

MINNESOTA STATUTES 1975 SUPPLEMENT

546.44 TRIALS

Subd. 2. A qualified interpreter appointed pursuant to the provisions of sections 546.42 to 546.44, before entering upon his duties shall take an oath that he will, to the best of his skill and judgment, make a true interpretation to the handicapped person being examined of all the proceedings, in a language which the person understands, and that he will repeat in the English language the statements of the handicapped person to the court or other official before whom the proceeding is taking place.

Subd. 3. The fees and expenses of a qualified interpreter shall be determined by the presiding official and paid by the court, board, commission, agency or licensing authority before whom the proceeding is taking place.

[1975 c 337 s 3]

CHAPTER 566. FORCIBLE ENTRY AND UNLAWFUL DETAINER

Sec.

566.175 Unlawful removal or exclusion; recovery of possession. [New]

566.175 Unlawful removal or exclusion; recovery of possession.

Subdivision 1. Any tenant who is unlawfully removed or excluded from lands or tenements which are demised or let to him may recover possession of the premises in the following manner:

(a) The tenant shall present a verified petition to the county or municipal court of the county in which the premises are located, which petition shall:

(1) describe the premises of which possession is claimed and the owner, as defined in section 566.18, subdivision 3, of the premises;

(2) specifically state the facts and grounds that demonstrate that the removal or exclusion was unlawful including a statement that no judgment and writ of restitution have been issued under section 566.09 in favor of the owner and against petitioner as to the premises and executed in accordance with section 566.17; and

(3) ask for possession thereof.

(b) If it clearly appears from the specific grounds and facts stated in the verified petition or by separate affidavit of petitioner or his counsel or agent that the removal or exclusion was unlawful, the court shall immediately order that petitioner have possession of the premises.

(c) The petitioner shall furnish monetary or other security if any as the court deems appropriate under the circumstances for payment of all costs and damages the defendant may sustain if the order is subsequently found to have been obtained wrongfully. In determining the appropriateness of any security the court shall consider petitioner's ability to afford monetary security.

(d) The court shall direct the order to the sheriff or any constable of the county in which the premises is located and the sheriff or constable shall execute the order immediately by making a demand upon the defendant, if he can be found, or his agent or other person in charge of the premises, for possession of the premises. If the defendant fails to comply with the demand, the officer shall take with him whatever assistance may be necessary and immediately place the petitioner in possession of the premises. If the defendant or his agent or other person in control of the premises cannot be found and if there is no person in charge of the premises detained so that no demand can be made, the officer shall immediately enter into possession of the premises and place the petitioner in possession of the premises. The officer shall also serve the order and verified petition or affidavit without delay upon the defendant or upon his agent, in the same manner as a summons is required to be served in a civil action in district court.

Subd. 2. The defendant by written motion and notice served by mail or personally upon petitioner or his attorney at least two days prior to the hearing date on the motion may obtain dissolution or modification of the order for possession, issued pursuant to subdivision 1, clause (b), unless the petitioner proves the facts and grounds upon which the writ is issued. A defendant bringing a motion pursuant to this subdivision may recover possession of the premises only in accor-

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dance with sections 566.03 to 566.17 or otherwise provided by law. Upon the dissolution of the order, the court shall tax costs to petitioner, subject to the provisions of section 563.01, and may allow damages and reasonable attorney's fees for the wrongful granting of the order for possession. If the order is affirmed the court shall tax costs against defendant and may allow petitioner reasonable attorney's fees.

Subd. 3. An order issued under subdivision 1, clause (b), or affirmed, modified or dissolved under subdivision 2 is a final order for purposes of appeal and either party aggrieved by the order may appeal within ten days after the entry of the order. If the party appealing remains in possession of the premises, his bond shall be conditioned to pay all costs of the appeal, to abide by the order the court may make and to pay all rent and other damages justly accruing to the party excluded from possession during the pendency of the appeal.

Subd. 4. Any provisions, whether oral or written, of any lease or other agreement whereby any provision of this section is waived by a tenant is contrary to public policy and void.

Subd. 5. The purpose of this section is to provide an additional and summary remedy for tenants unlawfully removed or excluded from rental property and except as where expressly provided in this section, sections 566.03 to 566.17 shall not apply to proceedings under this section.

Subd. 6. The provisions of this section 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 5]

CHAPTER 570. ATTACHMENT

Sec.
570.11 Satisfaction, discharge; real estate.

570.11 Satisfaction, discharge; real estate.

An attachment of real estate may be released by filing for record with the register of deeds:

(1) A certified copy of an order of the court vacating the attachment, or of a final judgment in defendant's favor, or a satisfaction of judgment in plaintiff's favor, rendered in such action;

(2) A certificate of satisfaction or discharge of the attachment, executed and acknowledged by the plaintiff or his attorney, as required for the satisfaction of a mortgage;

(3) A deed of release of the attached premises, or of any part or interest therein, in which case the parts or interests not described in the deed shall remain subject to the attachment lien.

[1975 c 148 s 2]

CHAPTER 574. BONDS, FINES, FORFEITURES

Sec.
574.26 Contractors' bonds.

Sec.
574.261 Security in lieu of bond.

574.26 Contractors' bonds.

No contract with the state, or with any municipal corporation or other public board or body thereof, for the doing of any public work, shall be valid for any purpose, unless the contractor shall give bond to the state or other body contracted with, for the use of the obligee, the state and of all persons doing work or furnishing skill, tools, machinery, or materials or insurance premiums or equipment or supplies for any camp maintained for the feeding or keeping of men and animals engaged under, or for the purpose of, such contract, conditioned for the payment, as they become due, of all just claims for such work, tools, machinery, skill, materials, insurance premiums, equipment, taxes incurred under section 290.92 or chapter 297A, and supplies for the completion of the contract in accordance with its