Table of Contents

CHAPTER 1. THE APPELLATE PROCESS

I. INTRODUCTION

§ 1.1 General comments
§ 1.2 Chronological summary of appeal
§ 1.3 Source and scope of appellate judicial authority
§ 1.5 Minnesota Rules of Civil Appellate Procedure
§ 1.6 Unitary appeal

II. APPEALABILITY

§ 1.7 Appealability and reviewability
§ 1.8 Appealable judgments and orders—In general
§ 1.9 Appealable judgments and orders—Judgments
§ 1.10 Appealable judgments and orders—Injunction orders
§ 1.13 Appealable judgments and orders—Orders which determine the action
§ 1.15 Appealable judgments and orders—Special proceedings
§ 1.16 Appealable judgments and orders—Child custody orders and related orders
§ 1.17 Appealable judgments and orders—Summary judgment and Rule 12.02 dismissals
§ 1.18 Appealable judgments and orders—By statute or appellate decision

III. TIME FOR APPEALS

§ 1.19 Time for appeals—In general
§ 1.20 Time for appeals—Judgments
§ 1.21 Time for appeals—Partial judgments
§ 1.23 Time for appeals—Orders
§ 1.24 Time for appeals—Statutory and special proceedings

IV. PERFECTING THE APPEAL

§ 1.26 Perfecting the appeal—Notice of appeal—Service and filing
§ 1.28 Perfecting the appeal—Statement of case
§ 1.29 Perfecting the appeal—Statement of case—Form
§ 1.30 Perfecting the appeal—Cost bond *[Retitled]*
§ 1.32 Perfecting the appeal—Stipulation waiving bond—Form *[Deleted]*
§ 1.33 Perfecting the appeal—Order or judgment from which appeal is taken *[Retitled]*
§ 1.34 Perfecting the appeal—Checklist

VI. DISCRETIONARY REVIEW

§ 1.36 Notice of related appeal *[Retitled]*
§ 1.38 Discretionary review—Criteria and availability
§ 1.39 Discretionary review—Form of petition
§ 1.41 Discretionary review—Procedure for filing petition
§ 1.42 Discretionary review—Procedure when review is granted

VII. REVIEW BY CERTIORARI

§ 1.43 Review by certiorari—In general
§ 1.45 Review by certiorari—Procedure for the court of appeals—Time for petition
§ 1.46 Review by certiorari—Procedure for the court of appeals—Procedure for petition
§ 1.48 Review by certiorari—Writ of certiorari—Form
§ 1.49 Review by certiorari—Procedure for the supreme court
§ 1.50 Review by certiorari—Procedure for the supreme court—Workers' Compensation Court of Appeals

VIII. WRITS

§ 1.52 Extraordinary writs

IX. STAY PENDING APPEAL AND BONDS

§ 1.54 Stay pending appeal—General rule
§ 1.55 Stay pending appeal—Trial court proceedings
§ 1.56 Supersedeas bond—Effect
§ 1.57 Supersedeas bond—Amount of bond
§ 1.58 Supersedeas bond—Cost of bond
§ 1.59 Supersedeas bond—Respondent's bond
§ 1.60 Supersedeas bond—Enforcing judgment against bond

X. PROSECUTING THE APPEAL

§ 1.64 Prosecuting the appeal—Record on appeal
§ 1.65 Prosecuting the appeal—Duty to provide transcript
§ 1.66 Prosecuting the appeal—Transcript certificate
§ 1.67 Prosecuting the appeal—Partial transcript
§ 1.68 Prosecuting the appeal—Delivery of transcript
§ 1.69 Prosecuting the appeal—Correction or modification of record
§ 1.70 Prosecuting the appeal—Statement of proceedings
§ 1.71 Prosecuting the appeal—Agreed statement as to record
§ 1.72 Prosecuting the appeal—Exhibits
§ 1.73 Transmittal of the trial court record

XI. BRIEFS

§ 1.75 Briefs—Requirements
§ 1.77 Form of briefs—Binding
§ 1.78 Form of briefs—Covers
§ 1.79 Form of briefs—Informal briefs

§ 1.80 No Appendix allowed; Addendum required *[Retitled]*
§ 1.81 Supplemental record *[Deleted]*
§ 1.82 Contents of briefs—Technical requirements—In general
§ 1.83 Contents of briefs—Technical requirements—Table of contents
§ 1.85 Contents of briefs—Technical requirements—Statement of legal issue(s)
§ 1.86 Contents of briefs—Technical requirements—Statement of the case and facts
§ 1.87 Contents of briefs—Technical requirements—Argument
§ 1.90 Contents of briefs—Technical requirements—Appendix
§ 1.91 Respondent's brief
§ 1.92 Reply brief
§ 1.93 Amicus curiae brief

XII. ORAL ARGUMENT

§ 1.94 Oral argument—In general
§ 1.95 Oral argument—Notice of argument
§ 1.96 Oral argument—Time allowed for argument
§ 1.97 Oral argument—Waiver
§ 1.98 Oral argument—Visual aids

XIII. APPELLATE DECISIONS

§ 1.99 Appellate decisions—In general
§ 1.101 Appellate decisions—Entry of judgment
§ 1.103 Appellate decisions—Taxation of costs and disbursements—In general
§ 1.104 Appellate decisions—Taxation of costs and disbursements—Costs
§ 1.105 Appellate decisions—Taxation of costs and disbursements—Disbursements
§ 1.106 Appellate decisions—Taxation of costs and disbursements—Procedure

XIV. PETITION FOR FURTHER REVIEW

§ 1.107 Petition for further review of court of appeals' decisions—Effect of decision
§ 1.108 Petition for further review of court of appeals' decisions—General criteria
§ 1.109 Petition for further review of court of appeals' decisions—The petition
§ 1.110 Petition for further review of court of appeals' decisions—Procedure
§ 1.111 Petition for further review of court of appeals' decisions—Accelerated review by supreme court prior to decision by the court of appeals
§ 1.112 Petition for rehearing in the supreme court

XV. MOTION PRACTICE

§ 1.113 Motion practice before the appellate courts
§ 1.114 Motion practice before the appellate courts—Table of motions

§ 1.115 Motion practice before the appellate courts—Notice of motion and motion to dismiss appeal—Form

XVI. SUMMARY OF APPELLATE RULES

§ 1.116 Topical summary of Appellate Rules

CHAPTER 2. BUSINESS TORTS AND NON-COMPETE AGREEMENTS

I. INTRODUCTION

§ 2.1 Business torts overview
§ 2.2 No negligent business torts
§ 2.3 Practice pitfall: what time limitations apply?

