

CHAPTER 557

ACTIONS RELATING TO REAL PROPERTY

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NOTE: For rules of civil procedure, district court, see Volume 9.

557.01 NONRESIDENT, AGENT TO ACCEPT SERVICE.

Any nonresident person or corporation owning or claiming any interest or lien in or upon lands in the state may file with the secretary of state a writing, executed and acknowledged in the manner of a conveyance, appointing a resident agent, whose place of residence shall be stated, to accept service of process or summons in any action or proceeding in the courts of the state concerning such interest or lien, except actions or proceedings for the collection of taxes, and consenting that service of such process or summons upon such agent shall be binding upon the person executing the same. Such writing shall be recorded by the secretary. No service by publication of summons shall be made upon any such nonresident who has complied with the provisions hereof, but in all such cases service of such process or summons, or of any writ or notice in the action or proceedings, shall be made upon such agent in the manner provided by law for such service upon residents of the state, and have the same effect as personal service within the state upon such owner or claimant; but, if such party appears by attorneys therein, the service of papers shall thereafter be upon such attorney. The authority of such agent may be revoked by writing similarly executed and acknowledged and recorded, but no revocation shall affect any action or proceeding then pending. For filing and recording such papers the secretary shall be entitled to 15 cents for each folio.

History: (9520) *RL s 4387*

NOTE: See Rules of Civil Procedure, Rules 4.044, 5.02, 86.01 and 86.02.

557.02 NOTICE OF LIS PENDENS.

In all actions in which the title to, or any interest in or lien upon, real property is involved or affected, or is brought in question by either party, any party thereto, at the time of filing the complaint, or at any time thereafter during the pendency of such action, may file for record with the county recorder of each county in which any part of the premises lies a notice of the pendency of the action, containing the names of the parties, the object of the action, and a description of the real property in such county involved, affected or brought in question thereby. From the time of the filing of such notice, and from such time only, the pendency of the action shall be notice to purchasers and encumbrancers of the rights and equities of the party filing the same to the premises. When any pleading is amended in such action, so as to alter the description of, or to extend the claim against, the premises affected, a new notice may be filed, with like effect. Such notice shall be recorded in the same book and in the same manner in which mortgages are recorded, and may be discharged by an entry to that effect in the margin of the record by the party filing the same, or the party's attorney, in the presence of the recorder, or by writing executed and acknowledged in the manner of conveyance, whereupon the recorder shall enter a minute thereof on the margin of such record. The filing of such lis pendens at the time of filing the complaint and before the commencement of the action shall have no force, effect, or validity against the premises described in the lis pendens, unless the filing of the complaint is followed by the service of the summons in the action within 90 days after the filing of the complaint therein. Any

party claiming any title or interest in or to the real property involved or affected may on such notice as the court shall in each case prescribe, make application to the district court in the county in which the action is pending or in which the real property involved or affected is situated, for an order discharging the lis pendens of record, when any such action has not been brought on for trial within two years after the filing of the lis pendens and in case the court orders the lis pendens discharged of record upon the filing of a certified copy of the order of the court in the office of the county recorder, where the real property is situated, the lis pendens shall be void and of no force nor effect.

History: (9521) *RL s 4389; 1907 c 332 s 1; 1919 c 527 s 1; 1976 c 181 s 2; 1986 c 444*

557.021 LIS PENDENS; NOTICE; LIMIT, TEN YEARS.

On and after January 1, 1948, no lis pendens now of record or hereafter filed shall be notice, either actual or constructive, of the pendency of any action or of any of the matters referred to in the court files and records pertaining to the action noticed by such lis pendens, after such lis pendens has been of record for ten years unless a new notice of lis pendens in the same action is filed within said ten years.

History: *1947 c 326 s 1*

557.022 PRESERVATION OF NOTICE.

The effect of any lis pendens which has been of record for ten years at the date of Laws 1947, chapter 326, or which shall have been of record for ten years before January 1, 1948, may be preserved by the filing of a new notice of lis pendens in the same action on or before December 31, 1947.

History: *1947 c 326 s 2*

557.023 APPLICATION.

Nothing in sections 557.021 to 557.023 shall increase the effect or lengthen the term for which a lis pendens is notice under any existing law, nor create a right to renew the operation of a lis pendens already barred by some other law.

History: *1947 c 326 s 3*

557.03 NOTICE OF NO PERSONAL CLAIM.

When in any such action there are defendants against whom no personal claim is made, the plaintiff may serve upon them, at the time of the service of the summons, a notice subscribed by the plaintiff or the plaintiff's attorney, and setting forth the general object of the action, a description of the property affected by it, and that no personal claim is made against such defendants. If any defendant on whom such notice is served unreasonably defends the action, that defendant shall pay full costs to the plaintiff.

History: (9522) *RL s 4390; 1986 c 444*

557.04 [Repealed, 1974 c 394 s 12]

557.05 REVERSIONER MAY SUE.

A person seized of an estate in remainder or reversion may maintain a civil action for any injury done to the inheritance, notwithstanding an intervening estate for life or years.

