

CHAPTER 280

REAL ESTATE TAX JUDGMENT SALES

Sec.
 280.001 Public sales, auditor's certificates abolished
 280.01 Mode of sale
 280.02 Public vendue
 280.03 Certificate of sale
 280.04 Who may purchase
 280.05 Prohibited purchasers
 280.06 Wrong name of owner
 280.07 Entries in judgment books after sale
 280.08 Record of assignment
 280.09 Failure to record
 280.10 Payment of subsequent taxes
 280.11 Lands bid in for state
 280.12 Unredeemed lands
 280.13 Unredeemed lands
 280.25 Purchaser to receive deed
 280.26 How and when purchaser to get deed
 280.27 Applications for state tax deeds

Sec.
 280.28 Fees
 280.29 Proceeds of sale, how distributed
 280.33 Certificates and deeds as evidence; grounds for setting aside
 280.34 Action to set aside
 280.35 Invalid certificate
 280.36 Reimbursement to tax sale purchaser where notice of sale invalid; limitation; reassessment
 280.37 Endorsement before record
 280.38 Lands bid in for the state; attachments
 280.385 Acquisition of tax delinquent land before forfeiture
 280.39 Delinquent taxes may be paid in inverse order
 280.40 Taxes collected by sheriff applied in inverse order

280.001 PUBLIC SALES, AUDITOR'S CERTIFICATES ABOLISHED. Effective the second Monday in May 1974, and each year thereafter, no parcel of land against which judgment has been entered and remains unsatisfied for the taxes of the preceding year or years may be sold at public vendue as provided in sections 280.01 and 280.02 by the county auditor but shall be treated in the same manner and regarded in all respects as land bid in for the state by the auditor in the manner provided in section 280.02. No notice of sale required by section 280.01 shall be published or posted in 1974 and in years thereafter, and no auditor's certificate authorized by section 280.03 shall be issued on the second Monday in May 1974, or thereafter.

[1973 c 341 s 1]

280.01 MODE OF SALE. On the second Monday in May, in each year, the county auditor shall sell all parcels of land against which judgment has been entered and remains unsatisfied for the taxes of the preceding year or years. Before making such sale he shall give ten days posted notice thereof, one notice to be posted in the office of the clerk of the court where the judgment has been entered, one in the office of the county treasurer, and one at some conspicuous place at the county-seat; and two weeks' published notice, the first publication to be at least 15 days before the day of sale. If answer has been filed, or a republication of the notice and list of delinquent taxes has been made, and judgment has been entered, the auditor shall sell the lands charged with taxes in such judgment within 30 days thereafter, first giving the required notice by posting and publication. The notice may be substantially in the following form:

"TAX JUDGMENT SALE.

Pursuant to a real estate tax judgment of the district court of the county of _____, state of Minnesota, entered the _____ day of _____, 19____, in proceedings for enforcing payment of taxes and penalties upon real estate in the county of _____ remaining delinquent on the first Monday in January, 19____, and of the statutes in such case made and provided, I shall, on _____ the _____ day of _____, 19____, at ten o'clock a. m., at _____, in the (town or city) of _____ and county of _____, sell the lands which are charged with taxes, penalties, and costs in said judgment, and on which taxes shall not have been previously paid.

 Auditor of _____ County."

At the time and place appointed in such notice the auditor shall commence the sale of such lands, and proceed with the sale thereof from day to day for six consecutive days, or until the whole shall be sold. If, for any reason, any parcel against which a judgment has been entered be omitted from the tax judgment sale or sales of the year in which the same was entered, such judgment shall bear interest at one per cent per month from the date thereof, and the auditor may include such parcel in the next annual tax judgment sale.

[R. L. s. 927] (2127)

MINNESOTA STATUTES 1974

3405

REAL ESTATE TAX JUDGMENT SALES 280.05

280.02 PUBLIC VENDUE. The county auditor shall sell, at public vendue, each parcel of land separately in the order described in the judgment and by the description therein; but, if the sum bid for any parcel shall not be paid on the day of the sale thereof, he shall again offer the same for sale. In offering the lands for sale, he shall state the amount for which each parcel is to be sold, and shall then sell the same to the person who shall offer to pay the amount for which the same is to be sold, at the lowest annual rate of interest on such amount. No bid shall be accepted when the proposed rate of interest exceeds 12 percent per annum. All bids for any fractional part of one percent shall be a decimal part thereof, and not less than one-tenth of one percent. If no bidder shall bid an amount equal to that for which the parcel is to be sold, at a rate of interest not exceeding 12 percent per annum, then the auditor shall bid in the same for the state at such amount. The county treasurer shall attend the sale and receive all moneys paid thereon.

