

CHAPTER 64

INSURANCE DIVISION; FRATERNAL BENEFICIARY ASSOCIATIONS

64.01 DEFINITIONS.

HISTORY. 1907 c. 345 ss. 1 to 3, 30; G.S. 1913 ss. 3537 to 3539, 3566; 1915 c. 96 ss. 1, 2; G.S. 1923 ss. 3447 to 3449, 3487; 1927 c. 264; M.S. 1927 ss. 3447 to 3449, 3487.

Subd. 4. This section does not forbid an association from making a regulation that a jurisdiction must acquire a reasonable minimum of members before it can have a representative in its imperial council. *State ex rel v Barnes*, 136 M 438, 162 NW 513, 1050.

64.02 BENEFITS; FUNERAL EXPENSES; TAX EXEMPTIONS; EXCEPTIONS.

HISTORY. 1903 cc. 276, 296; R.L. 1905 s. 1703; 1907 c. 382 s. 2; G.S. 1913 s. 3514; G.S. 1923 s. 3446; 1925 c. 349; M.S. 1927 ss. 3446, 3446-1.

ENDOWMENTS. The expression of the legal purposes for which an association may make provision which does not include endowments inferentially excludes the right to write them. *Nat. Protective Legion v O'Brien*, 102 M 15, 112 NW 1050. See also 1922 OAG 425; 1906 OAG 190.

ASSIGNMENTS. An assignment by the beneficiary of a fraternal insurance policy during the lifetime of the member is subversive of the purposes for which such societies are authorized by law, and is void. *United Mut. L. Ins. Co. v Ward*, 201 M 70, 275 NW 422.

Funds of fraternal beneficiary associations are exempt from taxation. 1934 OAG 809, April 3, 1934 (414d-8).

64.03 DEPUTY TO ACT IN INABILITY OF COMMISSIONER.

HISTORY. 1907 c. 345 s. 30; G.S. 1913 s. 3566; G.S. 1923 s. 3487; M.S. 1927 s. 3487.

64.04 SCOPE.

HISTORY. 1907 c. 345 ss. 1, 3, 4, 30; G.S. 1913 ss. 3537, 3539, 3540, 3566; 1915 c. 96 s. 1; G.S. 1923 ss. 3447, 3449, 3450, 3487; 1927 c. 264; M.S. 1927 ss. 3447, 3449, 3450, 3487.

Where a society depends on the statutes of two states for its power to do business, one where it is organized and the other where it is permitted to do business as a foreign corporation, the statutes of the latter will control as to who can become beneficiaries in cases originating in the latter. *Mod. Brotherhood of Am. v Quady*, 175 M 462, 221 NW 721.

64.05 BENEFITS; RESERVES.

HISTORY. 1907 c. 345 s. 5; G.S. 1913 s. 3541; 1919 c. 35 s. 1; 1923 c. 224 s. 1; G.S. 1923 s. 3451; M.S. 1927 s. 3451; 1931 c. 381.

64.06 BENEFICIARIES.

HISTORY. 1907 c. 345 s. 6; G.S. 1913 s. 3542; 1921 c. 287 s. 1; G.S. 1923 s. 3452; M.S. 1927 s. 3452.

LAW GOVERNING. See *Mod. Brotherhood of Am. v Quady*, 175 M 462, 221 NW 721, under section 64.04 above.

64.07 FRATERNAL BENEFICIARY ASSOCIATIONS

432

WAIVER. An association has no power to waive statutory requirements governing its own conduct, nor can it estop itself from questioning the eligibility of a beneficiary on those grounds. *Mod. Brotherhood of Am. v Quady*, 175 M 462, 221 NW 721, 59 ALR 162.

WHO MAY QUESTION ELIGIBILITY. There is no merit in the claim that no one but the association can question the eligibility of a claimant to be a beneficiary. *Mod. Brotherhood of Am. v Quady*, 175 M 462, 221 NW 721, 59 ALR 162.

MURDER BY BENEFICIARY. Where the insured is murdered by the designated beneficiary, the one entitled to the proceeds as a beneficiary upon the failure of the designated beneficiary can recover. *Sharpless v A.O.U.W.* 135 M 35, 159 NW 1086, LRA 1917B 670.