II. COMMERCIAL DEFAMATION AND DISPARAGEMENT

§ 2.5 Common libel core to business entity and product disparagement claims
§ 2.6 Damages presumed where defamation of business organization is shown
§ 2.7 Product disparagement distinguished
§ 2.8 Statutory claims for commercial disparagement: the Deceptive Trade Practices Act
§ 2.8.50 Competitor claims for unfair competition by false advertisement: Lanham Act remedies *[New]*
§ 2.9 Privileges applicable to disparagement and business organization defamation
§ 2.9.50 Product disparagement in the context of a labor dispute *[New]*
§ 2.10 Public concern privilege: implications
§ 2.10.50 Public participation speech and the anti-SLAPP statute *[New]*
§ 2.11 Pleading considerations in commercial defamation litigation

III. TRADE SECRET PROTECTION

§ 2.13 Trade secret protection: scope
§ 2.14 Trade secret defined
§ 2.15 Reasonable measures to protect trade secret
§ 2.16 Misappropriation defined: who can be sued?
§ 2.17 Customer lists
§ 2.18 Compensatory damages and injunctions
§ 2.18.50 Attorney's fees *[New]*
§ 2.19 Defenses
§ 2.19.50 Discovery of trade secrets in the litigation process *[New]*
§ 2.20 Client interview: trade secret protection
§ 2.21 Expert testimony in unfair competition litigation
§ 2.21.50 Confidentiality agreement—Form *[New]*

IV. TRADEMARK INFRINGEMENT

§ 2.23 Trade name infringement: statutory overlay
§ 2.23.50 Trademark dilution and tarnishment *[New]*
§ 2.23.51 Protection for "trade dress" *[New]*
§ 2.23.52 Anti-Cybersquatting Consumer Protection Act *[New]*
§ 2.23.60 Insurance coverage for trademark infringement *[New]*

V. INTERFERENCE WITH CONTRACT

§ 2.24 Interference with prospective advantage and with existing contract compared
§ 2.25 Wrongful interference with contract: elements
§ 2.26 Existence of contract
§ 2.28 Justification
§ 2.29 Interference with prospective contract
§ 2.30 Lawful object justifying contract interference
§ 2.31 Contract interference damages
§ 2.31.50 Forum and venue with respect to contract interference claims *[New]*

VI. NON-COMPETE AGREEMENTS

§ 2.33 Lawful restraint of competition: covenants not to compete
§ 2.34 Two types of non-compete agreements
§ 2.34.50 Anti-competitive provisions in commercial leases *[New]*
§ 2.35 Consideration: non-compete covenant must be purchased
§ 2.36 Enforceability: a general rule and some specific applications
§ 2.37 Injunctive relief
§ 2.37.50 Appellate considerations *[New]*
§ 2.38 Damages
§ 2.39 Practice considerations

CHAPTER 3. MINNESOTA DRAM SHOP LIABILITY

I. MINNESOTA DRAM SHOP LIABILITY: AN HISTORICAL INTRODUCTION

§ 3.2 History of the Minnesota Civil Damage (Dram Shop) Act

II. ELEMENTS OF PROOF UNDER MINNESOTA'S CIVIL DAMAGE ACT

§ 3.3 Illegal sale of alcohol—Generally
§ 3.4 Illegal sale of alcohol—Sales to obviously intoxicated persons
§ 3.5 Illegal sale of alcohol—Sales to minors
§ 3.6 Illegal sale of alcohol—Sales after hours and on prohibited days
§ 3.7 Illegal sale of alcohol—Sales at prohibited locations
§ 3.8 Illegal sale of alcohol—Sales to non-members of clubs
§ 3.9 The illegal sale caused or contributed to the AIP's intoxication
§ 3.10 The intoxication proximately caused the plaintiff's injury

§ 3.15 Damages—Other pecuniary loss damages
§ 3.17 Statutory notice requirements
§ 3.18 Claims against municipalities
§ 3.19 Statute of limitations

III. COMMON ISSUES INVOLVING THE CIVIL DAMAGE ACT

§ 3.21 Naming the proper party plaintiff
§ 3.23 Admissibility of blood alcohol concentration data—Coroner reports
§ 3.24 Admissibility of blood alcohol concentration data—The implied consent rule
§ 3.29 Subrogation and collateral source considerations
§ 3.30 Recovery on the bond
§ 3.32 Financial responsibility requirements and exceptions *[New]*

IV. COMMON LAW AND STATUTORY SOCIAL HOST LIABILITY

§ 3.38 Homeowners insurance
§ 3.39 Statute of limitations

V. APPENDICES—DRAM SHOP PLEADINGS AND FORMS

§ 3.41.30 Complaint—Against fraternal organization *[New]*
§ 3.41.50 Complaint—Wrongful death *[New]*
§ 3.42.50 Third party complaint
§ 3.42.70 Answer—To complaint alleging wrongful death *[New]*
§ 3.44.50 Memorandum in support of motion for summary judgment—Plaintiff failed to serve statutory notice
§ 3.44.60 Memorandum of law in opposition to motion for summary judgment—Defendant had actual notice of claim
§ 3.46 Petition for approval of settlement—Claim by minor *[New]*
§ 3.47 Petition for approval and distribution of settlement—Claim by minor *[New]*

CHAPTER 4. EMPLOYMENT AND LABOR LAW

II. EMPLOYMENT STATUS

§ 4.2 Employment status
§ 4.3 Employment status—Selected applicable laws

III. DISCRIMINATION LAWS

§ 4.5 Minnesota discrimination laws: Minnesota Human Rights Act
§ 4.6 Federal discrimination laws: Title VII of the Civil Rights Act of 1964, as amended
§ 4.7 Age Discrimination in Employment Act

§ 4.8 Americans with Disabilities Act
§ 4.9 Equal Pay Act
§ 4.10 Immigration Reform and Control Act
§ 4.11 Reconstruction Era Civil Rights Act (42 U.S.C. § 1981)
§ 4.12 Burdens of proof in discrimination actions

IV. PRE-EMPLOYMENT LAWS

§ 4.14 Federal Fair Credit Reporting Act
§ 4.16 Negligent hiring
§ 4.17 Immigration law requirements
§ 4.18 Minnesota new hire law
§ 4.20 Pre-employment physical examinations
§ 4.20.50 Genetic Information Nondiscrimination Act of 2008 *[New]*
§ 4.21 Affirmative action requirements
§ 4.22 Promissory estoppel
§ 4.23 Fraud and misrepresentation

V. WAGE AND HOUR LAWS

§ 4.25 Federal Fair Labor Standards Act
§ 4.26 Minnesota Fair Labor Standards Act
§ 4.27 Payments of wages to former employees
§ 4.28 Improper deductions from wages
§ 4.29 Miscellaneous wage statutes
§ 4.30 Absences, leaves, and time off from work

VI. TERMS, CONDITIONS, AND PRIVILEGES OF EMPLOYMENT

§ 4.32 Federal Occupational Safety and Health Act
§ 4.34 Employee right to know laws
§ 4.35 Minnesota Clean Indoor Air Act
§ 4.36 Alcohol and drug testing
§ 4.39 Minnesota nonwork activities law
§ 4.40 Minnesota Workers' Compensation Law
§ 4.41 Personnel records law
§ 4.42 Minnesota Data Practices Act
§ 4.47 Retention of employment records
§ 4.48 Negligent retention
§ 4.49 Negligent supervision
§ 4.50 Indemnification of employees
§ 4.50.10 Social media and employment laws *[New]*
§ 4.50.20 The Patient Protection and Affordable Care Act *[New]*

VII. DISCIPLINE AND TERMINATION

§ 4.53 Breach of contract
§ 4.54 Wrongful discharge
§ 4.55 Minnesota Whistleblower Law
§ 4.56 Federal whistleblower law
§ 4.57 Benefits after employment
§ 4.58 Employment issues after termination

§ 4.59 Employees' post-termination protections and claims

VIII. LABOR ORGANIZATIONS

§ 4.61 National Labor Relations Act: overview
§ 4.61.50 The National Labor Relations Act: social media *[New]*
§ 4.65 Coverage of the National Labor Relations Act
§ 4.67 Public Employment Labor Relations Act

IX. ARBITRATION OF EMPLOYMENT DISPUTES

§ 4.68 Arbitration of employment disputes
§ 4.68.50 Form—Arbitration clause *[New]*

X. EMPLOYMENT LAW: PRACTICE ISSUES

§ 4.70 Key fact questions
§ 4.71 The initial interview with the client: a checklist
§ 4.75 How the legal system operates in the employment law area
§ 4.80 NLRB's acceptable social media policy *[New]*

CHAPTER 5. WORKERS' COMPENSATION

I. OVERVIEW OF WORKERS' COMPENSATION

§ 5.1 Nature of remedy
§ 5.2 Nature of system

II. LEGAL BACKGROUND

§ 5.3 Statutes
§ 5.5 Cases

III. KEY ISSUES

A. EMPLOYMENT RELATIONSHIP ISSUES

§ 5.7 Does the injured person fit within the statute's definition of "employee"?
§ 5.8 Was the injured person an independent contractor?
§ 5.10 Was the injured person or the employment within any of the statute's other exclusions?

