additional units or common elements identified separately.

(d) A CIC plat for a planned community either shall comply with subsection (c) or it shall:

(1) ~~show the number of the common interest community;~~

~~(2)~~ satisfy the requirements of chapter 505, 508, or 508A, as applicable; and

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(3) (2) satisfy the platting requirements of any governmental authority within whose jurisdiction the planned community is located, subject to the limitations set forth in section 515B.1-106.

(e) If a declarant adds additional real estate, the declarant shall record a supplemental CIC plat or plats for the real estate being added, conforming to the requirements of ~~subsections (b) and (e) in the case of a condominium or cooperative, and subsections (b) and (d) in the case of a planned community~~ this section which apply to the type of common interest community in question. If less than all additional real estate is being added, the supplemental CIC plat for a condominium ~~or cooperative, a planned community whose CIC plat complies with subsection (c), or a cooperative in which the unit owners' interests are characterized as real estate,~~ shall also show the location and dimensions of the remaining portion.

(f) If a declarant subdivides or converts any unit into two or more units, common elements or limited common elements, the declarant shall record an amendment to the CIC plat showing the location and dimensions of any new units, common elements and limited common elements thus created.

Sec. 11. Minnesota Statutes 1994, section 515B.3-112, is amended to read:

**515B.3-112 CONVEYANCE OR ENCUMBRANCE OF COMMON ELEMENTS.**

(a) In a condominium or planned community, unless the declaration provides otherwise, portions of the common elements may be conveyed or subjected to a security interest by the association if persons entitled to cast at least 67 percent of the votes in the association, including 67 percent of the votes allocated to units not owned by a declarant, or any larger percentage the declaration specifies, approve that action in writing or at a meeting; but all unit owners of units to which any limited common element is allocated must agree in order to convey that limited common element or subject it to a security interest. The declaration may specify a smaller percentage only if all of the units are restricted to nonresidential use.

(b) In a cooperative, unless the declaration provides otherwise, part of a cooperative may be conveyed, or all or a part subjected to a security interest, by the association if persons entitled to cast at least 67 percent of the votes in the association, including 67 percent of the votes allocated to units in which the declarant has no interest, or any larger percentage the declaration specifies, approves that action in writing or at a meeting. If fewer than all of the units or limited common elements are to be conveyed or subjected to a security interest, then all unit owners of those units, or the units to which those limited common elements are allocated, must agree in order to convey those units or limited common elements or subject them to a security interest. The declaration may specify a smaller percentage only if all of the units are restricted to nonresidential use. Any purported conveyance or other voluntary transfer of an entire cooperative is void, unless made pursuant to section 515B.2-119.

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(c) The association, on behalf of the unit owners, may contract to convey or encumber an interest in the common elements of a common interest community pursuant to this subsection, subject to the required approval. After the approval has been obtained, the association shall have a power of attorney coupled with an interest to effect the conveyance or encumbrance on behalf of all unit owners in the common interest community, including the power to execute deeds, mortgages, or other instruments of conveyance or security. The instrument conveying or creating the interest in the common interest community shall be recorded and shall include as exhibits (i) an affidavit of the secretary of the association certifying that the approval required by this section has been obtained and (ii) a schedule of the names of all unit owners and units in the common interest community as of the date of the approval.

(d) Except as provided in section 515B.3-102(a)(9), unless made pursuant to this section, any purported conveyance, encumbrance, or other voluntary transfer of common elements, or of any part of a cooperative, is void.

(e) In the case of a conveyance involving a condominium, or a cooperative in which the unit owners' interests are characterized as real estate, the association shall record, simultaneously with the recording of the instrument of conveyance, an amended CIC plat showing the real estate constituting the common interest community exclusive of the real estate conveyed. In all common interest communities, upon recording of the amended CIC plat instrument of conveyance, the original CIC plat shall be deemed vacated as to the real estate conveyed, the declaration, and all rights and obligations arising therefrom, shall be deemed released and terminated as to said the real estate and the interests of any secured party shall be deemed released as to said real estate conveyed.

(f) A conveyance or encumbrance of common elements, or of a cooperative, pursuant to this section shall not deprive any unit of its rights of support, reasonable access or utility services.

(g) Except as provided in subsection (a), or unless the declaration otherwise provides, a conveyance or encumbrance of common elements pursuant to this section does not affect the priority or validity of preexisting encumbrances.

