

# MINNESOTA STATUTES 1975 SUPPLEMENT

## BONDS, FINES, FORFEITURES 574.26

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

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terms, for saving the obligee harmless from all costs and charges that may accrue on account of the doing of the work specified, and for the enforcing of the terms of the bond if action is brought on the bond, including reasonable attorney's fees, in any case where such action is successfully maintained and for the compliance with the laws appertaining thereto. The penalty of such bond shall be not less than the contract price, and if after the giving of the bond the contract price should for any reason be increased, the obligee may require an additional bond, the penalty of which shall be not less than the amount of such increase, and if such additional bond be not furnished within ten days after such demand, the work on the contract shall cease until such additional bond shall have been furnished. In contracts made by the commissioner of administration or the department of highways of the state, the penalty of the bond shall be in such amount as the commissioner of administration or the commissioner of highways may fix, but not less than three-quarters of the contract price.

[1975 c 377 s 39]

### 574.261 Security in lieu of bond.

Subdivision 1. With the approval of the commissioner of administration and where the amount of the contract is not in excess of \$5,000 a person may make a contract with the state for the doing of any public work and in lieu of giving the bond required by section 574.26, submit to the commissioner of administration for deposit with the state treasurer a certified check or cashier's check in the same amount as would be required for a bond as security for protection of the state, including its tax revenues, and for all persons doing work or furnishing skills, tools, machinery, or materials under or for the purpose of executing such contract. Such deposit shall be security for the payment, as they become due, of all just claims for work, skills, tools, machinery, and materials; and for the performance and completion of the contract in accordance with its terms; and as security for all costs and charges that may accrue for the doing of the work specified and compliance with the laws relating thereto.

[1975 c 347 s 40]

[For text of subd 2, see M.S.1974]

## CHAPTER 576. RECEIVERS, PROPERTY OF ABSENTEES

Sec. 576.142	Hearing by court; determination of death of an absentee.	Sec. 576.16	Property distribution; time limitation.
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### 576.142 Hearing by court; determination of death of an absentee.

[For text of subs 1 to 4, see M.S.1974]

Subd. 5. The court, if satisfied by the evidence adduced at a hearing in support of a petition alleging the absentee is missing after being exposed to a specific peril or that an absentee has been absent for four or more consecutive years, shall enter an order establishing as a matter of law the death of the absentee and the date thereof. The court shall order the distribution of the absentee's property to the persons and in the manner prescribed in chapters 524 and 525.

[1975 c 347 s 142]

[For text of subd 6, see M.S.1974]

### 576.16 Property distribution; time limitation.

If the receiver is not appointed within three years after the date found by the court under section 576.08, the time limited for accounting for, or fixed for distributing, the property or its proceeds, or for barring actions relative thereto, shall be one year after the date of the appointment of the receiver instead of the four years