[R. L. s. 928] (2128)

280.03 CERTIFICATE OF SALE. The county auditor shall execute to the purchaser of each parcel a certificate which may be substantially in the following form:

"I, _____, auditor of the county of _____, state of Minnesota, do hereby certify that at the sale of lands pursuant to the real estate tax judgment entered in the district court in the county of _____, on the _____ day of _____, 19____, in proceedings to enforce the payment of taxes delinquent on real estate for the years _____, for the county of _____, which sale was held at _____, in said county of _____, on the _____ day of _____, 19____, the following described parcel of land, situate in said county of _____, state of Minnesota: (insert description), was offered for sale to the bidder who should offer to pay the amount for which the same was to be sold, at the lowest annual rate of interest on such amount; and at said sale I did sell the said parcel of land to _____ for the sum of _____ dollars, with interest at _____ percent per annum on such amount, that being the sum for which the same was to be sold, and such rate of interest being the lowest rate percent per annum bid on such sum; and, he having paid such sum, I do therefore, in consideration thereof, and pursuant to the statute in such case made and provided, convey the said parcel of land, in fee simple, subject to easements and restrictions of record at the date of the tax judgment sale, including, but without limitation, permits for telephone, telegraph and electric power lines either by underground cable or conduit or otherwise, sewer and water lines, highways, railroads, and pipe lines for gas, liquids, or solids in suspension, to said _____, his heirs and assigns, forever, subject to redemption as provided by law.

Witness my hand and official seal this _____ day of _____, 19____.

County Auditor."

If the land shall not be redeemed as provided in chapter 281, such certificate shall pass to the purchaser an estate therein, in fee simple, without any other act or deed whatever subject to easements and restrictions of record at the date of the tax judgment sale, including, but without limitation, permits for telephone, telegraph, and electric power lines either by underground cable or conduit or otherwise, sewer and water lines, highways, railroads, and pipe lines for gas, liquids, or solids in suspension. Such certificate may be recorded, after the time for redemption shall have expired, as other deeds of real estate, and with like effect. If any purchaser at such sale shall purchase more than one parcel, the auditor shall issue to him a certificate for each parcel so purchased.

[R L s 929; 1953 c 493 s 2] (2129)

280.04 WHO MAY PURCHASE. All persons, except as provided in section 280.05, may become purchasers at such sale. If the owner purchase, the sale shall have the effect to pass to him, subject to redemption as provided in chapter 281, every right, title, and interest of any and every person, company, or corporation, free from any claim, lien, or encumbrance, except such right, title, interest, lien, or encumbrance as such owner may be legally or equitably bound to protect against such sale, or the taxes for which such sale was made.

[R. L. s. 930] (2130)

280.05 PROHIBITED PURCHASERS. No county auditor, county treasurer, clerk of the district court, or county assessor, or deputy or clerk or employee of such officer, and no commissioner for tax forfeited lands or assistant to such commissioner, may become a purchaser at such sale, or procure an assignment of the

right acquired by the state in lands bid in for it at such sale, as in this chapter provided in sections 280.06 to 280.12, either in his own behalf, or as agent or attorney for any other person, except that such officer, deputy, clerk, employee or commissioner for tax forfeited lands or assistant to such commissioner may purchase lands owned by him, or on which he has a lien, or procure such assignment of the state's right in such lands.

[*R. L. s. 931; 1959 c. 281 s. 1; 1969 c. 9 s. 72*] (2131)

280.06 WRONG NAME OF OWNER. No such sale shall be affected or deemed invalid on account of the use of another name than that of the true owner in describing the ownership of the parcel of land sold in any tax proceeding.

[*R. L. s. 932*] (2132)

280.07 ENTRIES IN JUDGMENT BOOKS AFTER SALE. Immediately after such sale the county auditor shall set out in the copy judgment book what disposition was made at such sale of each parcel of land; if sold to an actual purchaser, to whom and for what amount, and for what rate of interest; and, if bid in for the state, then so stating. He shall thereupon deliver such book to the clerk of the court, who shall forthwith enter on the right-hand page of the real estate tax judgment book, opposite the description of each parcel sold, the words, "satisfied by sale," and opposite each parcel bid in for the state the words, "bid in for the state," and he shall thereupon redeliver the copy judgment book to the auditor. Upon any assignment or redemption the auditor shall make a note thereon in the copy judgment book, opposite the parcel assigned or redeemed.

[*R. L. s. 933*] (2133)

280.08 RECORD OF ASSIGNMENT. The assignee or transferee of a certificate or deed issued upon the sale of land for general taxes or for special assessments for local improvements shall present the instrument of transfer and a copy thereof to the official custodian of the record of such sale. Such officer shall thereupon certify such copy to be correct and shall file the same in his office and note such transfer upon the record. The record as herein provided of any such instrument shall be taken and deemed notice to parties. The recording in the office of the register of deeds of any such assignment or any quitclaim deed transferring any interest in such land shall have the same force and effect as the record above provided.