(h) Any proceeds of the conveyance or creation of a security interest under this section are an asset of the association.

(i) This section shall not apply to any conveyance or encumbrance of any interest in a proprietary lease.

Sec. 12. Minnesota Statutes 1994, section 515B.3-115, is amended to read:

**515B.3-115 ASSESSMENTS FOR COMMON EXPENSES.**

(a) If a common expense assessment has not been levied, the declarant shall pay all accrued expenses of the common interest community. If a common expense assessment has been levied, all unit owners including the declarant shall

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pay the assessments allocated to their units, except as otherwise permitted by this section. Subject to the requirements of this section, a declarant may institute ~~an~~ one, but not both, of the alternative assessment ~~program~~ programs described in subsections (a)(1) and (a)(2), whereby:

(1) if a common expense assessment has been levied, the ~~declarant purchaser~~ shall pay when due only the common expenses up to a specified limit guaranteed by the declarant, and the declarant shall pay all common expenses in excess of a ~~specified guaranty~~ the limit; or

(2) if a common expense assessment has been levied in a planned community, the declarant may limit its liability for assessments on units owned by it to 25 percent or any greater percentage of any assessment levied until such time as a certificate of occupancy is issued by the municipality in which the common interest community is located for the unit or units owned by the declarant.

(b) The alternative assessment programs described in subsection (a)(1) or (2), shall be permitted only by including in the declaration, and the disclosure statement required by section 515B.4-102, provisions authorizing declarant to establish an alternative assessment program and a detailed explanation of the program, including at a minimum, as applicable, (i) the maximum amount of any guaranty on a monthly and aggregate basis with respect to each type of unit, (ii) the minimum and maximum duration of the alternative assessment program, (iii) the time when the declarant's authority to commence the alternative assessment program expires, which shall be no later than the expiration of any period of declarant control, and (iv) a statement that the alternative assessment program will have no effect on the level of services for items set forth in the association's budget, or a statement that no assurances are made in those regards.

(c) Notwithstanding any disclosure in the declaration or disclosure statement, the declarant shall give the unit owners at least 60 days prior notice of the termination of the alternative assessment program, subject to any minimum duration described in the declaration and disclosure statement.

(d) Any alternative assessment program instituted by declarant shall not affect declarant's obligation to fund the reserves disclosed in the association's budget included in the disclosure statement or otherwise approved by the association.

(e) Any representations or agreements made by a declarant with respect to an alternative assessment program shall be enforceable against declarant by any unit owner or by the association.

(f) After an assessment has been levied by the association, assessments shall be levied at least annually, based upon a budget approved at least annually by the association.

(g) Except as modified by subsections (a)(1) and (2), (h), (i) and (j), all common expenses shall be assessed against all the units in accordance with the allocations established by the declaration pursuant to section 515B.2-108.

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(h) Unless otherwise required by the declaration:

(1) any common expense associated with the maintenance, repair, or replacement of a limited common element shall be assessed against the units to which that limited common element is assigned, equally, or in any other proportion the declaration provides;

(2) any common expense or portion thereof benefiting fewer than all of the units may be assessed exclusively against the units benefited, equally, or in any other proportion the declaration provides;

(3) the costs of insurance may be assessed in proportion to risk or coverage, and the costs of utilities may be assessed in proportion to usage;

(4) reasonable attorneys fees incurred by the association in connection with (i) the collection of assessments and, (ii) the enforcement of this chapter, the articles, bylaws, declaration, or rules and regulations, against a unit owner, may be assessed against the unit owner's unit; and

(5) fees, charges, late charges, fines and interest may be assessed as provided in section 515B.3-116(a).

(i) Assessments levied under section 515B.3-116 to pay a judgment against the association may be levied only against the units in the common interest community at the time the judgment was entered, in proportion to their common expense liabilities.

(j) If any damage to the common elements or another unit is caused by the act or omission of any unit owner, or occupant of a unit, or their invitees, the association may assess the costs of repairing the damage exclusively against the unit owner's unit to the extent not covered by insurance.

(k) Subject to any shorter period specified by the declaration or bylaws, if any installment of an assessment becomes more than 60 days past due, then the association may, upon ten days written notice to the unit owner, declare the entire amount of the assessment immediately due and payable in full.

(l) If common expense liabilities are reallocated for any purpose authorized by this chapter, common expense assessments and any installment thereof not yet due shall be recalculated in accordance with the reallocated common expense liabilities.