MUST BE WITHIN CLASS AT DEATH. The beneficiary must be within the class permitted by the statute when the designation is made and at the death of the insured. *Anderson v Royal League*, 130 M 416, 153 NW 853, Ann. Cas. 1917C 691, LRA 1916B 901; *Mod. Brotherhood of Am. v Quady*, 175 M 462, 221 NW 721, 59 ALR 162.

INELIGIBLE BENEFICIARY. Failure to appoint an eligible beneficiary in the new certificate does not revive or reinstate the canceled appointment. *Logan v Mod. Woodmen*, 137 M 221, 163 NW 292, 2 ALR 1676; *Bamberry v A.O.U.W.* 197 M 592, 268 NW 200; *Mod. Woodmen of Am. v Krogstad*, 203 M 508, 282 NW 133.

NO DESIGNATION. In the absence of designation of a beneficiary in place of the deceased one, the insured's relatives who come within the class provided by the section take as beneficiaries, not by descent. *Devaney v A.O.H. Life Ins. Fund*, 122 M 221, 142 NW 316.

Payment of death benefits into court to permit adverse claimants to litigate does not waive provisions which might render the certificate unenforceable. A divorced wife of an insured member cannot recover death benefits as assignee of the beneficiary named in a fraternal insurance certificate. *United Mutual v Ward*, 201 M 70, 275 NW 422.

64.07 AGE OF ADMISSION TO FRATERNAL BENEFICIARY SOCIETIES.

HISTORY. 1907 c. 345 s. 7; G.S. 1913 s. 3543; G.S. 1923 s. 3453; M.S. 1927 s. 3453; 1939 c. 411 s. 1.

64.08 ANNUITY BENEFITS FOR CHILDREN.

HISTORY. 1919 c. 20 s. 1; 1921 c. 111; G.S. 1923 s. 3454; 1925 c. 322 s. 1; 1927 c. 277 s. 1; M.S. 1927 s. 3454; 1929 c. 132 s. 1.

64.09 BENEFICIARY CERTIFICATES FOR CHILDREN.

HISTORY. 1919 c. 20 s. 2; G.S. 1923 s. 3455; M.S. 1927 s. 3455; 1939 c. 411 s. 2.

64.10 RESERVE REQUIRED.

HISTORY. 1919 c. 20 s. 3; G.S. 1923 s. 3456; M.S. 1927 s. 3456.

To obtain an adult certificate the party insured should select the form of policy, submit to physical examination, and designate a beneficiary. Not having done any of these, the claimant under the policy is precluded from recovery. *Mahne v American Union*, 216 M 303, 12 NW(2d) 615.

64.11 ANNUAL REPORT.

HISTORY. 1919 c. 20 s. 4; G.S. 1923 s. 3457; M.S. 1927 s. 3457.

64.12 SPECIFIED EXPENSE.

HISTORY. 1919 c. 20 s. 5; G.S. 1923 s. 3458; M.S. 1927 s. 3458.

MINNESOTA STATUTES 1945 ANNOTATIONS

433

FRATERNAL BENEFICIARY ASSOCIATIONS 64.18

64.13 VALUATIONS BY COMMISSIONER.

HISTORY. 1919 c. 20 s. 7; G.S. 1923 s. 3460; M.S. 1927 s. 3460.

64.14 CERTIFICATES; EVIDENCES; AMENDMENTS TO CHARTER.

HISTORY. 1907 c. 345 s. 8; G.S. 1913 s. 3544; G.S. 1923 s. 3461; M.S. 1927 s. 3461; 1929 c. 102.

SCOPE. A member is not bound by a by-law subsequently adopted unless it is reasonable as applied to him. *Rosenstein v Ct. of Honor*, 122 M 310, 142 NW 331; *Ruder v Nat. Council of K. & L. of S.* 124 M 431, 145 NW 118; *Thibert v Sup. Lodge K. of H.* 78 M 44, 81 NW 220; 79 Am. St. Rep. 412, 47 LRA 136; *Tebo v Sup. Council of R.A.* 89 M 3; 93 NW 513; *Olson v Ct. of Honor*, 100 M 117, 110 NW 374, 117 Am. St. Rep. 676, 8 LRA (N.S.) 521; *Boyston v Mod. Woodmen of Am.* 148 M 150, 181 NW 327, 17 ALR 401; *Eklund v Sup. Council R.A.* 152 M 20, 187 NW 826; *Cutler v Mod. Samaritans*, 192 M 72, 255 NW 824.