[*1909 c. 340 s. 1*] (2134)

280.09 FAILURE TO RECORD. Every such assignment or transfer not so recorded shall be void as against any subsequent purchaser, for a valuable consideration, who has caused a record of the transfer to him to be made in the manner above provided, before the recording of the prior transfer, and as against any party claiming under a judgment or decree of a court of competent jurisdiction heretofore entered or hereafter to be entered in an action in which the party appearing to be the owner or holder of such certificate or deed, as shown by the record in the office of such official custodian, was made a party and was bound by the judgment or decree.

[*1909 c. 340 s. 2*] (2135)

280.10 PAYMENT OF SUBSEQUENT TAXES. The taxes for subsequent years shall be levied on property so sold or bid in for the state in the same manner as if the sale had not been made. The purchaser or assignee of the state may pay the amount of such taxes at the annual May sale following the date they become delinquent. Any such purchaser or assignee paying such taxes shall, if he be the owner of a prior certificate of sale, notify the county auditor prior to the annual May sale that he is the owner of a tax certificate and such notice shall contain a description of the property for which such certificate was issued, together with the year of sale, and thereupon the county auditor shall issue the certificate or a certificate for such taxes in the same form as now provided by section 280.03; such certificate shall bear interest at the rate provided by section 280.02, unless the prior certificate bears a lower rate of interest, in which case such lower rate shall apply; provided, that, if there shall have been any parcel redemption, he shall pay the delinquent taxes on the unredeemed portion of the land described in his tax certificate, and such tax certificate, after such parcel redemption, shall be applicable to such unredeemed portion of the land therein described only, in all respects as if a portion of the land unredeemed from had been all of the land described in the certificate at the time of its issuance, and all proceedings thereafter had as to notice of expiration of redemption and otherwise shall be as to the cer-

MINNESOTA STATUTES 1974

3407

REAL ESTATE TAX JUDGMENT SALES 230.13

tificate so modified by the elimination therefrom of the portion of the land redeemed from as aforesaid.

[R. L. s. 934; 1925 c. 63; 1931 c. 412] (2136)

280.11 LANDS BID IN FOR STATE. At any time after any parcel of land has been bid in for the state, the same not having been redeemed, the county auditor shall assign and convey the same, and all the right of the state therein acquired at such sale, to any person who shall pay the amount for which the same was bid in, with interest at the rate of 12 percent per annum, and the amount of all subsequent delinquent taxes, penalties, costs, and interest at such rate upon the same from the time when such taxes became delinquent. He shall execute to such person a certificate for such parcel, which may be substantially in the following form:

"I,, auditor of the county of, state of Minnesota, do hereby certify that at the sale of lands pursuant to the real estate tax judgment entered in the district court in the county of, on the day of, 19....., in proceedings to enforce the payment of taxes delinquent upon real estate for the years for the county of, which sale was held at, in said county of, on the day of, 19....., the following described parcel of land, situate in said county of, state of Minnesota: (insert description), was duly offered for sale; and, no one bidding upon such offer an amount equal to that for which the parcel was subject to be sold, the same was then bid in for the state at such amount, being the sum of dollars; and the same still remaining unredeemed, and on this day having paid into the treasury of the county the amount for which the same was so bid in, and all subsequent delinquent taxes, penalties, costs, and interest, amounting in all to dollars, therefore, in consideration thereof, and pursuant to the statute in such case made and provided, I do hereby assign and convey this parcel of land, in fee simple, subject to easements and restrictions of record at the date of the tax judgment sale, including but without limitation, permits for telephone, telegraph, and electric power lines either by underground cable or conduit or otherwise, sewer and water lines, highways, railroads, and pipe lines for gas, liquids, or solids in suspension, with all the right, title and interest of the state acquired therein at such sale to, his heirs and assigns, forever, subject to redemption as provided by law.

Witness my hand and official seal this day of, 19

County Auditor."

If the land shall not be redeemed, as provided in chapter 281, such certificate shall pass to the purchaser or assignee an estate therein, in fee simple, without any other act or deed whatever subject to easements and restrictions of record at the date of the tax judgment sale, including, but without limitation, permits for telephone, telegraph and electric power lines either by underground cable or conduit or otherwise, sewer and water lines, highways, railroads, and pipe lines for gas, liquids, or solids in suspension. Such certificate or conveyance may be recorded, after the time for redemption shall have expired, as other deeds of real estate, and with like effect. No assignment of the right of the state shall be given pursuant to this section after January 1, 1972.

[R L s 935; 1953 c 493 s 3; 1971 c 658 s 1] (2137)

NOTE: See section 279.03.