Sec. 13. Minnesota Statutes 1994, section 582.25, is amended to read:

**582.25 MORTGAGES; VALIDATING FORECLOSURE SALES.**

Every mortgage foreclosure sale by advertisement in this state ~~before the date specified in clause (A) of section 582.27,~~ under power of sale ~~in the usual form~~ contained in any mortgage duly executed and recorded in the office of the county recorder or registered with the registrar of titles of the proper county of

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this state, together with the record of such foreclosure sale, is, after expiration of the period specified in section 582.27, hereby legalized and made valid and effective to all intents and purposes, as against any or all of the following objections:

(1) That the power of attorney, recorded or filed in the proper office ~~prior to the date specified in section 582.27 to foreclose the mortgage~~, provided for by section 580.05:

(a) Did not definitely describe and identify the mortgage,

(b) Did not definitely describe and identify the mortgage, but instead described another mortgage between the same parties,

(c) Did not have the corporate seal affixed thereto, if executed by a corporation,

(d) Had not been executed and recorded or filed prior to sale, or had been executed prior to, but not recorded or filed until after such sale,

(e) Was executed subsequent to the date of the printed notice of sale or subsequent to the date of the first publication of such notice;

(2) That no power of attorney to foreclose such mortgage as provided in section 580.05, was ever given, or recorded, or registered, ~~when sale was made in this state prior to the date specified in section 582.27~~;

(3) That the notice of sale:

(a) Was published only three, four or five times, or that it was published six times but not for six weeks prior to the date of sale,

(b) Properly described the property to be sold in one or more of the publications thereof but failed to do so in the other publications thereof, the correct description having been contained in the copy of said notice served on the occupant of the premises,

(c) Correctly stated the date of the month and hour and place of sale but named a day of the week which did not fall on the date given for such sale, or failed to state or state correctly the year of such sale,

(d) Correctly described the real estate but omitted the county and state in which said real estate is located,

(e) Correctly described the land by government subdivision, township and range, but described it as being in a county other than that in which said mortgage foreclosure proceedings were pending, and other than that in which said government subdivision was actually located,

(f) Did not state the amount due or failed to state the correct amount due or claimed to be due,

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(g) Incorrectly stated the municipal status of the place where the sale was to occur,

(h) In one or more of the publications thereof, or in the notice served on the occupant or occupants designated either a place or a time of sale other than that stated in the certificate of sale,

(i) Failed to state the names of one or more of the assignees of the mortgage and described the subscriber thereof as mortgagee instead of assignee,

(j) Failed to state or incorrectly stated the name of the mortgagor, the mortgagee, or assignee of mortgagee,

(k) Was not served upon persons whose possession of the mortgaged premises was otherwise than by their personal presence thereon, if a return or affidavit was recorded or filed as a part of the foreclosure record that at a date at least four weeks prior to the sale the mortgaged premises were vacant and unoccupied,

(l) Was not served upon all of the parties in possession of the mortgaged premises, provided it was served upon one or more of such parties,

(m) Was not served upon the persons in possession of the mortgaged premises, if, at least two weeks before the sale was actually made, a copy of the notice was served upon the owner in the manner provided by law for service upon the occupants, or the owner received actual notice of the proposed sale,

(n) Gave the correct description at length, and an incorrect description by abbreviation or figures set off by the parentheses, or vice versa,

(o) Was served personally upon the occupants of the premises as such, but said service was less than four weeks prior to the appointed time of sale,

(p) Did not state the original principal amount secured, or failed to state the correct original principal amount secured;

(4) That distinct and separate parcels of land were sold together as one parcel and to one bidder for one bid for the whole as one parcel;

(5) That no authenticated copy of the order appointing, or letters issued to a foreign representative of the estate of the mortgagee or assignee, was properly filed or recorded, provided such order or letters have been filed or recorded in the proper office prior to ~~the date specified in section 582.27~~ one year after the last day of the redemption period of the mortgagor, the mortgagor's personal representatives or assigns;

(6) That every a holder of a mortgage foreclosure sale by advertisement by was a representative appointed by a court of competent jurisdiction in another state or county in which before the foreclosure sale an authenticated copy of the representative's letters or other record of authority ~~has been were~~ filed for record