WHAT IS REASONABLE. An amendment making the association liable for only one-fifth the amount of a certificate if the insured commits suicide within five years of issuance of the policy, held reasonable where an insured committed suicide while sane. *Ledy v Nat. Council of K. & L. of S.* 129 M 137, 151 NW 905, Ann. Cas. 1916E 486, LRA 1915D 1095.

A change in the constitution of a mutual benefit society, after the issuance of a benefit certificate, changing the time within which to sue from six years to six months, is unreasonable and void as to the member holding such certificate. *Dawes v Brotherhood*, 216 M 411, 13 NW(2d) 28.

64.15 RESERVE FUND; BENEFITS; EXPENSES; EXTRA ASSESSMENTS.

HISTORY. 1907 c. 345 s. 9; G.S. 1913 s. 3545; 1919 c. 35 s. 2; G.S. 1923 s. 3462; M.S. 1927 s. 3462.

64.16 REAL ESTATE HOLDINGS; INVESTMENTS; LOANS TO OFFICERS AND DIRECTORS.

HISTORY. 1907 c. 345 s. 10; 1913 c. 359 s. 1; G.S. 1913 s. 3546; G.S. 1923 s. 3463; M.S. 1927 s. 3463; 1929 c. 156; 1939 c. 166; 1943 c. 271 s. 1.

Referential legislation. 25 MLR 276.

64.17 EXPENSES.

HISTORY. 1907 c. 345 s. 11; 1913 c. 324 s. 1; G.S. 1913 s. 3547; 1921 c. 340 s. 1; G.S. 1923 s. 3464; M.S. 1927 s. 3464.

A fraternal insurance society may not lawfully expend from the mortuary fund or accretions thereon money for the payment of the expenses incident to the care of the fund, litigations involving it or taxes on it. 1912 OAG 412.

64.18 BENEFITS EXEMPT FROM PROCESS; TAX EXEMPTION.

HISTORY. 1907 c. 345 s. 12; G.S. 1913 s. 3548; G.S. 1923 s. 3465; M.S. 1927 s. 3465.

CONSTITUTIONALITY. In the opinion of the attorney general, this tax exemption law is constitutional even though fraternal insurance associations are not institutions of purely public charity within the meaning of the Minnesota Constitution, Art. 9, Sec. 1. 1934 OAG 809.

SCOPE. This section does not exempt a society from payment of the mortgage registration tax. 1912 OAG 481.

The exemption applies as well to nonresidents as to residents of the state. *First Nat. Bank v Schneider*, 179 M 255, 228 NW 919.

The insurance fund payable under a benefit certificate is not available to creditors of a member who survived his beneficiary but died without naming another beneficiary. *Devaney v Ancient Order of Hibernians*, 122 M 221, 142 NW 316.

MINNESOTA STATUTES 1945 ANNOTATIONS

64.19 FRATERNAL BENEFICIARY ASSOCIATIONS

434

ASSIGNMENT. This section prohibits an equitable assignment of the fund by the member even though the assignment is to secure payment of premiums advanced by the assignee to keep the policy in force. *Logan v Mod. Woodman of Am.* 137 M 221, 163 NW 292, 2 ALR 1676.

PLEDGE of a benefit certificate as security for a debt is in contravention of the statute and void. *United Mut. L. Ins. Co. v Ward*, 201 M 70, 275 NW 422.

See 8 MLR 549.

64.19 METHODS OF FORMING ASSOCIATION; POWERS AND DUTIES OF COMMISSIONER; CERTIFICATE; DISCONTINUANCE.

HISTORY. 1907 c. 345 s. 13; G.S. 1913 s. 3549; G.S. 1923 s. 3466; M.S. 1927 s. 3466.

Formula for formation and organization. 1934 OAG 542, Aug. 28, 1934 (11b-8).

64.20 EXISTING ASSOCIATIONS; POWERS.

HISTORY. 1907 c. 345 s. 14; 1909 c. 329 s. 1; G.S. 1913 s. 3550; G.S. 1923 s. 3467; M.S. 1927 s. 3467.

64.21 MERGERS AND REINSURANCE.

HISTORY. 1919 c. 42 s. 1; G.S. 1923 s. 3468; M.S. 1927 s. 3468; 1929 c. 63 s. 1.

64.22 MERGER TO BE APPROVED BY COMMISSIONER.

HISTORY. 1919 c. 42 s. 2; G.S. 1923 s. 3469; M.S. 1927 s. 3469; 1937 c. 309 s. 1.

