

MINNESOTA STATUTES 1975 SUPPLEMENT

504.20 LANDLORDS AND TENANTS

CHAPTER 504. LANDLORDS AND TENANTS

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504.20 Interest on security deposits; withholding security deposits; damages.

[For text of subs 1 to 7, see M.S.1974]

Subd. 7a. No tenant may withhold payment of all or any portion of rent for the last payment period of a residential rental agreement, except an oral or written month to month residential rental agreement concerning which neither the tenant nor landlord has served a notice to quit, on the grounds that such deposit should serve as payment for the rent. Withholding all or any portion of rent for the last payment period of the residential rental agreement creates a rebuttable presumption that the tenant withheld the last payment on the grounds that such deposit should serve as payment for the rent. Violation of this subdivision after written demand and notice of this subdivision shall subject the tenant to damages of twice the deposit and forfeiture of any interest due on the deposit in addition to any actual damages.

[1975 c 410 s 9]

[For text of subs 8 and 9, see M.S.1974]

504.24 Property abandonment.

Subdivision 1. If a tenant abandons rented premises the landlord may take possession of the tenant's personal property remaining on the premises, and shall store and care for the property. The landlord has a claim against the tenant for reasonable costs and expenses incurred in removing the tenant's property and in storing and caring for the property. The landlord may sell or otherwise dispose of the property 60 days after the landlord receives actual notice of the abandonment or 60 days after it reasonably appears to the landlord that the tenant has abandoned the premises whichever occurs last and may apply a reasonable amount of the proceeds of the sale to the removal, care, and storage costs and expenses or to any claims authorized pursuant to section 504.20, subdivision 3, clauses (a) and (b). Any remaining proceeds of the sale shall be paid to the tenant upon written demand. Prior to the sale the landlord shall make reasonable efforts to notify the tenant of the sale at least 14 days prior to the sale, by personal service in writing or sending written notification of the sale by certified mail, return receipt requested, to the tenant's last known address or usual place of abode, if known by the landlord, and by posting notice of the sale in a conspicuous place on the premises for at least two weeks.

Subd. 2. If a landlord, his agent or person acting under the landlord's direction or control, in possession of a tenant's personal property, fails to allow the tenant to retake possession of the property within 24 hours after written demand by the tenant or his duly authorized representative or within 48 hours, exclusive of weekends and holidays, after written demand by the tenant or his duly authorized representative when the landlord, his agent or person acting under the landlord's direction or control has removed and stored the personal property in accordance with subdivision 1 in a location other than the premises, the tenant shall recover from the landlord punitive damages not to exceed \$300 in addition to actual damages and reasonable attorney's fees. In determining the amount of punitive damages the court shall consider (a) the nature and value of the property; (b) the effect the deprivation of the property has had on the tenant; (c) if the landlord, his agent or person acting under the landlord's direction or control unlawfully took possession of the tenant's property; and (d) if the landlord, his agent or person under the landlord's direction or control acted in bad faith in failing to allow the tenant to re-

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take possession of the property. The provisions of this subdivision shall not apply to personal property which has been sold or otherwise disposed of by the landlord in accordance with subdivision 1, or to landlords who are housing authorities, created or authorized to be created by sections 462.415 to 462.711, and their agents and employees, in possession of a tenant's personal property, except that housing authorities must allow the tenant to retake possession of the property in accordance with this subdivision.

Subd. 3. If the landlord, his agent or person acting under the landlord's direction or control has unlawfully taken possession of a tenant's personal property the landlord shall be responsible for paying the cost and expenses relating to the removal, storage or care of the property.

[1975 c 410 s 1]

504.25 Unlawful ouster or exclusion; penalty.

A landlord, agent of the landlord or person acting under the landlord's direction or control who unlawfully and intentionally removes or excludes a tenant from lands or tenements or intentionally interrupts or causes the interruption of electrical, heat, gas or water services to the tenant with intent to unlawfully remove or exclude the tenant from lands or tenements is guilty of a misdemeanor. In any trial under this subdivision, it shall be presumed that the landlord, agent or other person acting under the landlord's direction or control interrupted or caused the interruption of the service with intent to unlawfully remove or exclude the tenant from lands or tenements, if it is established by evidence that the landlord, his agent or a person acting under the landlord's direction or control intentionally interrupted or caused the interruption of the service to the tenant. The burden is upon the landlord to rebut the presumption.