280.12 UNREDEEMED LANDS. All parcels of land bid in for the state, and not assigned to purchasers or redeemed within three years from the date of the tax sale at which they are offered, shall be disposed of as provided in this section and in section 280.13. Such sale shall commence at the county-seat on the second Monday of August, of each year, and shall continue from day to day until and including the thirtieth day of June, 1936, when it shall be completed, and the county auditor shall publish a notice once each week for three successive weeks in such county of the time and place when such sale will commence.

[R. L. s. 936; 1907 c. 430; 1913 c. 74 s. 1; 1927 c. 363; 1929 c. 415 s. 1; 1931 c. 129 s. 3; 1935 c. 387 s. 1] (2138)

280.13 UNREDEEMED LANDS. Subdivision 1. Conduct of sale. Any sale authorized by section 280.12 shall be conducted by the county auditor. Each parcel shall be sold to the highest cash bidder therefor, but not for a less sum than the aggregate taxes, penalties, interest, and costs charged against it, unless the cash

value thereof fairly determined by the county board shall be less than such aggregate, in which case the value so fixed and approved shall be the minimum price for which such property may be sold. The rights of the purchaser at such sale shall be subject to the rights of any purchaser and of the state or its assignee by virtue of any delinquent tax for any subsequent year, and of any subsequent delinquent taxes attaching thereto or required to be paid in case of redemption therefrom.

Subd. 2. Cash bids. At such sale, if there be no bidders for the same for the amounts as hereinbefore authorized, any such parcels coming within the following classifications may be disposed of for cash only, for not less than the following amounts: (1) all parcels bid in for the state for taxes for the year 1922, or prior years, for one-fifth of the total taxes remaining unpaid for 1925 and prior years, as originally assessed; (2) all parcels, not in such first class, but bid in for the state for taxes for the year 1924, or prior years, for one-third of the total taxes remaining unpaid for 1925 and prior years, as originally assessed; and (3) all parcels, not in such first or second class, but bid in for the state for taxes for the year 1925, or prior years, for one-half of the total taxes remaining unpaid for 1925 and prior years, as originally assessed.

In the event that the taxes upon any parcel for 1930, or any part thereof, have been bid in for and are held by the state, the auditor of each county is hereby authorized and directed to dispose of the same, together with all the interest of the state in such parcel and all taxes, assessments, interest, and penalties attached thereto or thereon, except taxes not yet attached to a judgment by an assignment thereof for an amount not less than one-half of the total taxes and assessments against it, as originally assessed and taxed.

In the event that the taxes for 1926 and all prior years against any parcel of land have been paid or sold or assigned to a purchaser other than the state, but the taxes for 1927 or 1928, or any part thereof, have been bid in for and are held by the state, the county auditor is authorized and directed to dispose of the same, together with all the interest of the state in such parcel and all taxes, assessments, interest, and penalties attached thereto or thereon, except taxes not yet attached to a judgment by an assignment thereof, for an amount not less than three-fifths of the total taxes and assessments against it, as originally assessed and taxed. In the event that the taxes for 1928 and all prior years against any parcel of land have been paid, or sold or assigned to a purchaser other than the state, but the taxes for 1929 or 1930, or any part thereof, have been bid in for and held by the state, the county auditor is authorized and directed to dispose of the same, together with all the interest of the state in such parcel and all taxes, assessments, interest, and penalties attached thereto or thereon, except taxes not yet attached to a judgment by an assignment thereof, for an amount not less than four-fifths of such taxes and assessments, as originally assessed.

Subd. 3. When tax contains ditch liens or special assessments. Where any parcel, subject to sale under the provisions of this section and sections 280.12 and 280.25, contains as a part of the tax the full amount or a portion of the lien for the construction of any county or judicial ditch, or the full amount or a portion of any special assessment for local improvements levied under municipal authority, the county board, in case of such ditch lien, or the governing body of the municipality, in case of such special assessment, may by ordinance or resolution determine and fix the minimum amount of such ditch lien or assessment to be included in addition to the amounts hereinbefore provided as the minimum for which any such parcel may be sold; provided that the resolution of the county board shall be adopted or a copy of such resolution or ordinance of the municipality describing each tract and fixing each such minimum amount shall be served upon the county auditor at least 30 days before the date of sale; provided, that if such resolution of the county board be not adopted or if such governing body of any such municipality fails to cause to be certified to the county auditor at least 30 days before the date of sale the minimum amount of such assessment to be included with the other taxes on any parcel, the county auditor shall include such ditch lien or special assessment with the other taxes on such parcel, to be sold on the same basis as the other taxes thereon. The minimum amounts of ditch liens or assessments to be so included in the sale of lands within the Red Lake game preserve shall be the full amounts of such ditch liens and assessments.