B. EMPLOYMENT-RELATED INJURY, DISEASE, OR DEATH ISSUES

§ 5.13 Did the employee suffer personal injury, occupational disease, or death?
§ 5.14 Was the injury "in the course of employment"?
§ 5.15 Was the injury "arising out of" employment?
§ 5.16 Is the injury excluded because intentionally inflicted by another, intentionally *self*-inflicted, or proximately caused by the employee's intoxication?

§ 5.17 Did the employee, after sustaining a work injury, sustain a compensable non-work injury?

C. BENEFIT ISSUES

§ 5.18 Is the claimant entitled to medical treatment, vocational rehabilitation, or residence remodeling?
§ 5.19 Is the claimant entitled to disability benefits?
§ 5.20 Might liability for medical, rehabilitation, or disability benefits be apportioned among several employers or insurers?
§ 5.21 Is the employer liable for death benefits?

E. THIRD-PARTY ISSUES

§ 5.27 Is the tortfeasor a *co-employee*?
§ 5.28 Is the tortfeasor someone not protected from liability?

IV. FIRST INTERVIEW

§ 5.30 Information to obtain at the first interview
§ 5.31 Issues and defenses to discuss with claimant at first meeting

V. INVESTIGATION AND DISCOVERY

§ 5.33 Matters meriting very prompt attention
§ 5.35 Discovery

VI. PROCESS AND PROCEDURE

§ 5.36 Overall time-line
§ 5.37 Litigation procedures
§ 5.38 Appeal
§ 5.39 Intervention

VII. STRATEGIES FOR SETTLEMENT/ PREPARATION FOR RESOLUTION

§ 5.41 Settlement
§ 5.42 Attorney fees

VIII. FORMS

§ 5.44 Affidavit of Significant Financial Hardship
§ 5.45 Claim Petition for Dependency Benefits or Payment to Estate
§ 5.46 Employee's Claim Petition
§ 5.47 Employee's Objection to Discontinuance
§ 5.48 Employee's Request for Administrative Conference
§ 5.49 First Report of Injury
§ 5.50 Health Care Provider Report
§ 5.51 Medical Request
§ 5.52 Medical Response
§ 5.53 Notice of Appearance of Attorney for Employee
§ 5.54 Notice of Appeal to Workers' Compensation Court of Appeals
§ 5.55 Notice of Benefit Payment

§ 5.56 Notice of Insurer's Primary Liability Determination
§ 5.57 Notice of Intention to Discontinue Workers' Compensation Benefits
§ 5.58 Petition for Taxation of Actual and Necessary Disbursements
§ 5.59 R–2 Rehabilitation Plan
§ 5.60 R–3 Rehabilitation Plan Amendment
§ 5.61 Rehabilitation Request
§ 5.62 Rehabilitation Response
§ 5.63 Request for Certification of Dispute
§ 5.64 Request for Formal Hearing
§ 5.65 Statement of Attorney Fees and Costs
§ 5.66 Stipulation of Intervention and Motion/Application to Intervene

Table of Laws and Rules

Table of Cases

Index

Table of Contents

Volume 6

PART 3. BUSINESS ORGANIZATIONS

CHAPTER 12. INTRODUCTION TO BUSINESS ORGANIZATIONS

§ 12.1 Scope
§ 12.2 Forms of organization
§ 12.5 Other laws applicable

CHAPTER 13. PROPRIETORSHIP

§ 13.2 Business name
§ 13.3 Form—Certificate of assumed name

CHAPTER 14. PARTNERSHIPS

§ 14.1 Introduction
§ 14.2 Formation
§ 14.3 Effect of partnership
§ 14.4 Nature of partnership interest
§ 14.5 Who can be a partner
§ 14.6 Limited partnerships—In general
§ 14.7 Limited partnerships—Formation
§ 14.8 Limited partnership—Rights and liabilities of partners
§ 14.10 Income tax considerations
§ 14.13 Form—Assignment of limited partnership interest

CHAPTER 14A. LIMITED LIABILITY PARTNERSHIPS *[New]*

§ 14A.1 Introduction
§ 14A.2 Filing of statement of qualification
§ 14A.2.50 Checklist—Limited liability partnership statement of qualification *[New]*
§ 14A.3 Name of limited liability partnerships
§ 14A.4 Annual renewal *[Retitled]*
§ 14A.5 Foreign limited liability partnerships
§ 14A.6 Form—Limited liability partnership agreement *[New]*

CHAPTER 15. ORGANIZING A CORPORATION

§ 15.1 Introduction

§ 15.3 Articles of incorporation
§ 15.4 Bylaws
§ 15.5 Powers
§ 15.6 Capitalization
§ 15.7 Shareholders
§ 15.8 Shareholders meetings
§ 15.9 Directors
§ 15.10 Officers
§ 15.11 Amendment of articles of incorporation
§ 15.12 Amendment of bylaws
§ 15.13 Dissenting shareholders
§ 15.14 Corporate renewal *[Retitled]*
§ 15.15 Qualification of foreign corporations
§ 15.16 Shareholder control agreements
§ 15.17 Shareholder voting arrangements
§ 15.18 Buy-sell arrangements
§ 15.19 Form—Articles of incorporation
§ 15.20 Form—Bylaws
§ 15.23 Conversions *[New]*

CHAPTER 15A. LIMITED LIABILITY COMPANIES *[New]*

§ 15A.1 The Minnesota Limited Liability Company Act
§ 15A.1.50 The Minnesota Revised Uniform Limited Liability Company Act *[New]*
§ 15A.2 General provisions
§ 15A.3 Formation of limited liability companies and organic changes
§ 15A.4 Members
§ 15A.5 Management and operation of limited liability company
§ 15A.6 Finance
§ 15A.7 Dissolution and termination of the limited liability company
§ 15A.8 Foreign limited liability companies
§ 15A.9 Member derivative actions
§ 15A.10 Recognition of limited liability company by other states
§ 15A.11 Annual renewal *[Retitled]*
§ 15A.12 Form—Articles of organization of limited liability company
§ 15A.13 Conversion

CHAPTER 16. COMBINATIONS OF BUSINESSES

§ 16.6 Statutory provisions
§ 16.7 Procedure for effecting combinations—Transfer of assets and properties
§ 16.8 Procedure for effecting combinations—Exchanges
§ 16.9 Procedure for effecting combinations—Mergers
§ 16.10 Control share acquisitions
§ 16.11 Limitations on business combinations
§ 16.16 Acquisition agreement—Agreements of the parties

§ 16.20 Acquisition agreement—Miscellaneous

CHAPTER 17. DISTRIBUTIONS AND DISSOLUTION

§ 17.1 Distributions—In general
§ 17.2 Distributions—Permitted distributions
§ 17.3 Distributions—Liability for improper distributions
§ 17.4 Distributions—Acquisition of corporate shares
§ 17.5 Dissolution—In general
§ 17.6 Voluntary dissolution—Commencement
§ 17.7 Voluntary dissolution—Procedures
§ 17.8 Voluntary dissolution—Conclusion
§ 17.9 Involuntary dissolution—Commencement
§ 17.10 Involuntary dissolution—Remedies
§ 17.11 Involuntary dissolution—Procedure and conclusion