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in the office of the county recorder of the proper county but no certificate was filed and recorded therewith showing that said letters or other record of authority were still in force; ~~is hereby legalized and made valid and effective to all intents and purposes notwithstanding such omission;~~

(7) (a) That said mortgage was assigned by a decree of a probate court in which decree the mortgage was not specifically or sufficiently described,

(b) That the mortgage foreclosed had been assigned by the final decree of the probate court to the heirs, devisees, or legatees of the deceased mortgagee, or the mortgagee's assigns, and subsequent thereto and before the representative of the estate had been discharged by order of the probate court, the representative had assigned the mortgage to one of the heirs, devisees, or legatees named in such final decree, and such assignment placed on record and the foreclosure proceedings conducted in the name of such assignee and without any assignment of the mortgage from the heirs, devisees, or legatees named in such final decree, and the mortgaged premises bid in at the sale by such assignee, and the sheriff's certificate of sale, with accompanying affidavits recorded in the office of the county recorder of the proper county,

(c) That a mortgage owned by joint tenants or tenants in common was foreclosed by only one tenant;

(8) That the sheriff's certificate of sale or the accompanying affidavits and return of service were not executed, filed or recorded within 20 days after the date of sale, but have been executed and filed or recorded prior to ~~the date specified in section 582.27~~ the last day of the redemption period of the mortgagor, the mortgagor's personal representatives or assigns;

(9) That the year, or the month, or the day, or the hour of the sale is omitted or incorrectly or insufficiently stated in the notice of sale or the sheriff's certificate of sale;

(10)(a) That prior to the foreclosure no registration tax was paid on the mortgage, provided such tax had been paid prior to ~~the date specified in section 582.27~~ one year after the last day of the redemption period of the mortgagor, the mortgagor's personal representatives or assigns,

(b) That an insufficient registration tax has been paid on the mortgage;

(11) That the date of the mortgage or any assignment thereof or the date, the month, the day, hour, book, and page, or document number of the record or filing of the mortgage or any assignment thereof, in the office of the county recorder or registrar of titles is omitted or incorrectly or insufficiently stated in the notice of sale or in any of the foreclosure papers, affidavits or instruments;

(12) That the notice of mortgage foreclosure sale or sheriff's certificate of sale designated the place of sale as the office of a county official located in the court house of the county when such office was not located in such court house;

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(13) That no notice of the pendency of the proceedings to enforce or foreclose the mortgage as provided in section 508.57, was filed with the registrar of titles or no memorial thereof was entered on the register at the time of or prior to the commencement of such proceedings; or that when required by section 508.57, the notice of mortgage foreclosure sale failed to state the fact of registration;

(14) That the power of attorney to foreclose or the notice of sale was signed by the person who was the representative of an estate, but failed to state or correctly state the person's representative capacity;

(15) That the complete description of the property foreclosed was not set forth in the sheriff's certificate of sale, if said certificate correctly refers to the mortgage by book and page numbers or document number and date of filing and the premises are accurately described in the printed notice of sale annexed to said foreclosure sale record containing said sheriff's certificate of sale;

(16) That the date of recording of the mortgage was improperly stated in the sheriff's certificate of mortgage foreclosure sale, the mortgage being otherwise properly described in said sheriff's certificate of mortgage foreclosure sale and said certificate of mortgage foreclosure sale further referring to the printed notice of mortgage foreclosure sale attached to said sheriff's certificate of mortgage foreclosure sale in which printed notice the mortgage and its recording was properly described;

(17) That prior to the first publication of the notice of sale in foreclosure of a mortgage by advertisement, an action or proceeding had been instituted for the foreclosure of said mortgage or the recovery of the debt secured thereby and such action or proceeding had not been discontinued;

(18) That at the time and place of sale the sheriff considered and accepted a bid submitted prior to the date of the sale by the owner of the mortgage and sold the mortgaged premises for the amount of such bid, no other bid having been submitted, and no one representing the owner of the mortgage being present at the time and place of sale;

(19) That such sale was postponed by the sheriff to a date or time subsequent to the one specified in the notice of sale but there was no publication or posting of a notice of such postponement;

(20) That there was not recorded with letters or other record of authority issued to a representative appointed by a court of competent jurisdiction in another state or county, a certificate that said letters or other record of authority were still in force and effect;

(21) That the sheriff's affidavit of sale correctly stated in words the sum for which said premises were bid in and purchased by the mortgagee, but incorrectly stated the same in figures immediately following the correct amount in words;

New language is indicated by underline, deletions by ~~strikeout~~.