Subd. 4. Payment; certificate. The purchaser shall forthwith pay the amount of his bid to the county treasurer and the officer conducting the sale shall give

to him a certificate in a form prescribed by the attorney general, in which shall be set forth the name of the purchaser, a description of the land sold, the price paid, and the date and place of sale. The auditor and treasurer of the county shall attend such sale, the former to make a record of all sales thereat and the latter to receive all moneys paid on account thereof. The proceeds of the sale of any parcel of land at any such sale, for whatever amount sold, shall be distributed among the taxing districts interested in the taxes and assessments on the parcel at the date of such sale in the proportions of their respective interests; provided that the provisions of this section as to the amount of any ditch lien or special assessment which shall be included in the minimum cash amount for which any parcel may be sold shall fix the amount applicable to such ditch lien or special assessment in the distribution of the proceeds of such sale.

[R. L. s. 937; 1907 c. 430 s. 2; 1911 c. 30; 1913 c. 333 s. 1; 1917 c. 303; 1919 c. 337; 1921 c. 386 s. 1; 1925 c. 208 s. 1; 1927 c. 119 s. 1; 1929 c. 415 s. 2; 1931 c. 129 s. 1; 1933 c. 414 s. 1; 1935 c. 387 s. 2] (2139)

280.14 [Expired]

280.15 [Expired]

280.16 [Expired]

280.17 [Expired]

280.19 [Expired]

280.20 [Expired]

280.21 [Expired]

280.22 [Expired]

280.23 [Expired]

280.24 [Expired]

280.25 PURCHASER TO RECEIVE DEED. Any person, or his heirs or assigns, receiving the certificate described in section 280.13 shall be entitled to a deed from the state 60 days after the service of a notice of expiration of time from redemption and filing proof of such service, which notice shall be substantially as provided in section 281.13 and until the expiration of such time for redemption the land described in such certificate shall be subject to redemption in the manner provided in section 281.02 and upon the expiration of such redemption period, upon presentation of such certificate to the commissioner of revenue, he shall be authorized to execute a deed in the name of the state to the person entitled thereto, conveying the lands therein described; and every such deed shall vest the grantee with complete title to such lands, subject to the defenses that the tract or parcel was exempt from taxation or that the taxes for which such tract or parcel was sold at that tax sale had been paid. Such deed may be recorded as other deeds of real estate and the record thereof shall have the same force and effect in all respects as the record of such deeds and shall be evidence in like manner.

[R. L. s. 938; 1915 c. 332 s. 1; 1973 c. 582 s. 3] (2140, 2142)

280.26 HOW AND WHEN PURCHASER TO GET DEED. Any person, or his heirs or assigns, receiving the certificate described in section 280.13 shall be entitled to a deed from the state and, upon presentation of such certificate to the commissioner of revenue, he shall be authorized to execute a deed in the name of the state to the person entitled thereto, conveying the lands therein described, and every such deed shall vest the grantee with complete title to such lands, subject to the defenses that the tract or parcel was exempt from taxation or that the taxes had been paid for which such tract or parcel was sold at the said tax sale. Such deed may be recorded as other deeds of real estate and the record thereof shall have the same force and effect in all respects as the record of such other deeds and shall be evidence in like manner. Any one having any interest in any such tract or parcel of land shall have the right to redeem the land, as provided in chapter 281, and no such tax deed shall be issued, nor shall the full period of redemption expire until 60 days shall have elapsed after the filing of proof of service of notice; made in the same manner as provided in Laws 1902, Chapter 2, Sections 47 and 48.

[1902 c. 2 s. 55; 1905 c. 211 s. 1; 1973 c. 582 s. 3] (2141)

280.27 APPLICATIONS FOR STATE TAX DEEDS. All applications for tax deeds under this chapter shall be made to the commissioner of revenue and the applicant shall present to such official the original tax certificate and certified copy of the notice of expiration of redemption, with proof of service thereof and of the filing of such proof in the office of the county auditor, and certificate of such auditor that the time of redemption has expired and that no redemption has been

made, and such other proof as the commissioner of revenue may require. All of these papers shall be filed in the office of the commissioner of revenue, and shall remain therein as permanent records. If the original tax certificate, or any assignment thereof, has been lost or destroyed, the county auditor shall issue a duplicate thereof, upon proof of such loss or destruction, by the filing in his office of an affidavit by such owner or some other person having knowledge of the facts and upon the giving of a bond, with good and sufficient sureties approved by the county auditor, in double the amount due on such certificate, payable to the county treasurer, for the benefit of all persons who may be damaged by the issuance of a duplicate certificate or assignment, conditioned for the payment of any damage to any such person resulting from such issuance. Any such duplicate certificate or assignment shall be of the same force and effect as if it were an original.

[1915 c 332 s 2; 1927 c 399; 1973 c 582 s 3] (2143)

280.28 FEES. Subdivision 1. The county auditor shall be entitled to collect a fee of 50 cents from such applicant for each certified copy of a notice of expiration of redemption and the preparation of the other necessary papers and information in connection therewith, which fee shall be retained by such auditor in addition to his salary provided by law.