CHAPTER 18. TRADE NAMES AND INTELLECTUAL PROPERTY

§ 18.2 Trademarks
§ 18.3 Copyrights and patents

PART 4. COMMERCIAL TRANSACTIONS

CHAPTER 19. SALES

§ 19.1 General comments
§ 19.2 Formal requirements of contract for sale of goods
§ 19.3 Construction of contracts for sale of goods
§ 19.4 Warranties
§ 19.5 Seller's obligation of delivery and passing of risk of loss
§ 19.9 Breach and repudiation
§ 19.11 Buyer's remedies for breach of contract
§ 19.13 Statute of limitations
§ 19.14 Bills of sale
§ 19.15 Checking title before payment

CHAPTER 19A. LEASES OF GOODS *[New]*

§ 19A.1 General comments
§ 19A.2 Applicability of article 2A—Transactions included
§ 19A.3 Formation of the lease contract—Agreement (offer and acceptance)
§ 19A.4 Formal requirements—Statute of frauds
§ 19A.5 Construction of lease contracts
§ 19A.6 Parol evidence rule
§ 19A.7 Risk of loss
§ 19A.8 Warranties
§ 19A.9 Performance of the lease contract
§ 19A.10 Default

§ 19A.11 Forms—Particular contracts

CHAPTER 20. COMMERCIAL PAPER

§ 20.1 General comments
§ 20.2 Form and content of negotiable instruments
§ 20.3 Transfer and negotiation
§ 20.4 Rights of holders of negotiable instruments
§ 20.5 Liability of maker, drawer, and acceptor
§ 20.6 Liability of endorser
§ 20.7 Warranties on presentment and transfer
§ 20.9 Form—Promissory note (long form)

CHAPTER 21. BANK DEPOSITS AND COLLECTIONS

§ 21.1 General comments
§ 21.2 Depositary and collecting banks
§ 21.3 Relationship between depositary bank and its customers
§ 21.4 Payor banks
§ 21.5 Relationship between payor bank and its customers
§ 21.7 Funds transfers *[New]*

CHAPTER 22. LETTERS OF CREDIT

§ 22.1 General comments
§ 22.2 Establishment of a credit
§ 22.3 Duties and liabilities of issuer, advising and confirming banks
§ 22.4 Transfer, assignment, and presentment

CHAPTER 23. BULK TRANSFERS

§ 23.1 General comments
§ 23.2 Transactions to which Article 6 applies
§ 23.4 Options of creditors upon compliance with Article 6

CHAPTER 24. DOCUMENTS OF TITLE

§ 24.1 General comments
§ 24.3 Liability of warehouseman
§ 24.4 Rights of warehouseman
§ 24.5 Liability of issuer of bill of lading

CHAPTER 25. INVESTMENT SECURITIES

§ 25.1 General comments
§ 25.2 Rights and obligations of issuer
§ 25.3 Presentment and transfer of securities and instructions
§ 25.4 Rights and obligations of purchasers and creditors
§ 25.5 Registration of securities
§ 25.6 Security entitlement *[New]*
§ 25.7 Securities and financial assets *[New]*
§ 25.8 Attaching and perfecting security interests in securities and security entitlements *[New]*

CHAPTER 26. SECURED TRANSACTIONS

§ 26.1 General comments
§ 26.2 Classification of property
§ 26.3 Perfection of a security interest
§ 26.4 Motor vehicles—Perfection and filing
§ 26.5 Rules of priority
§ 26.6 Filing
§ 26.7 Filing—Form UCC-1
§ 26.8 Filing—Form UCC-5 *[Retitled]*
§ 26.9 Filing—Form UCC-3
§ 26.10 Filing—Form UCC-11
§ 26.11 Filing—Form UCC-12
§ 26.12 Default—Remedies of secured party

PART 5. DEBTOR-CREDITOR PRACTICE

CHAPTER 27. BANKRUPTCY PRACTICE AND PROCEDURE

§ 27.1 Bankruptcy overview
§ 27.3 Bankruptcy rules and local rules
§ 27.5 The bankruptcy court—In general
§ 27.6 The bankruptcy court—Jurisdiction
§ 27.8 The bankruptcy court—Appeals
§ 27.9 Voluntary petitions
§ 27.12 Involuntary petitions—Number and claims of petitioning creditors
§ 27.16 Exemptions
§ 27.18 Discharge of a debtor
§ 27.19 Nondischargeable debts
§ 27.20 Discharge hearing and reaffirmation
§ 27.21 Effect of discharge
§ 27.23 The automatic stay
§ 27.24 The automatic stay—Obtaining relief from stay
§ 27.26 Property of the estate
§ 27.28 Secured creditors—Determination of secured status
§ 27.29 Secured creditors—Allowance of claims
§ 27.31 Post-petition effect of security interest
§ 27.33 Executory contracts and unexpired leases
§ 27.35 Trustee's avoiding powers—Status of the trustee
§ 27.37 Trustee's avoiding powers—Limitations on avoiding powers
§ 27.38 Fraudulent conveyances
§ 27.39 Preferences
§ 27.40 Setoff
§ 27.41 Distribution of the estate—Filing and allowance of claims
§ 27.42 Distribution of the estate—Priority claims
§ 27.44 Chapter 11 reorganization—An overview
§ 27.45 Chapter 11 trustees
§ 27.49 Chapter 11 plans—Who may file
§ 27.50 Chapter 11 plans—Classification of claims or interests

§ 27.51 Chapter 11 plans—Contents
§ 27.52 Chapter 11 plans—The impaired creditor
§ 27.53 Chapter 11 plans—Acceptance
§ 27.56 Special problems of nonrecourse lenders
§ 27.58 Chapter 12—Family farmer reorganization
§ 27.59 Chapter 13 plans—Introduction
§ 27.60 Eligibility for Chapter 13
§ 27.63 Chapter 12 and Chapter 13 plans—Filing
§ 27.64 Chapter 12 and Chapter 13 plans—Contents
§ 27.65 Chapter 12 and Chapter 13 plans—Creditors' rights
§ 27.66 Chapter 12 and Chapter 13 plans—Payment period
§ 27.67 Chapter 12 and Chapter 13 plans—Filing of claims
§ 27.68 Chapter 12 and Chapter 13 plans—Confirmation
§ 27.69 Chapter 12 and chapter 13 plans—Modification
§ 27.70 Conversion or dismissal

CHAPTER 28. EXECUTIONS AND SUPPLEMENTARY PROCEEDINGS

§ 28.1 Executions—When and how issued
§ 28.2 Executions—Procedure
§ 28.3 Execution sale
§ 28.4 Right to redemption
§ 28.5 Exemptions
§ 28.6 Summary execution of judgment debts
§ 28.7 Discovery and supplementary proceedings against the judgment debtor
§ 28.12 Form—Execution exemption notice and notice of intent to levy on earnings *[New]*
§ 28.13 Form—Earnings execution disclosure *[New]*
§ 28.14 Form—Earnings execution disclosure—Child support *[New]*
§ 28.15 Form—Financial institutions executions disclosure and exemption notice *[New]*
§ 28.16 Form—Creditor's notice of objection and notice of hearing on exemption claim *[New]*
§ 28.17 Form—Notice of third party levy and disclosure *[New]*
§ 28.18 Form—Exemption notice (attorney's summary execution at financial institution) and objection to exemption claim *[New]*
§ 28.19 Form—Earnings exemption notice (attorney's summary execution) *[New]*
§ 28.20 Form—Notice of levy on earnings and disclosure *[New]*
§ 28.21 Form—Notice of levy on earnings and disclosure—Child support *[New]*
§ 28.22 Form—Notice of support judgment levy and disclosure (other than earnings) *[New]*
§ 28.23 Form—Notice of levy on garnishee—Funds held pursuant to garnishment summons *[New]*

CHAPTER 29. GARNISHMENT

§ 29.5 Property subject to garnishment
§ 29.6 Procedure to garnish—Checklist
§ 29.9 Exemptions from garnishment

