

(1) a mortgage is granted to a mortgagee as nominee or agent for a third party identified in the mortgage, and the third party's successors and assigns;

(2) a subsequent assignment, satisfaction, release of the mortgage, or power of attorney to foreclose the mortgage, is executed by the mortgagee or the third party, its successors or assigns; and

(3) the assignment, satisfaction, release, or power of attorney to foreclose is in recordable form.

The county recorder and registrar of titles shall rely upon this assignment, satisfaction, release, or power of attorney to foreclose to assign, satisfy, release, or foreclose the mortgage.

(b) This section applies to any mortgage, assignment, satisfaction, release, or power of attorney to foreclose executed, recorded, or filed before, on, or after the effective date of this section.

Presented to the governor April 2, 2004

Signed by the governor April 6, 2004, 10:45 a.m.

CHAPTER 154—S.F.No. 1653

An act relating to real property; clarifying plat and survey approval requirements; clarifying the process for preserving section and quarter-section markers; amending Minnesota Statutes 2002, sections 160.15; 389.09.

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

Section 1. Minnesota Statutes 2002, section 160.15, is amended to read:

160.15 PRESERVING SECTION OR QUARTER-SECTION CORNERS.

Subdivision 1. **PERMANENT MARKING OF CORNERS.** Whenever the construction, reconstruction, or maintenance of a public street or highway, ~~including city streets,~~ causes the destruction or obliteration of a known section or quarter-section corner marking marker or monument, ~~it shall be the duty of the road authority having jurisdiction over the highway or street to shall provide for the permanent marking of such the corners and to place reference or witness monuments so that the corners can be readily located.~~

Subd. 2. **MANNER OF PLACEMENT.** The permanent marking of the corners and establishment of reference or witness monuments ~~shall~~ must be in the manner following: At the exact location of the corner there ~~shall~~ must be placed a durable stone, concrete, or metal marker ~~not less than four inches in diameter at the top and not less than 18 inches deep. In the case of a paved highway there shall also be placed over the marker and in the surface of the pavement a metallic plug not less than one inch~~

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in diameter and two inches in depth, placed so as not to be disturbed by routine maintenance activities. For a paved highway, a supplemental marker must be placed over the durable monument. The supplemental marker must be visible at the road surface and set in a manner so as not to be disturbed by routine snow plowing. When not practical or safe to set a corner marker in a highway surface, a durable metal marker may be set as a permanent witness monument on the section line or quarter-section line.

Subd. 3. TIME OF PLACEMENT; MONUMENT OF DURABLE MATERIAL. Reference or witness monuments evidencing the location of the corner shall must be established before the obliteration of the corner in at least two places most practicable and shall consist of stone, concrete, or cast iron.

Subd. 4. FILING OF CERTIFICATE. The engineer or land surveyor placing and establishing the markers or monuments shall file a certificate to that effect in the office of the county recorder, or in the office of the county surveyor where the county maintains a full-time office, in the county or counties wherein the markers or monuments were placed. Each certificate shall must contain only the record of markers and monuments at one corner. The county recorder may charge a fee of 50 cents for each certificate filed.

Subd. 5. CONTENTS OF CERTIFICATE. The certificates shall must be on sheets of durable material, which sheets shall must be in size 8-1/2 by 11 inches with a margin at the left for binding. The certificates shall must contain the following:

- (a) (1) identification of section, or quarter-section corner;
- (b) (2) description of monument removed;
- (c) (3) description of replacement monument;
- (d) (4) reference ties or witness monuments;
- (e) (5) statements relating to physical and parol evidence relating to history and authenticity of the corner monument;
- (f) (6) date of remonumentation; and
- (g) (7) certification by a registered land surveyor or registered engineer.

Subd. 6. COST OF PLACING MARKERS. The cost of placing the markers and monuments, including filing fees, shall must be paid out of the respective funds provided by law, or set aside for highway or street purposes.

Sec. 2. Minnesota Statutes 2002, section 389.09, is amended to read:

389.09 APPROVAL OF PLATS AND SURVEYS AND CONDOMINIUM PLATS.

Subdivision 1. PLATS AND SURVEYS IN CERTAIN COUNTIES. In any county in which there is a county surveyor who maintains an office on a full-time basis in a building maintained by the county for county purposes or other licensed land surveyor hired for this purpose by the county, the county board may, by ordinance

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adopted in accordance with section 375.51, require that each subdivision plat or registered land survey plat or common interest community plat must be approved by the county surveyor or other licensed land surveyor hired for this purpose by the county before recording. The county board shall establish a schedule of fees charged to proprietors of plats for this service.

Subd. 2. **COMMON INTEREST COMMUNITY PLATS.** A county board may, by ordinance adopted in accordance with section 375.51, require that each common interest community plat submitted for recordation after July 31, 1985, be approved by the county surveyor or other licensed land surveyor hired for this purpose by the county, for compliance with section 515B.2-110, before recording. The process of approving the common interest community plat must be conducted in an expeditious manner so as not to unduly delay the recording of the common interest community plat. The proprietor of the common interest community plat may be charged a reasonable fee for the service in accordance with a schedule established by resolution passed by the governing body of the county.

Presented to the governor April 6, 2004

Signed by the governor April 8, 2004, 1:40 p.m.

CHAPTER 155—H.F.No. 2651

An act relating to corrections; amending the Interstate Compact for Adult Offender Supervision by providing procedures for retaking and reincarceration of parolees and probationers; delaying the repeal of the interstate compact for the supervision of parolees and probationers to provide more transition time for adoption of rules under the new compact; amending Minnesota Statutes 2002, section 243.1605; Laws 2002, chapter 268, section 8.

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

Section 1. Minnesota Statutes 2002, section 243.1605, is amended to read:

243.1605 INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION.

ARTICLE I

PURPOSE

The compacting states to this interstate compact recognize that each state is responsible for the supervision of adult offenders in the community who are authorized pursuant to the bylaws and rules of this compact to travel across state lines both to and from each compacting state in such a manner as to track the location of offenders, transfer supervision authority in an orderly and efficient manner, and when necessary

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