[1975 c 410 s 2]

504.26 Unlawful termination of utilities.

Except as otherwise provided in this subdivision, if a landlord, his agent or a person acting under the landlord's direction or control, interrupts or causes the interruption of electricity, heat, gas, or water services to the tenant, the tenant may recover from the landlord treble damages and reasonable attorney's fees. It is a defense to any action brought under this subdivision that the interruption was the result of the deliberate or negligent act or omission of a tenant or anyone acting under his direction or control. The tenant may recover only actual damages under this subdivision if:

(a) the tenant has not given the landlord, his agent or person acting under the landlord's direction or control, notice of the interruption; or

(b) the landlord, his agent or person acting under the landlord's direction or control, after receiving notice of the interruption from the tenant and within a reasonable period of time after the interruption, taking into account the nature of the service interrupted and the effect of the interrupted service on the health, welfare and safety of the tenants, has reinstated or made a good faith effort to reinstate the service or has taken other remedial action; or

(c) the interruption was for the purpose of repairing or correcting faulty or defective equipment or protecting the health and safety of the occupants of the premises involved and the service was reinstated or a good faith effort was made to reinstate the service or other remedial action was taken by the landlord, his agent, or person acting under the landlord's direction or control within a reasonable period of time, taking into account the nature of the defect, the nature of the service interrupted and the effect of the interrupted service on the health, welfare and safety of the tenants.

[1975 c 410 s 3]

504.27 Remedies are additional.

The remedies provided in sections 504.24 to 504.26 are in addition to and shall not limit other rights or remedies available to landlords and tenants. Any provision, whether oral or written, of any lease or other agreement, whereby any pro-

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vision of sections 504.24 to 504.27 is waived by a tenant is contrary to public policy and void. The provisions of sections 504.24 to 504.27 shall apply only to tenants as that term is defined in section 566.18, subdivision 2, and buildings as that term is defined in section 566.18, subdivision 7.

[1975 c 410 s 4]

CHAPTER 507. CONVEYANCING, RECORDING

Sec.		Sec.	
507.08	Repealed.	507.40	Mortgages, how discharged.
507.09	Forms approved; amendments.	507.42	Certain deeds validated. [New]
507.092	Conveyancing instruments to include name and address of grantee.		

507.08 [Repealed, 1975 c 61 s 26]

507.09 Forms approved; amendments.

The several forms of deeds, mortgages, land contracts, assignments, satisfactions, and other conveyancing instruments prepared by the uniform conveyancing blanks commission and filed by the commission with the secretary of state pursuant to Laws 1929, Chapter 135, as amended by Laws 1931, Chapter 34, and are hereby approved and recommended for use in the state. Such forms shall be kept on file with and be preserved by the secretary of state as a public record. The commissioner of securities may appoint an advisory committee on uniform conveyancing forms to recommend to the commissioner of securities amendments to existing forms or the adoption of new forms. The commissioner of securities may adopt amended or new forms consistent with the laws of this state by rule in accordance with chapter 15.

[1975 c 61 s 2]

507.092 Conveyancing instruments to include name and address of grantee.

Subdivision 1. No contract for deed or deed conveying fee title to real estate shall be recorded by the register of deeds or registered by the registrar of titles until the name and address of the grantee, to whom future tax statements should be sent, is printed, typewritten, stamped or written on it in a legible manner. An instrument complies with this subdivision if it contains a statement in the following form: "Tax statements for the real property described in this instrument should be sent to:

..... (name) (address)."

[1975 c 391 s 1]

[For text of subs 2 and 3, see M.S.1974]

507.40 Mortgages, how discharged.

A mortgage may be discharged by filing for record a certificate of its satisfaction executed and acknowledged by the mortgagee, his personal representative, or assignee, as in the case of a conveyance. The register of deeds shall enter the number of such certificate and the book and page of its record upon the record of the mortgage or on a microfilm card whenever possible. If a mortgage be recorded in more than one county and discharged of record in one of them, a certified copy of such discharge may be recorded in another county with the same effect as the original. If the discharge be by marginal entry, heretofore made, such copy shall include the record of the mortgage. In all cases the discharge shall be entered in the reception book and indexes as conveyances are entered.

[1975 c 148 s 1]

507.42 Certain deeds validated.

All deeds for the conveyance of real estate made and executed by a personal representative of the estate of a deceased person, pursuant to the order of any probate court of this state authorizing and directing the making and execution of such