§ 29.14 Form—Garnishment exemption notice and notice of intent to garnish earnings *[Retitled]*
§ 29.15 Form—Exemption notice
§ 29.15.50 Form—Exemption notice for prejudgment garnishment *[New]*
§ 29.16 Form—Garnishment summons and notice to judgment debtor
§ 29.17 Form—Garnishment disclosure
§ 29.18 Form—Creditor's notice of objection and notice of hearing on exemption claim *[Retitled]*
§ 29.19.50 Form—Notice of intent to garnish *[New]*
§ 29.20 Form—Notice to debtor with instructions and exemption notice *[Retitled]*
§ 29.21 Form—Notice of hearing and exemption notice (prejudgment garnishment before notice and hearing)
§ 29.22 Form—Notice of hearing and exemption notice (prejudgment garnishment after notice and hearing)
§ 29.23 Form—Complaint in federal court—Wrongful garnishment—Joint bank account of disabled person *[New]*

CHAPTER 30. ATTACHMENT

§ 30.2 When attachment is available
§ 30.4 What may be attached
§ 30.5 Procedure

CHAPTER 31. REPLEVIN ACTIONS

§ 31.4 Recovery of possession prior to notice and hearing
§ 31.11 Form—Bond

CHAPTER 32. MECHANICS' LIENS

§ 32.1 Nature of lien
§ 32.2 Persons entitled to lien
§ 32.3 Property subject to lien—In general
§ 32.6 Property subject to lien—Consenting interest holder
§ 32.8 Amount of lien
§ 32.9 Time of attachment of lien
§ 32.10 Contractor notice to owner
§ 32.12 Exceptions to notice requirements
§ 32.13 Withholding payments to contractor
§ 32.14 Drafting lien statement
§ 32.16 Service of lien statement
§ 32.17 Priority

CHAPTER 33. FORECLOSURE OF MECHANICS' LIENS

§ 33.1 Form of action
§ 33.2 Time of commencement
§ 33.5 Complaint and bill of particulars
§ 33.7 Notice of lis pendens

§ 33.9 Answer
§ 33.10 Attorney fees
§ 33.12 Interest
§ 33.18 Redemption

PART 6. FAMILY LAW

CHAPTER 34. MARRIAGE

§ 34.1 Who may marry
§ 34.2 Who may not marry
§ 34.3 Marriage solemnization
§ 34.4 Antenuptial contracts
§ 34.5 Cohabitation agreements
§ 34.6 Domestic Abuse Act
§ 34.7 Uniform Parentage Act
§ 34.9 Postnuptial contracts *[New]*

CHAPTER 35. DIVORCE AND DISSOLUTION

§ 35.2 Organization of the statutes
§ 35.3 Annulment
§ 35.4 Dissolution grounds
§ 35.5 Residence requirement
§ 35.6 Custody, parenting time, and visitation *[Retitled]*
§ 35.7 Uniform Child Custody Act
§ 35.8 Support and maintenance
§ 35.9 Cost-of-living adjustments
§ 35.10 Income withholding
§ 35.11 Property settlement
§ 35.12 Fees and costs
§ 35.13 Initial interview with client
§ 35.15 Summons and petition
§ 35.16 Hearing for temporary relief
§ 35.17 Stipulation
§ 35.18 Trial
§ 35.19 Final documents
§ 35.20 Transfer of property
§ 35.21 Modification of decree
§ 35:21.50 Form—Required notices upon court order or judgment and decree *[New]*
§ 35.22 Enforcement

CHAPTER 36. CHANGE OF NAME

§ 36.2 Applicant under 14
§ 36.4 Venue
§ 36.8 Application
§ 36.15 Form—Application
§ 36.16 Form—Order

CHAPTER 37. GUARDIANSHIP AND CONSERVATORSHIP

§ 37.1 In general

ADULTS

§ 37.3 Incapacitated person
§ 37.4 For the person
§ 37.5 For the estate
§ 37.6 Difference between guardianship and conservatorship
§ 37.7 Impose the least restrictions necessary
§ 37.8 Burden of proof
§ 37.9 Petitioner
§ 37.10 Petition
§ 37.11 Bill of particulars
§ 37.12 Who may be a guardian or conservator
§ 37.13 Temporary substitute guardian *[Retitled]*
§ 37.14 Emergency guardian *[Retitled]*
§ 37.14.50 Emergency and temporary conservator *[New]*
§ 37.15 Guardian ad litem
§ 37.16 Lis pendens
§ 37.17 Jurisdiction
§ 37.18 Notice of hearing
§ 37.19 Service of notice
§ 37.20 Visitor
§ 37.21 Defective notice or service
§ 37.22 Hearing—Personal appearance
§ 37.23 Hearing—Proceedings
§ 37.24 Hearing—Findings and powers
§ 37.25 Bond
§ 37.26 Letters of guardianship or conservatorship
§ 37.27 Powers and duties of guardian or conservator
§ 37.28 Person—Powers
§ 37.29 Person—Duties
§ 37.30 Estate—Powers
§ 37.31 Estate—Duties
§ 37.32 Limitations—Guardian or conservator of person
§ 37.33 Limitations—Guardian or conservator of estate
§ 37.34 Disposition of real estate
§ 37.35 Terms of sale
§ 37.36 Inventory
§ 37.37 Annual accounting
§ 37.38 Annual notice
§ 37.39 Annual report of condition
§ 37.40 Hearings on account
§ 37.41 Removal of guardian or conservator
§ 37.42 Restoration to capacity or modification
§ 37.43 Termination
§ 37.44 Discharge of guardian or conservator

MINORS

§ 37.46 Guardian of minor
§ 37.47 Temporary guardian
§ 37.48 Delegation of powers
§ 37.49 Appointment by court

§ 37.50 Conservator of minor
§ 37.51 Necessity to appoint a conservator
§ 37.52 Appointment of guardian—Will
§ 37.53 Appointment of guardian—In general
§ 37.54 Appointment of guardian—Venue
§ 37.55 Notice of hearing
§ 37.56 Appointment—Order and letters
§ 37.57 Termination

CHAPTER 38. MINNESOTA HOSPITALIZATION COMMITMENT ACT

§ 38.1 Introduction
§ 38.2 Definitions
§ 38.3 Chemically dependent person
§ 38.4 Mentally Ill person
§ 38.5 Mentally retarded person
§ 38.6 Mentally Ill and dangerous person
§ 38.6.50 Sexually dangerous persons and sexual psychopaths *[New]*
§ 38.7 Examiner
§ 38.8 Treatment facility
§ 38.9 Rights of patients
§ 38.10 Admission procedures—Involuntary holds
§ 38.11 Emergency holds
§ 38.12 Judicial commitment—Preliminary procedures
§ 38.13 The petition
§ 38.14 Procedures of petition
§ 38.15 Length of commitment
§ 38.16 Provisional discharge
§ 38.17 Rule 20 of the Criminal Rules of Procedure—Competency
§ 38.18 Miscellaneous provisions
§ 38.19 Conclusion
§ 38.20 Contents of the Minnesota Commitment and Treatment Act of 1982, as amended *[Retitled]*

CHAPTER 39. ADOPTION

§ 39.1 Adoption is purely statutory
§ 39.1.50 Rules of adoption procedure *[New]*
§ 39.3 Who may adopt
§ 39.4 Who may be adopted
§ 39.5 Residence requirements—Adoptors in Minnesota
§ 39.6 Residence requirements—Adoptee with adoptors
§ 39.7 Consent—Adoptee
§ 39.8 Consent—Parents
§ 39.9 Consent—Parent missing
§ 39.11 Consent—Parental rights terminated
§ 39.13 Consent—Parents divorced
§ 39.15 Consent—Adoptee illegitimate
§ 39.15.50 Consent—Putative fathers' adoption registry *[New]*
§ 39.16 Consent—No parent qualified
§ 39.18 Consent—Guardian