64.23 PAYMENT OF EXPENSES.

HISTORY. 1919 c. 42 s. 3; G.S. 1923 s. 3470; M.S. 1927 s. 3470.

SCOPE. There is no condition precedent required of one having a legitimate claim against a fraternal beneficiary association for attorney services in a merger proceeding before he can sue for it. *Kolars v Katolicky Delnik*, 197 M 183, 266 NW 705.

64.24 FOREIGN ASSOCIATIONS; LICENSES.

HISTORY. 1907 c. 345 s. 16; G.S. 1913 s. 3552; G.S. 1923 s. 3472; M.S. 1927 s. 3472.

64.25 FOREIGN ASSOCIATION; ADMISSION TO DO BUSINESS.

HISTORY. 1907 c. 345 s. 17; 1911 c. 226 s. 1; G.S. 1913 s. 3553; 1915 c. 96 s. 3; G.S. 1923 s. 3473; M.S. 1927 s. 3473.

64.26 LICENSES, REFUSAL OR REVOCATION; EXISTING CONTRACTS.

HISTORY. 1907 c. 345 s. 18; G.S. 1913 s. 3554; G.S. 1923 s. 3474; M.S. 1927 s. 3474.

64.27 COMMISSIONER TO ACCEPT SERVICE.

HISTORY. 1907 c. 345 s. 19; G.S. 1913 s. 3555; G.S. 1923 s. 3475; M.S. 1927 s. 3475.

CONSTITUTIONALITY. The section is not unconstitutional because of discrimination in favor of the corporations included in that they are granted 30 days to answer. *Spencer v Ct. of Honor*, 120 M 422, 139 NW 815.

SOLE METHOD. Service in accordance with this statute is the sole means of acquiring jurisdiction of the corporations and associations included within this statute. *Spencer v Ct. of Honor*, 120 M 422, 139 NW 815.

MINNESOTA STATUTES 1945 ANNOTATIONS

435

FRATERNAL BENEFICIARY ASSOCIATIONS 64.34

NATURE OF APPOINTMENT. The appointment filed by an insurance company becomes an irrevocable contract that it will submit to the jurisdiction of the courts of this state in any action arising out of business transacted by them in this state in which process is served upon the insurance commissioner. It enures to the benefit of policyholders in this state even after the association withdraws from the state. *Braunstein v Frat. Union of Am.* 133 M 8, 157 NW 721.

ESTOPPEL. Upon assuming the liabilities of another association which necessitated the transaction of business in this state, defendant was under a duty to comply with our statutes and, having failed to do so, is estopped from denying the jurisdiction of our courts and questioning the sufficiency of the service of summons made upon the commissioner. *Kulberg v Frat. Union of Am.* 131 M 131, 154 NW 748.

See Note, 9 MLR 362.

64.28 MEETINGS, WHERE HELD; PRINCIPAL OFFICE.

HISTORY. 1907 c. 345 s. 20; G.S. 1913 s. 3556; G.S. 1923 s. 3477; M.S. 1927 s. 3477.

64.29 CONSTITUTION AND LAWS.

HISTORY. 1907 c. 345 s. 21; G.S. 1913 s. 3557; G.S. 1923 s. 3478; M.S. 1927 s. 3478.

WAIVER. The contention that there could not be a waiver by the local lodge of the by-laws relative to the payment of dues cannot be sustained. The grand lodge may be bound by the waiver of the subordinate lodge. *Behnke v Mod. Brotherhood of Am.* 167 M 104, 208 NW 542.

In an action upon a life insurance policy where evidence established that applicant gave truthful answers to questions concerning his state of health which without his knowledge were falsified by the soliciting agent upon the application, the insurer is estopped from proving that statements were those of applicant notwithstanding fact that insurer is a mutual benefit society. *Oredson v Woodmen*, 211 M 442, 1 NW(2d) 413.

64.30 AMENDMENTS TO CONSTITUTION.

HISTORY. 1907 c. 345 s. 22; G.S. 1913 s. 3558; G.S. 1923 s. 3479; M.S. 1927 s. 3479.

64.31 ANNUAL STATEMENT.

HISTORY. 1907 c. 345 s. 23; G.S. 1913 s. 3559; G.S. 1923 s. 3480; M.S. 1927 s. 3480.