Subd. 2. There shall be paid at the time of delivery by the person to whom delivered for each certificate issued to an actual purchaser under sections 280.03 and 280.13 a fee of \$1 and for each notice of expiration of redemption prepared by the auditor for the holder of a certificate a fee of \$2. These fees shall be paid to the county treasurer upon the auditor's statement of the amount due. The amount of such fees shall be added to the amount payable under section 281.02 upon redemption.

[1915 c 332 s 3; 1961 c 524 s 1] (2144)

280.29 PROCEEDS OF SALE, HOW DISTRIBUTED. The proceeds of any parcel of land so sold, to the amount of taxes, penalties, interest, and costs charged thereon, shall be distributed as provided by law for the distribution of the like sums upon sales for delinquent taxes. The portion thereof due to the state shall be paid to the state treasurer upon the draft of the commissioner of finance, and the excess, if any, above the taxes, penalties, interest, and costs charged upon the land, shall be included in such draft and be paid in like manner for the benefit of the state. If any parcel be sold for less than the amount charged thereon, the state taxes shall first be paid and the remainder, if any, distributed pro rata to the several funds for which the taxes were levied.

[R L s 939; 1973 c 492 s.14] (2145)

280.33 CERTIFICATES AND DEEDS AS EVIDENCE; GROUNDS FOR SETTING ASIDE. The certificates and deeds issued pursuant to sections 280.03, 280.11, 280.13, and 280.25, or the record thereof, shall be prima facie evidence that the parcel described therein was subject to taxation for the year or years therein stated; that such parcel was listed and assessed at the time and in the manner required by law; that the taxes were levied according to law; that the judgment pursuant to which the sale was made was duly entered, and that the court had jurisdiction to enter the same; that all requirements of law with respect to the sale had been complied with; that such parcel had not been redeemed from the sale; and of title in the grantee therein after the time for redemption has expired; provided, that when any such certificate or deed embraces university, school, or other state lands, the title whereof is in the state, no other or greater interest shall be held to be thereby conveyed than that acquired under the certificate of the commissioner of finance. No sale shall be set aside or held invalid by reason of any misrecitals in such certificate or deed; nor unless the party objecting to the same prove either that the taxes were paid before the judgment was rendered, or that such parcel was exempt from taxation, or that the court rendering the judgment pursuant to which the sale was made had not jurisdiction to render the same, or that after the judgment and before the sale such judgment had been satisfied, or that notice of sale as required by this chapter was not given, or that such parcel was not offered at such sale to the bidder who would pay the amount for which the parcel was to be sold at the lowest rate of interest, as provided in this chapter; provided, that every judgment rendered against any parcel for a tax which was paid before the entry thereof, or when the land was exempt from taxation, shall be void, and all sales made under any such judgment or under a judgment which has been paid shall be void, and no title or interest in any parcel sold under such judgment shall pass or

be conveyed to any purchaser at such sale. In any action brought to set aside or to cancel such sale, or in which the validity of such sale may arise, the tax receipt, or the treasurer's duplicate thereof, or other record of the payment of such tax in the office of the county auditor or the county treasurer, shall be prima facie evidence of such payment; but such payment shall not be established by parol testimony only. In such action, the county in which the land is situated, or the state, if either claim any interest in the land sold under such judgment, may be made a party defendant, in which case the county attorney shall appear in behalf of such county or state, or both.

[*R. L. s. 940; 1911 c. 245 s. 1; 1973 c. 492 s. 14*] (2146)

280.34 ACTION TO SET ASIDE. No sale shall be set aside or held invalid unless the action in which the validity of the sale is called in question be brought, or the defense alleging its invalidity be interposed, within three years after expiration of the time for redemption, except that an action to set aside or cancel such sale on the ground that the parcel was exempt or that the tax was paid before judgment or sale may be commenced, or a defense alleging the invalidity of the sale on such ground may be interposed, at any time.

[*R. L. s. 941*] (2147)

280.35 INVALID CERTIFICATE. If any certificate issued pursuant to sections 280.03, 280.11, and 280.13 to an actual purchaser prove to be invalid for any other cause than that the land described therein was not subject to taxation, or that the taxes had been paid prior to the sale, or that the assessment or levy was void, the lien of the state on the parcel of land sold, as provided in section 272.31 shall be transferred, without any act whatever, to, and vested in, the holder of such certificate, his personal representatives, heirs, or assigns. Such holder, or his personal representatives, heirs, or assigns, may collect out of the property covered by such lien, by sale thereof by foreclosure, or other proper action or proceeding, the amount of taxes, penalties, and interest due thereon at the time of such sale, with interest thereon at the rate of 12 percent per annum, together with the amount of all subsequent taxes paid, with interest thereon at said rate, and the costs and expenses of such action.