§ 39.19 Consent—Execution
§ 39.20 Consent—Withdrawal
§ 39.21 Direct placement without agency screening
§ 39.22 Welfare investigation
§ 39.24 Venue
§ 39.25 Pleadings, documents, and orders
§ 39.26 Service of process
§ 39.27 Protection of child pending hearing
§ 39.28 Checklist—Hearing prerequisites
§ 39.30 Contested hearing
§ 39.31 Effect of adoption
§ 39.32 Confidentiality
§ 39.33 Statutory provisions
§ 39.34 Form—Checklist—Documents and proof
§ 39:34.50 Petition for Adult Adoption *[New]*
§ 39:34.70 Consent of Adult to Adult Adoption *[New]*
§ 39.35 Form—Petition for adoption—Statewide *[Retitled]*
§ 39.36 Form—Consent of parent to adoption by stepparent—Statewide *[Retitled]*
§ 39.37 Form—Findings order and decree of adoption—Statewide *[Retitled]*
§ 39:37.50 Findings of Fact, Conclusions of Law, Order for Judgment, and Judgment and Decree of Adoption *[New]*
§ 39.38 Form—Consent of child over 14 to adoption by stepparent—Statewide *[Retitled]*
§ 39.39 Form—Motion to waive post-placement assessment—Statewide *[Retitled]*
§ 39.40 Petition for Access to Adoption Case Records, Birth Parent Identifying Information, and/or Birth Record Information *[New]*
§ 39.41 Order Regarding Petition for Access to Adoption Case Records, Birth Parent Identifying Information, and/or Birth Record Information *[New]*

CHAPTER 40. THE JUVENILE COURT

§ 40.2 The court—Amendments
§ 40.3 Venue
§ 40.4 Certification *[Retitled]*
§ 40.5 Detention
§ 40.6 Delinquency
§ 40.6.50 Extended jurisdiction juvenile prosecutions *[New]*
§ 40.7 Habitual truants, runaway, juvenile petty offender, juvenile alcohol offender, juvenile controlled substance offender
§ 40.8 Juvenile traffic offender; juvenile water law offender
§ 40.9 Dependency
§ 40.10 Neglect
§ 40.11 Termination of parental rights
§ 40.12 Review of voluntary placements
§ 40.13 Domestic child abuse
§ 40.14 Contributing to the delinquency or neglect of children
§ 40.15 Marriage approval
§ 40.16 Contempt

§ 40.18 Form—Juvenile subpoena *[Retitled]*
§ 40.19 Form—Delinquency petition to juvenile court *[Retitled]*
§ 40.20 Form—Petition for child in need of protection *[Retitled]*
§ 40.21 Form—Notice of rights in juvenile delinquency proceeding *[Retitled]*
§ 40.22 Form—Statement of rights—Juvenile probation revocation *[Retitled]*
§ 40.23 Form—Juvenile summons *[Retitled]*
§ 40.24 Form—Notice in lieu of juvenile summons *[Retitled]*
§ 40.25 Form—Notice of change in foster care placement *[Retitled]*
§ 40.26 Form—Motion to intervene—Child welfare matter *[Retitled]*
§ 40.27 Form—Notice of intervention as a matter of right—Child welfare matter *[Retitled]*
§ 40.28 Form—Confidential document cover sheet—Photographs and other records *[Retitled]*
§ 40.29 Form—Hearing contact list—Child welfare matter *[Retitled]*
§ 40.30 Form—Petition to enter guilty plea—Extended juvenile jurisdiction case *[Retitled]*
§ 40.31 Form—Petition to enter guilty plea—Juvenile delinquency matter *[Retitled]*
§ 40.32 Form—Petition to proceed pro se in juvenile delinquency proceeding *[New]*

Volume 6A

PART 7. REAL ESTATE

CHAPTER 41. JOINT TENANCY IN LAND

§ 41.2 Creation of joint tenancies governed by statute
§ 41.5 Advantages and disadvantages of the use of joint tenancies
§ 41.7 Creating joint tenancies in husband and wife
§ 41.10 Deed by one joint tenant—Termination thereby effected
§ 41.11 Severance and termination

CHAPTER 42. LAND CONTRACTS

A. EARNEST MONEY CONTRACTS AND OPTIONS

§ 42.2 Formal requisites
§ 42.4 Earnest money
§ 42.6 Encumbrances
§ 42.13 Insurance
§ 42.15 Taxes and special assessments
§ 42.18 Exercising options
§ 42.21 Form—Purchase agreement

B. CONTRACTS FOR DEED

§ 42.22 Contracts for deed
§ 42.24 Drafting and executing

§ 42.25 Buyer's remedies
§ 42.26 Seller's remedies

CHAPTER 43. DEEDS

§ 43.4 Executing a deed
§ 43.6 Designating the grantor or grantors in a deed—When the grantor is married
§ 43.19 Land description and interest to be conveyed—Easements
§ 43.20 Land description and interest to be conveyed—Restrictions
§ 43.22 State deed tax
§ 43.23 Recording the deed
§ 43.24 Drafting deeds for special situations—The correction deed
§ 43.32 Delivery and acceptance of the deed
§ 43.33 Certificate of trust *[New]*
§ 43.34 Form—Affidavit of trustee for inter vivos trust *[New]*
§ 43.35 Form—Affidavit of trustee for testamentary trust *[New]*
§ 43.36 Conveyance by custodian *[New]*
§ 43.37 Form—Affidavit of custodian *[New]*
§ 43.38 Certificate of custodianship *[New]*
§ 43.39 Affidavit of custodian in real property transactions *[New]*

CHAPTER 44. TITLE EXAMINATION AND TITLE INSURANCE

A. EXAMINATION OF TITLE FOR ABSTRACT PROPERTY

§ 44.12 Procedure for examining the title—Checking the abstract for completeness
§ 44.16 Title opinions

B. EXAMINATION OF TITLE FOR REGISTERED LAND

§ 44.18 Certificate of title
§ 44.19 Interests not covered by certificate

CHAPTER 45. TITLE DEFECTS AND CURES

§ 45.2 Use of affidavits
§ 45.9 Statutory aids in curing title defects—Limitation statutes
§ 45.10 Statutory aids in curing title defects—Comprehensive limitation statutes

CHAPTER 46. REGISTERED PROPERTY

A. TITLE REGISTRATION

§ 46.1 Nature and purpose of the proceeding
§ 46.5 Applications
§ 46.7 Amendment and substitution

§ 46.9 Land involved—Number of tracts
§ 46.16 The state as a party
§ 46.17 Petition for summons
§ 46.25 Returns of service
§ 46.34 Certificate of title
§ 46.36 Appeals
§ 46.37 Effect of decree and certificate—Interests barred—Interests not barred
§ 46.38 Limitations on attack
§ 46.40 Registration without court proceedings; certificate of possessory title ("CPT")