64.32 DOMESTIC ASSOCIATIONS; DISSOLUTION.

HISTORY. 1907 c. 345 s. 24; G.S. 1913 s. 3560; G.S. 1923 s. 3481; M.S. 1927 s. 3481.

64.33 PROCEEDINGS BY ATTORNEY GENERAL ONLY.

HISTORY. 1907 c. 345 s. 25; G.S. 1913 s. 3561; G.S. 1923 s. 3482; M.S. 1927 s. 3482.

SOLE REMEDY. Unless dissatisfied members of a fraternal insurance association are able to induce either the commissioner or the attorney general to move to rectify the conduct of the association as to its business or methods, they can have no redress through the courts. *Baird v Mod. Samaritans*, 162 M 274, 202 NW 498.

64.34 FOREIGN ASSOCIATIONS; EXAMINATIONS; REVOCATION OF LICENSE.

HISTORY. 1907 c. 345 s. 26; G.S. 1913 s. 3562; G.S. 1923 s. 3483; M.S. 1927 s. 3483.

MINNESOTA STATUTES 1945 ANNOTATIONS

64.35 FRATERNAL BENEFICIARY ASSOCIATIONS

436

64.35 EXPENSES OF EXAMINATIONS.

HISTORY. 1907 c. 345 s. 27; G.S. 1913 s. 3563; G.S. 1923 s. 3484; M.S. 1927 s. 3484.

64.36 CERTAIN ORGANIZATIONS EXEMPTED.

HISTORY. 1907 c. 345 s. 28; G.S. 1913 s. 3564; 1921 c. 339 s. 1; G.S. 1923 s. 3485; 1925 c. 393; M.S. 1927 s. 3485; 1931 c. 55.

64.37 VALUATIONS OF BENEFIT CERTIFICATES.

HISTORY. 1907 c. 345 s. 31; G.S. 1913 s. 3567; G.S. 1923 s. 3488; M.S. 1927 s. 3488.

64.38 READJUSTMENT OF ASSESSMENT RATES.

HISTORY. Ex. 1912 c. 6 s. 1; G.S. 1913 s. 3568; G.S. 1923 s. 3489; M.S. 1927 s. 3489.

64.39 SOCIETY TO FILE ROSTER OF OFFICERS.

HISTORY. Ex. 1912 c. 6 s. 2; G.S. 1913 s. 3569; G.S. 1923 s. 3490; M.S. 1927 s. 3490.

64.40 CANCELATION OF LICENSE; PENALTY FOR FAILURE OF COMPLIANCE.

HISTORY. Ex. 1912 c. 6 s. 3; G.S. 1913 s. 3570; G.S. 1923 s. 3491; M.S. 1927 s. 3491.

64.41 FRATERNAL BENEFICIARY ASSOCIATIONS MAY BECOME MUTUAL LIFE INSURANCE COMPANIES.

HISTORY. 1929 c. 239 s. 1; M. Supp. s. 3491-1.

64.42 POWERS AND DUTIES.

HISTORY. 1929 c. 239 s. 2; M. Supp. s. 3491-2.

64.43 FRATERNAL BENEFICIARY ASSOCIATION NOT AFFECTED.

HISTORY. 1907 c. 318 s. 12; G.S. 1913 s. 3513; G.S. 1923 s. 3440; M.S. 1927 s. 3440.

64.44 INCORPORATION OF STATE ASSOCIATIONS.

HISTORY. 1913 c. 450 s. 2; G.S. 1913 s. 3572; G.S. 1923 s. 3493; M.S. 1927 s. 3493.

64.45 TO HAVE 15,000 MEMBERS.

HISTORY. 1913 c. 450 s. 3; G.S. 1913 s. 3573; G.S. 1923 s. 3494; M.S. 1927 s. 3494.

64.46 INDIVIDUAL MEMBERS MAY JOIN.

HISTORY. 1913 c. 450 s. 4; G.S. 1913 s. 3574; G.S. 1923 s. 3495; M.S. 1927 s. 3495.

64.47 INDIVIDUAL MEMBER MAY RETAIN MEMBERSHIP, OR JOIN NEW ASSOCIATION.

HISTORY. 1913 c. 450 s. 5; G.S. 1913 s. 3575; G.S. 1923 s. 3496; M.S. 1927 s. 3496.

MINNESOTA STATUTES 1945 ANNOTATIONS

437

FRATERNAL BENEFICIARY ASSOCIATIONS 64.60

64.48 PROVISIONS AS TO PROPERTY.

HISTORY. 1913 c. 450 s. 6; G.S. 1913 s. 3576; G.S. 1923 s. 3497; M.S. 1927 s. 3497.