[*R. L. s. 942*] (2148)

280.36 REIMBURSEMENT TO TAX SALE PURCHASER WHERE NOTICE OF SALE INVALID; LIMITATION; REASSESSMENT. When any sale of land held pursuant to section 280.01 shall have been conducted by the county auditor, without two weeks' published notice of such sale having been first given as required therein, the purchaser of any parcel of land at such sale or the purchaser or holder, or the assigns or representatives of such purchaser or holder, of a state assignment certificate of such sale to such parcel acquired pursuant to section 280.11, shall be entitled to refundment of the amount paid for such parcel, without interest, upon production and surrender to the auditor of the county in which such parcel of land is situated, of the certificate of sale, and evidence of the assignment thereof, if any, by issuance and payment of the warrant of the county auditor or the county treasurer therefor; provided that the right to refundment shall be exercised within six years from the date of such tax sale, and the amounts paid shall be charged to the proper funds, and extended against the respective parcels of land with the current taxes, and collected therewith.

[*Ex. 1937 c. 61*] (2148-1)

280.37 ENDORSEMENT BEFORE RECORD. Before any certificate of sale or of assignment provided for in this chapter shall be recorded, the holder thereof shall present the same to the county auditor, who shall endorse thereon his certificate that the property therein described remains unredeemed, and that the period of redemption has expired; and no such certificate shall be recorded unless such endorsement is made.

[*R. L. s. 943*] (2149)

280.38 LANDS BID IN FOR THE STATE; ATTACHMENTS. When any parcel of land is bid in for the state, until its rights be assigned or the land be redeemed, the sale shall not operate as a payment of the amount for which the same is sold, but at any time after such sale the county auditor may make and file with the clerk where the judgment is entered an affidavit stating the date of the sale, the amount for which such parcel was bid in for the state, and the amount of all subsequent delinquent taxes, that its right has not been assigned, that there has been no redemption, and that the land is rented, in whole or in part, and produces rent,

and giving the names of the persons paying rent. Upon presentation of such affidavit, the judge or court commissioner for the county shall endorse thereon an order directing an attachment to issue to attach the rents of such lands. The clerk shall thereupon issue a writ directing the sheriff to attach the rents accruing for such land from any person, and to collect therefrom the amount for which the same was bid in for the state, and the amount of all subsequent delinquent taxes, stating such amount and the date of sale, with penalties and interest accruing thereon, and his fees, and \$1 for the costs of the affidavit and attachment. The sheriff shall serve such writ by serving a copy thereof on each tenant or person in possession of such land paying rent therefor, or for any part thereof, and such service shall operate as an attachment of all rents accruing from the person served. The sheriff shall receive such rents as they become due, and may bring suit in his own name to collect the same, and shall pay into the county treasury the amount collected. No payment of rents by any person so served after such service, or prior thereto for the purpose of defeating such attachment, shall be valid against such attachment. The clerk shall be allowed for issuing the writ, including the filing of the affidavit, order of allowance, writ, and return, 50 cents, to be paid to him by the county in which the taxes are levied; provided, that in counties whose population exceeds 150,000 such fees shall be paid into the county treasury to the use of the county. The sheriff shall be allowed for serving the writ and collecting the money the same fees as are allowed by law upon an execution in a civil action; and, if he brings suit, such additional compensation as the court may allow, not exceeding one-half of the fees allowed by law for like services in ordinary cases.

If, at any time while the sheriff is collecting such rent, the lease upon such property shall expire, or, if the sheriff has once commenced to collect such rent and the property becomes vacant, the county auditor may lease the property upon five days' notice to the owner, subject to the approval of the district court.

At any time while the sheriff is collecting the rent under any lease, no modification of the lease between the owner and the tenant shall be valid unless approved by the district court upon five days notice to the county auditor.

The collection of such rent under this statute shall not be a bar to the county auditor assigning such taxes to an actual purchaser, or selling the land at a forfeited tax sale under the present laws or any laws hereafter enacted.

