

Nineteen Hundred Thirty-One
Supplement

to

Mason's Minnesota Statutes

(1927 thru 1931)

Containing the text of the acts of the 1929 and 1931 Sessions of the
Legislature, both new and amendatory, and notes showing repeals,
together with annotations from the various courts, state
and federal, construing the constitution, statutes,
charters and court rules of Minnesota



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CHAPTER 60

Uses and Trusts

§8081. Uses and trusts abolished.

Trusts in both real and personal property are abolished except as authorized by statute. 171M237, 213NW893.

Where the trust instrument vests title in the trustee and appropriates the property to the purpose of the trust and nothing remains to be done by the grantor, and "executed trust" is created. 171M237, 213NW893.

An executory trust requires a consideration; an executed trust does not. 171M237, 213NW893.

The beneficiaries of a trust must be certain or capable of being made certain. Where they are limited to those who furnished uncompensated financial aid to the grantor for a specified purpose, they are capable of being made certain. 171M237, 213NW893.

A beneficiary must comply with the conditions precedent prescribed by the trust instrument to acquire any rights under it. 171M237, 213NW893.

Certain persons held not beneficiaries of trust created for persons aiding a corporation. 171M237, 213NW893.

Property held in trust may be attached, and stockholders liability may be enforced against it. 172M83, 214NW771.

§8083. Who deemed to have legal estate in lands.

The interest of a daughter under a testamentary trust devising real and personal property to a trustee with power to sell or mortgage and to pay the income to the daughter for life, and for a shorter period under certain contingencies, held, not reachable by the daughter's creditors. 181M289, 232NW337. See Dun. Dig. 9928.

§8085. Limitation of preceding sections.

One may contract with another to give him his property at his death, and if he fails to do so, and the circumstances are such that compensation cannot be made justly in money, an action in the nature of one of specific performance may be maintained and the property vested in the promisee or charged in his favor with a trust. *Simonson v. M.*, 237NW413. See Dun. Dig. 8789a(21).

§8086. Grant to one for money paid by another.

Even if money used by son to complete purchase of property was a gift from the father, still title vested in the father where property was conveyed to him at the son's request. 175M549, 221NW908.

The evidence compels a finding that a thirty-year lease and a subsequent modification thereof, taken by the promoter of a bank to be organized, was not adopted by the bank occupying the premises leased, improving the same, and paying the rent; for the covenants contained in the lease to be performed by the lessee were such that the bank could not lawfully assume them. *Veigel v. O.T.*, 236NW710. See Dun. Dig. 2114, 2114a, 2116.

That a pastor may have paid the consideration for land conveyed to the trustees of a church and their successors in office does not create a trust in his favor. *Board of Christian Service v. T.*, 237NW181. See Dun. Dig. 9896.

§8090. Purposes of express trust.—* * * *

6. For the beneficial interests of any person or persons, whether such trust embraces real or personal property or both, when the trust is fully expressed and clearly defined on the face of the instrument creating it, provided that the trust shall not continue for a period longer than the life or lives of specified persons in being at the time of its creation, and for twenty-one years after the death of the survivor of them, and that the free alienation of the legal estate by the trustee is not suspended for a period exceeding the limit prescribed in chapter 59. (As amended Mar. 28, 1929, c. 110; Mar. 18, 1931, c. 65, §1.)

* * * *

Sec. 2 of Laws 1931, c. 65, provides that act shall be effective from its passage.

Subd. 3.

Testamentary trust conferring title on trustee to real and personal property, with authority in the trustee to sell and mortgage the land and invest the proceeds, and directing that the income he paid annually to testator's daughter during her life, but, in certain contingencies, for a shorter period, held valid, and creditors of the daughter cannot reach the property or the income while in the hands of the trustee. 181M289, 232NW337. See Dun. Dig. 3854.

Subd. 5.

181M289, 232NW337.

Subd. 6.

See also notes under §8081, supra.

The provisions of a trust created under subdivision 6 cannot be changed by parol. 171M237, 213NW893.

§8095. Trustees of express trust to possess estate.

Any recovery in an action to have the purposes of a trust carried out must be for the benefit of the trust estate as such and not for the benefit of plaintiff personally. *Whitcomb v. W.*, 233NW296.

A beneficiary has no legal or equitable interest in specific property held by a trustee to be sold at the discretion of the trustee with the approval of the district court, the proceeds to be reinvested in case of sale and the income therefrom to be distributed to various beneficiaries. *McWhinney v. G.*, 235NW676. See Dun. Dig. 9928(95).

§8098. Trust interest—assignable when.—

No person beneficially interested in a trust for the receipt of rents and profits of the lands can assign, or in any manner dispose of, such interest; provided, the power to sell and/or sign and/or transfer such beneficial interest shall in no manner be abridged or curtailed, where such beneficial interest in the first instance shall have been acquired by purchase; but the rights and interest of every person for whose benefit a trust for the payment of a sum in gross is created are assignable. (As amended Mar. 18, 1931, c. 66, §1.)

Sec. 2 of Laws 1931, c. 66, provides that act shall take effect on its passage.