(22) That the notice of pendency of the foreclosure as required by section 580.032 was not filed for record before the first date of publication of the foreclosure notice, but was filed before the date of sale.

Sec. 14. Minnesota Statutes 1994, section 582.27, is amended to read:

**582.27 ~~EFFECTIVE DATES FOR~~ APPLICATION OF CURATIVE PROVISIONS.**

Subdivision 1. **SECTION 582.25.** ~~The following schedule specifies the dates to be applied to~~ Upon expiration of the periods specified in this section, the provisions of section 582.25 apply to a mortgage foreclosure sale subject to this section:

(A) ~~as to the general provision all of the provisions of section 582.25, April 1, 1991~~ except clause (2), one year after the last day of the redemption period of the mortgagor, the mortgagor's personal representatives or assigns;

(B) ~~as to clause (1), April 16, 1992;~~

(C) ~~as to clause (2), January 1, 1982~~ ten years after the date of the foreclosure sale;

(D) ~~as to clause (5), April 16, 1992;~~

(E) ~~as to clause (8), April 16, 1992;~~

(F) ~~as to clause (10) (a), April 16, 1992.~~

Subd. 2. **SECTION 582.26.** ~~The date of the report of sale to which section 582.26 applies is~~ April 16, 1992 one year after the date of the foreclosure sale.

Subd. 3. **PENDING AND NEWLY COMMENCED ACTIONS.** The provisions of sections 582.25 to 582.27 shall not affect any action or proceeding pending on August 1, 1989, or which shall be commenced before February 1, 1990, in any of the courts of the state, involving the validity of such foreclosure. Laws 1992, chapter 463, does not affect any proceeding pending on August 1, 1992, or commenced before February 1, 1993, in any of the courts of the state, involving the validity of the foreclosure.

The amendments to the provisions of sections 582.25 to 582.27 by this act shall not affect any action pending on August 1, 1995, or which shall be commenced before February 1, 1996, in any of the courts of the state, involving the validity of a foreclosure.

**Sec. 15. EFFECTIVE DATE.**

Sections 4 to 12 are effective June 1, 1995.

Sections 13 and 14 take effect the day after final enactment.

New language is indicated by underline, deletions by ~~strikeout~~.



Presented to the governor April 24, 1995

Signed by the governor April 25, 1995, 2:16 p.m.

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CHAPTER 93—H.F.No. 1457

*An act relating to state lands; authorizing the commissioner of natural resources to sell certain acquired state lands located in Becker county.*

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

Section 1. SALE OF ACQUIRED STATE LAND; BECKER COUNTY.

(a) Notwithstanding Minnesota Statutes, section 92.45, and the provisions of sections 94.09 and 94.10 relating to sale to public bodies or sale at public sale, the commissioner of natural resources may sell the land described in paragraph (c) under the remaining provisions of Minnesota Statutes, chapter 94.

(b) The conveyance must be in a form approved by the attorney general.

(c) The approximate description of the land that may be sold is that part of the Southeast Quarter of the Southeast Quarter of Section 20, Township 140 North, Range 36 West, Becker County, which is more particularly described as follows: Commencing at the southeast corner of said Section 20; thence North 89 degrees 11 minutes 32 seconds West bearing assumed along the south line of said Section 20, a distance of 759.00 feet; thence North 00 degrees 48 minutes 28 seconds East 350.54 feet to the point of beginning; thence continuing North 00 degrees 48 minutes 28 seconds East 355 feet; thence North 89 degrees 11 minutes 32 seconds West 120 feet; thence South 00 degrees 48 minutes 28 seconds West 145 feet; thence South 30 degrees East 245 feet, more or less, to the point of beginning. Containing approximately 0.7 acres.

(d) The commissioner intends to sell this land to the previous owners, who occupied the land immediately before the current occupants, in order to resolve an encroachment situation of long-standing.

(e) The buyers must pay costs associated with the survey and appraisal of the parcel described in paragraph (c). The buyer must have the boundary marked in a clear and permanent way.

Sec. 2. EFFECTIVE DATE.

Section 1 is effective the day following final enactment.

Presented to the governor April 25, 1995

Signed by the governor April 26, 1995, 1:55 p.m.

New language is indicated by underline, deletions by ~~strikeout~~.