History: (9578) *RL s 4444*

557.06 ACTION AGAINST COTENANT.

One joint tenant or tenant in common, and the tenant's executors or administrators, may maintain an action against a cotenant for receiving more than the just proportion of the rents and profits of the estate owned by them as joint tenants or tenants in common.

History: (9579) *RL s 4445; 1986 c 444*

557.07 SETTLER; ACTION FOR POSSESSION.

Any person who has settled on not more than 160 acres, consisting of not more than two distinct tracts, of the lands belonging to the United States, on which settlement is not prohibited by the general government, may maintain an action for injuries done thereto, or to recover the possession thereof, provided the settler has made improvements thereon of the value of \$50 and has actually occupied or cultivated the same. A neglect to occupy or cultivate such land, continued for six months, shall be deemed an abandonment, and preclude such person from maintaining such action.

History: (9589) RL s 4453; 1986 c 444

557.08 FORCIBLE EVICTION; TREBLE DAMAGES.

If a person who is put out of real property in a forcible manner without lawful authority, or who, being so put out, is afterwards kept out by force, shall recover damages therefor, judgment may be entered for three times the amount at which the actual damages are assessed.

History: (9587) RL s 4451

557.09 FORCIBLE ENTRY; TREBLE DAMAGES.

In case of forcible entry and detention, if a person, claiming in good faith, under color of title, to be rightfully in possession, so put out or kept out, shall recover damages therefor, judgment may be entered in that person's favor for three times the amount at which the actual damages are assessed.

History: (9588) RL s 4452; 1986 c 444

557.10 OWNERSHIP OF CROPS.

Planted and growing crops are personal property of the person or entity that has the property right to plant the crops.

History: 1986 c 398 art 12 s 2

557.11 DEFINITIONS.

Subdivision 1. Applicability. The definitions in this section apply to this section and section 557.12.

Subd. 2. Planting crop owner. "Planting crop owner" means the person or entity that has a property right to plant crops, including a leasehold interest, the interest of a contract for deed vendee, and the redemption interest of a foreclosed mortgagor.

Subd. 3. Crop value. "Crop value" means the value of the crop and crop inputs, including the real property fair market rental value, up to the time the planting crop owner's property right to harvest the crop is terminated.

History: 1986 c 398 art 12 s 3

557.12 HARVESTING CROPS AFTER TERMINATION OF PROPERTY INTERESTS.

Subdivision 1. Termination of property interest after crops are planted. If the planting crop owner's property right to harvest crops is involuntarily terminated before the crops are harvested, the person or entity with the property right to harvest the crops is liable to the planting crop owner for the crop value.

Subd. 2. Planting crop owner's lien. A planting crop owner has a lien for the crop value that attaches to the crop and crop products, and if the lien is not satisfied under subdivision 3, a planting crop owner has a lien for the crop value that attaches to the real property where the crop was planted.

Subd. 3. Satisfaction of crop owner's lien. (a) A person with the right to harvest a crop that is subject to a planting crop owner's lien may satisfy the lien by:

- (1) compensating the planting crop owner for the crop value; or

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(2) allowing the planting crop owner to enter the property to grow and harvest the crops, and charging the planting crop owner the fair market rental value of the property where the crop was grown for the period when the planting crop owner's right to harvest the crops was terminated until the crops are harvested.

(b) If the person with the right to harvest the crop does not notify the planting crop owner within 30 days after termination of the planting crop owner's right to harvest the crops that the lien will be satisfied under paragraph (a), clause (2), the person with the right to harvest the crop must satisfy the lien under clause (1) unless otherwise agreed by the planting crop owner.

Subd. 4. Lien on crops harvested by planting crop owner; priority. If the person with the right to harvest the crop satisfies the planting crop owner's lien by allowing the planting crop owner to harvest the crops, the person with the right to harvest the crops has a lien for the fair market rental value of the property where the crop was grown that attaches to the crops and crop products. The perfected lien has priority over all other liens and security interests in the crop and crop products.

Subd. 5. Filing and enforcement of liens. (a) A planting crop owner's lien under subdivision 2 and a lien for the fair market rental value where the crop was grown under subdivision 4 are perfected against the crop and crop products by attaching and filing a financing statement covering the crop and crop products as provided under sections 336.9-401 to 336.9-410 by 90 days after the planting crop owner's right to harvest the crop is terminated. The financing statement must include a statement indicating whether it is a planting crop owner's lien or a lien for a crop harvested by a planting crop owner. A perfected lien may be enforced in the same manner as a security interest under sections 336.9-501 to 336.9-508.

(b) A lien against the real property under subdivision 2 must be recorded and foreclosed in the same manner as a mechanics' lien under sections 514.08 to 514.15 as if the planting crop owner was a contractor. For purposes of this paragraph, the lien statement must be filed and served under section 514.08, subdivision 1, by 120 days after the crop was harvested, or if the crop was not harvested, by 12 months after the crop was planted.

History: 1986 c 398 art 12 s 4