In case any unplatted land is bid in for the state and is cropped upon a share agreement with the owner, or by a trespasser, the owner's share of such crop; or, in case of a trespasser, all or any part of such crops, may be attached and collected in the same manner as rents and applied upon delinquent taxes. The term "crops" shall include hay and grass. In case there is no agreement for rent, or in case of an occupant or trespasser on the unplatted land without any agreement for rent, then the attachment shall attach to and bind all of the grass, hay, and crops produced on such lands; provided, that the district court may, upon application by such occupant, upon ten days notice to the owner and the county auditor, and a showing by him to the satisfaction of the court that his occupancy was not a wilful trespass, release to such occupant the excess of such crops over and above the owner's or landlord's share of the grass, hay, and crops of such premises as determined by the court. Such application must be made not later than 60 days after the date of the service of the writ of attachment upon such occupant, and if not made within such time it shall be considered that such occupant has waived all right and claim to such crops. The county auditor may give to the owner or person entitled to the possession of such unplatted land during the crop season at least ten days notice, in writing, by mail or otherwise, specifying the time and place at which application will be made to the district court for an order permitting the leasing of such land, and the district court may, if it deems it to be for the best interest of such person and of the public, make an order fixing the terms upon which such lease may be made by the county auditor, in the name of the county. The county auditor may then execute, in the name of the county, such lease in writing as the court shall order. No such lease shall be for a longer term than the current crop season. If the name or address of such person is unknown to the county auditor, such notice may be given by one publication in a legal newspaper in the county. If the owner or person entitled to such possession shall show to the court that he intends to lease such unplatted land or make a contract for cropping the same upon shares, the court may make such order as it deems best to provide for an attachment of all or a part of the rents or crop share of such person and for applying the same upon the delinquent taxes. From and after April 24, 1935, in any proceeding for the collection of rents on

unplatted land on which the taxes have been bid in by the state and not assigned, the court may, upon motion, order that payment, when made as to any part or the whole, be paid to the county treasurer to apply upon taxes. The owner of such unplatted properties may make application to the district court to release him from applying all or a portion of such rents upon such taxes upon his showing, by reason of the condition, cost of upkeep of the property, or other cause, undue hardship upon such owner or detriment to such property. The provisions affecting unplatted lands shall not apply to lands or real estate actually used or occupied by the owner thereof.

The county board may allow additional clerk hire to the county auditor for his work in making such leases, which leases shall be made in the name of the county, and the county shall have the right to bring suit for unpaid rents under such leases and to bring the necessary actions to secure evictions of tenants to whom it has leased.

Attachments, leases, and proceedings issued and made pursuant to this section shall not be deemed unfinished business that may be retained by the sheriff at expiration of his term, as provided by section 387.10.

The right of the county auditor to assign the taxes on any unplatted lands to an actual purchaser, or to sell the land at the forfeited tax sale, shall continue until all delinquent taxes described in the writ of attachment are paid.

[R. L. s. 944; 1929 c. 266 s. 1; 1935 c. 246 s. 1] (2150)

280.385 ACQUISITION OF TAX DELINQUENT LAND BEFORE FORFEITURE. Subdivision 1. **Conveyance accepted.** Whenever any lands have been bid in for the state for delinquent taxes at any tax judgment sale and have not been sold or assigned, the county board of the county in which such lands are situated may, in its discretion, with the consent first obtained of the governing body of the city, or town in which such lands are situated, accept a conveyance from the owner thereof to the state; provided that the county attorney finds that such owner has good title to such lands and that they are free and clear of all encumbrances except taxes.

Subd. 2. **To have same status as tax forfeited lands.** Upon conveyance of title to the state, such lands shall have the status of lands absolutely forfeited to the state for taxes, and shall be subject to all applicable provisions of law as if they had become so forfeited at the date of acceptance of the conveyance by the county board.

Subd. 3. **Procedure if title fails.** If the title of the state under such conveyance should for any reason be finally adjudged void or subject to any encumbrance, the county auditor, upon the filing in his office of a certified copy of such judgment, shall reinstate all taxes, penalties, and interest which were a lien upon said lands at the time such conveyance was made, and shall assess as omitted the taxes for the years subsequent thereto. Such lands shall thereupon be subject to forfeiture or other proceedings upon such taxes as provided by law as if no conveyance to the state had been made.

[1943 c 327; 1973 c 123 art 5 s 7]

280.39 DELINQUENT TAXES MAY BE PAID IN INVERSE ORDER. In any case where taxes for two or more years are delinquent against a parcel of land, such taxes for one or more entire years, if held by the state, may be paid in the inverse order to that in which the taxes were levied, with accrued penalties, interest, and costs upon the taxes so paid, without payment of the taxes for the first of such years; provided, that such payment shall not affect the lien of any unpaid taxes or tax judgment.

[1941 c. 97 s. 1]

280.40 TAXES COLLECTED BY SHERIFF APPLIED IN INVERSE ORDER. When the sheriff shall pay into the county treasury rents collected, as provided in section 280.38, the same shall be applied in the inverse order to that in which such taxes were levied, crediting the same as follows: (1) against penalties, interest, and costs upon the last delinquent taxes, (2) against such taxes as levied; and the same procedure shall be followed for each year's delinquent taxes until such payments have been exhausted. When, under section 280.38, a year's taxes are partially paid, interest shall be charged thereafter only upon the unpaid balance. In case of part payment of the taxes for any year, the land affected shall remain, as to the unpaid balance, subject to sale, redemption, forfeiture, and all other proceedings respecting delinquent taxes in like manner as for a full year's taxes.

[1941 c 97 s 2]