B. TRANSACTIONS INVOLVING REGISTERED LAND

§ 46.41 Incidents of registered land
§ 46.42 Instruments employed in conveying interests in registered land
§ 46.43 Issuance of copy of certificate of title *[Retitled]*
§ 46.44 Presentation of instruments for registration *[Retitled]*
§ 46.45 Copy of certificate of title to be furnished to owner *[Retitled]*
§ 46.46 Replacement of duplicates
§ 46.47 Replacement of duplicates—Notice, hearing, order
§ 46.48 Replacement of duplicates—Alternative procedure
§ 46.50 Effect of registered instruments
§ 46.51 Conveyance of registered land or portion thereof—New certificate
§ 46.52 Conveyance of less than a fee
§ 46.53 Mortgaging registered land
§ 46.54 Mortgaging registered land—Mortgagee's duplicate
§ 46.55 Registration of leases—Lessee's duplicate
§ 46.61 Exceptions, reservations, conditions, and recitals
§ 46.66 New certificate after foreclosure, judicial sale, or execution sale
§ 46.67 Eminent domain—Residue certificate
§ 46.68 Expanding land descriptions of certificates—Vacated streets and alleys—Accretions and relictions
§ 46.69 New certificate pursuant to tax title
§ 46.70 Nature of proceedings subsequent to initial registration
§ 46:71.50 Form—Petition subsequent to initial registration of land *[New]*
§ 46:71.70 Form—Memorandum in opposition to summary judgment in favor of mortgagee—Torrens proceeding subsequent to registration *[New]*
§ 46.73 Final order
§ 46.74 Personal judgments
§ 46.78 Judgments and decrees—Release by certificate of clerk or sheriff
§ 46.79 Registration of adverse claim
§ 46.80 Alteration of certificate or memorials by order of court
§ 46.81 Alteration pursuant to directive of examiner
§ 46.82 Instruments filed without order or directive

§ 46.84 Conclusiveness of certificates issued on transfers

CHAPTER 47. ANALYSIS FOR CLOSING A REAL ESTATE TRANSACTION

§ 47.7 Closing the transaction

CHAPTER 48. MORTGAGES

§ 48.1 Scope of chapter
§ 48.3 Matters preliminary to preparing mortgage for a prospective mortgagee
§ 48.4 Execution of the mortgage note
§ 48.9 Drafting the mortgage instrument—Designating the mortgagor or mortgagors
§ 48.11 Drafting the mortgage instrument—Expressing the consideration
§ 48.14 Drafting the mortgage instrument—Maturity of obligation
§ 48.15 Payment of taxes and insurance
§ 48.16 Assignment of rents
§ 48.17 Formalities of execution
§ 48.18 Special types of mortgages—The purchase money mortgage
§ 48.21 Assignment of mortgage
§ 48.24 Satisfaction of real estate mortgage
§ 48.29 Form—Complaint for rescission *[New]*
§ 48.30 Form—Answer—To complaint for rescission *[New]*

CHAPTER 49. FORECLOSURE OF MORTGAGES BY ADVERTISEMENT

§ 49.3 Prerequisites to foreclosure by advertisement
§ 49.4 Notice of default
§ 49.5 Power of attorney to foreclose
§ 49.7 Notice of sale—Requisites
§ 49.9 Notice of sale—Publication
§ 49.10 Notice of sale—Service
§ 49.16 Reinstatement prior to sale
§ 49.17 Special requirements—Military service
§ 49.18 Time and place of sale
§ 49.19 Conduct of sale
§ 49.20 Sale of separate tracts
§ 49.21 Postponement of sale
§ 49.22 Application and disposition of sale proceeds
§ 49.23 Sheriff's certificate of sale
§ 49.25 Attorney's fees
§ 49.27 Limitation and curative statutes
§ 49.29 Redemption by mortgagor
§ 49.31 Redemption procedure
§ 49.32 Redemption by junior lien creditor
§ 49.34 Agricultural property
§ 49.35 Possession of mortgaged property
§ 49.36 Deficiency after foreclosure

CHAPTER 50. FORECLOSURE OF MORTGAGES BY ACTION

§ 50.1 Pre-foreclosure notice
§ 50.3 Mortgages to which applicable
§ 50.4 Time within which action allowed
§ 50.6 Answers
§ 50.9 Judgment
§ 50.10 Sale
§ 50.12 Execution for deficiency
§ 50.16 Redemption
§ 50.20 Prevention of waste and collection of rents—Appointment of receiver

CHAPTER 50A. VOLUNTARY MORTGAGE FORECLOSURES *[New]*

§ 50A.1 General comments
§ 50A.2 Agreement
§ 50A.3 Notice
§ 50A.4 Redemption

CHAPTER 51. LEASES

§ 51.2 Formal requisites of a lease
§ 51.3 Lease covenants
§ 51.7 Provisions to consider in drafting leases—Length of the term
§ 51.8 Provisions to consider in drafting leases—Amount of rent and terms of payment
§ 51.11 Provisions to consider in drafting leases—Repairs and alterations
§ 51.14 Provisions to consider in drafting leases—Options to renew lease or to purchase premises
§ 51.18 Provisions to consider in drafting leases—Holding over by tenant
§ 51.21 Provisions to consider in drafting leases—Security provision
§ 51.23 Damage or destruction
§ 51.25 Provisions to consider in drafting leases—Other provisions
§ 51.26 Environmental liability
§ 51.42 Termination of tenancies—General comments
§ 51.43 Nature of notice to terminate leasehold tenancies
§ 51.45 Lessee's privilege to surrender premises

CHAPTER 52. CONDOMINIUMS

§ 52.6.50 Common interest community certificate *[Retitled]*
§ 52.8 Allocation of common element interests, votes and common expense liabilities
§ 52.12 Assessments for common expenses
§ 52.20 Warranties

CHAPTER 53A. MINNESOTA COMMON INTEREST OWNERSHIP ACT *[New]*

§ 53A.1 General comments
§ 53A.2 Definitions of "common interest community" and "planned community"
§ 53A.3 Declaration and CIC plat
§ 53A.4 Alterations of units; relocation of boundaries between adjoining units
§ 53A.5 Amendment of declaration
§ 53A.6 Termination of common interest community
§ 53A.7 Organization and operation of the common interest community
§ 53A.8 Disclosure statements
§ 53A.9 Form—Resale disclosure certificate

CHAPTER 54. REAL PROPERTY ACTIONS

A. GENERAL

§ 54.3 Notice of lis pendens
§ 54.9 Guardian ad litem

B. ACTIONS TO QUIET TITLE OR TO DETERMINE ADVERSE CLAIMS

§ 54.17 Action to determine adverse claims—Affidavit of default

C. ACTIONS TO DETERMINE BOUNDARIES

§ 54.26 Nature and purpose of the action
§ 54.27 Scope and parties
§ 54.30 Filing decree

D. ACTIONS OF EJECTMENT

§ 54.31 Nature of the action

E. ACTIONS FOR PARTITION

GENERAL

§ 54.42 Nature of action
§ 54.43 Summons and service

PARTITION BY DIVISION OF PROPERTY

§ 54.49 Unequal division

PARTITION BY SALE AND DIVISION OF PROCEEDS

§ 54.53 Appeals in partition actions

F. FORCIBLE ENTRY AND UNLAWFUL DETAINER

§ 54.54 Nature of action
§ 54.56 Procedures in unlawful detainer actions
§ 54.57 Grounds for unlawful detainer actions
§ 54.58 Notice of unlawful detainer action
§ 54.59 Jurisdiction and venue
§ 54.60 Who can bring action
§ 54.61 The parties
§ 54.62 Service of summons
§ 54.63 Answer and hearing
§ 54.64 Commencing the action
§ 54.65 Complaint
§ 54.66 Defenses in unlawful detainer and forcible entry
§ 54.67 Judgment and execution of writ of restitution
§ 54.69 Appeal
§ 54.70 Form—Complaint
§ 54.71 Form—Summons
§ 54.72 Form—Verdict
§ 54.73 Form—Writ of recovery of premises and order to vacate *[Retitled]*

G. MISCELLANEOUS REAL PROPERTY ACTIONS

§ 54.76 Action to abate a nuisance
§ 54.77 Actions for waste
§ 54.78 Action for trespass
§ 54.80 Action for reformation of an instrument
§ 54.81 Action for specific performance