64.49 NOT TO AFFECT LIABILITY.

HISTORY. 1913 c. 450 s. 7; G.S. 1913 s. 3577; G.S. 1923 s. 3498; M.S. 1927 s. 3498.

64.50 FOREIGN ASSOCIATION TO RETURN EXCESS ASSESSMENTS.

HISTORY. 1913 c. 450 s. 8; G.S. 1913 s. 3578; G.S. 1923 s. 3499; M.S. 1927 s. 3499.

64.51 CLERK TO GIVE WRITTEN NOTICE OF WITHDRAWAL.

HISTORY. 1913 c. 450 s. 9; G.S. 1913 s. 3579; G.S. 1923 s. 3500; M.S. 1927 s. 3500.

64.52 MEDICAL EXAMINATION NOT REQUIRED.

HISTORY. 1913 c. 450 s. 10; G.S. 1913 s. 3580; G.S. 1923 s. 3501; M.S. 1927 s. 3501.

64.53 CONTRIBUTIONS MAY BE REMITTED TO TEMPORARY ORGANIZATIONS.

HISTORY. 1913 c. 450 s. 11; G.S. 1913 s. 3581; G.S. 1923 s. 3502; M.S. 1927 s. 3502.

64.54 COMMISSIONER NOTIFIED.

HISTORY. 1913 c. 450 s. 12; G.S. 1913 s. 3582; G.S. 1923 s. 3503; M.S. 1927 s. 3503.

64.55 ARTICLES FILED WITH SECRETARY OF STATE.

HISTORY. 1913 c. 450 s. 13; G.S. 1913 s. 3583; G.S. 1923 s. 3504; M.S. 1927 s. 3504.

64.56 DELEGATES TO STATE CONVENTION.

HISTORY. 1913 c. 450 s. 14; G.S. 1913 s. 3584; G.S. 1923 s. 3505; M.S. 1927 s. 3505.

64.57 RATES OF ASSESSMENTS.

HISTORY. 1913 c. 450 s. 15; G.S. 1913 s. 3585; G.S. 1923 s. 3506; M.S. 1927 s. 3506.

64.58 NAMES MAY BE RETAINED.

HISTORY. 1913 c. 450 s. 16; G.S. 1913 s. 3586; G.S. 1923 s. 3507; M.S. 1927 s. 3507.

64.59 COPY OF MAILING LIST FURNISHED.

HISTORY. 1913 c. 450 s. 17; G.S. 1913 s. 3587; G.S. 1923 s. 3508; M.S. 1927 s. 3508.

64.60 MANDAMUS PROCEEDINGS.

HISTORY. 1913 c. 450 s. 18; G.S. 1913 s. 3588; G.S. 1923 s. 3509; M.S. 1927 s. 3509.

MINNESOTA STATUTES 1945 ANNOTATIONS

64.61 FRATERNAL BENEFICIARY ASSOCIATIONS

438

64.61 AUXILIARY LODGES.

HISTORY. 1913 c. 450 s. 19; G.S. 1913 s. 3589; G.S. 1923 s. 3510; M.S. 1927 s. 3510.

64.62 SUBJECT TO LAWS RELATING TO FRATERNAL ASSOCIATIONS.

HISTORY. 1913 c. 450 s. 20; G.S. 1913 s. 3590; G.S. 1923 s. 3511; M.S. 1927 s. 3511.

64.63 VIOLATIONS; PENALTIES.

HISTORY. 1907 c. 345 s. 29; G.S. 1913 s. 3565; 1919 c. 42 s. 4; G.S. 1923 ss. 3471, 3486; M.S. 1927 ss. 3471, 3486.

Subd. 2. EFFECT ON POLICY. If the insured knew that untruthful statements were contained in his application, this would render the application invalid and avoid the policy even though it was the insured's agent who wrote the false statements into the application. Since section 60.15 does not apply to fraternal associations the elements of intent to deceive and increase of risk are not involved. *Bratley v Brotherhood of Am. Yeomen*, 159 M 14, 198 NW 128.

Section 60.15 does not apply to fraternal beneficiary associations but if the assured knowingly makes misrepresentations of matters material to the risk, the contract is void. *Farm v Royal Neighbors of Am.* 145 M 193, 176 NW 489.