PART 8. SPECIAL PROCEEDINGS

CHAPTER 55. WORKERS' COMPENSATION

§ 55.1 Introduction
§ 55.2 Interview with claimant
§ 55.3 Compensation benefits
§ 55.4 Job offer
§ 55.5 Procedure for resolving disputes—Primary denial of liability
§ 55.6 Procedure for resolving disputes—Continuation of weekly benefits
§ 55.7 Procedure for resolving disputes—Rehabilitation issues
§ 55.8 Procedure for resolving disputes—Medical
§ 55.8A Procedure for resolving disputes—Small claims court *[New]*
§ 55.9 Settlement
§ 55.10 Medical examinations and reports
§ 55.11 Attorney fees
§ 55.12 Taxation of disbursements and costs
§ 55.13 Special compensation fund
§ 55.14 Intervention
§ 55.15 Third party liability
§ 55.16 Form—Employee's claim petition

§ 55.17 Form—Employee's objection to discontinuance of compensation
§ 55.18 Form—Request for rehabilitation *[Retitled]*
§ 55.19 Form—Request for formal hearing
§ 55.20 Form—Notice of appeal to workers' compensation court of appeals
§ 55.21 Form—Workers' compensation retainer agreement

CHAPTER 56. INJUNCTIONS

§ 56.2 Temporary restraining order
§ 56.3 Temporary injunction
§ 56.6 Modification, vacation and effect of violation
§ 56:8.50 Form—Complaint for temporary restraining order—To prevent distribution of insurance proceeds *[New]*
§ 56:8.70 Form—Answer and counterclaim—For dissolution of temporary restraining order *[New]*
§ 56:12.50 Form—Complaint for injunctive relief—To enforce covenants that restrict construction *[New]*
§ 56:12.70 Form—Complaint for injunctive relief—To prevent interference with property development *[New]*

CHAPTER 57. ARBITRATION

§ 57.1 Introduction
§ 57.2 The Uniform Arbitration Act
§ 57.3 The hearing and proceedings—Submission to arbitrate
§ 57.4 The hearing and proceedings—Arbitrators
§ 57.5 The hearing and proceedings—The hearing
§ 57.9 Enforcement of the arbitration agreement—Procedure to compel or stay an arbitration
§ 57.10 Enforcement of the arbitration agreement—Compelling arbitration
§ 57.12 Enforcement of the arbitration agreement—Waiver or estoppel
§ 57.13 The award—General
§ 57.14 The award—Prejudgment interest
§ 57.15 The award—Punitive damages
§ 57.16 The award—Change of award by arbitrator
§ 57.17 The award—Court modification or correction
§ 57.18 The award—Vacation of award
§ 57.19 The award—Confirmation of award
§ 57.21 Jurisdiction, venue, judgment roll and docketing
§ 57.22 Appeals
§ 57.23 Arbitration and Section 65B.525 of the Minnesota No-Fault Act—General
§ 57.24 Arbitration and Section 65B.525 of the Minnesota No-Fault Act—Initiation of arbitration
§ 57.25 Arbitration and Section 65B.525 of the Minnesota No-Fault Act—Arbitrators
§ 57.26 Arbitration and Section 65B.525 of the Minnesota No-Fault Act—Jurisdiction
§ 57.27 Arbitration and Section 65B.525 of the Minnesota No-Fault Act—Discovery

§ 57.28 Arbitration and Section 65B.525 of the Minnesota No-Fault Act—Withdrawal *[Retitled]*
§ 57.29 Arbitration and Section 65B.525 of the Minnesota No-Fault Act—Arbitration hearing
§ 57.30 Arbitration and Section 65B.525 of the Minnesota No-Fault Act—Witnesses, subpoenas, depositions
§ 57.31 Arbitration and Section 65B.525 of the Minnesota No-Fault Act—Evidence
§ 57.32 Arbitration and Section 65B.525 of the Minnesota No-Fault Act—Close of hearing, re-opening
§ 57.33 Arbitration and Section 65B.525 of the Minnesota No-Fault Act—Award
§ 57.35 Judicial arbitration
§ 57.36 Arbitration of underinsured and uninsured motorist claims

PART 9. PROBATE

CHAPTER 58. ESTATE ADMINISTRATION

§ 58.4 Necessity of estate administration
§ 58.5 Jurisdiction
§ 58.10 Homestead election
§ 58.11 Allowances to spouse
§ 58.12 Spousal maintenance
§ 58.14 Spouse's elective share
§ 58.14.50 Uniform Disposition of Community Property Rights at Death Act *[New]*
§ 58.16 Collection by affidavit
§ 58.17 Determination of descent
§ 58.18 Summary administration
§ 58.19 Summary proceeding
§ 58.26 Informal proceedings—Notice
§ 58.27 Informal proceedings—Duties and powers of personal representative
§ 58.35 Formal proceedings—Modification or vacation of court's order
§ 58.40 Personal representative—In general
§ 58.41 Personal representative—Powers and duties
§ 58.42 Personal representative—Improper exercise of powers
§ 58.43 Personal representative—Termination of appointment
§ 58.45 Creditors claims
§ 58.58 Form—Application for informal appointment of personal representative *[Retitled]*
§ 58.59 Form—Order for informal appointment of administrator
§ 58.60 Form—Application for informal probate of will and for informal appointment of executor
§ 58.61 Form—Testimony of subscribing witness to will
§ 58.62 Form—Notice of informal probate of will and appointment of personal representative and notice to creditors
§ 58.63 Form—Affidavit of mailing order or notice of hearing
§ 58.64 Form—Acceptance of appointment and oath by individual
§ 58.65 Form—Statement of informal probate of will and order of informal appointment of executor

§ 58.66 Form—Letters of Special Administration—County of Ramsey *[Retitled]*
§ 58.67 Form—Inventory *[Retitled]*
§ 58.68 Form—Final Account *[Retitled]*
§ 58.69 Form—Receipt for assets by distributee
§ 58.70 Form—Informal administration: unsupervised personal representative's statement to close estate *[Retitled]*
§ 58.71 Form—Application for certificate from registrar that the personal representative appears to have fully administered the estate of decedent
§ 58.72 Form—Certificate of registrar that personal representative appears to have fully administered the estate of decedent
§ 58.73 Form—Petition for formal adjudication of intestacy, determination of heirs and appointment of personal representative *[Retitled]*
§ 58.74 Form—Order of formal adjudication of intestacy, determination of heirs, and appointment of administrator
§ 58.75 Petition for formal probate of will and for formal appointment of personal representative *[Retitled]*
§ 58.76 Form—Testimony of subscribing witness to will
§ 58.77 Form—Order and notice of hearing on petition for probate of will and appointment of personal representative and notice to creditors—County of Ramsey *[Retitled]*
§ 58.78 Form—Affidavit of mailing *[Retitled]*
§ 58.79 Form—Order of formal probate of will and formal appointment of executor
§ 58.80 Form—Acceptance of appointment and oath by individual *[Retitled]*
§ 58.81 Form—Letters testamentary
§ 58.82 Form—Inventory *[Retitled]*
§ 58.83 Form—Final account
§ 58.84 Form—Order allowing account
§ 58.85 Form—Petition to allow final account, settle, and distribute estate *[Retitled]*
§ 58.86 Form—Order for hearing on final account and petition for distribution and for mailed notice
§ 58.87 Form—Order of complete settlement of the estate and decree of distribution
§ 58.88 Form—Receipt for assets by distributee
§ 58.89 Form—Petition for discharge of personal representative
§ 58.90 Form—Order discharging personal representative

CHAPTER 59. WILL DRAFTING AND EXECUTION *[New]*

§ 59.1 Introduction
§ 59.2 Overview of estate planning

A. TESTATOR'S NEEDS

§ 59.3 Necessity for a will
§ 59.4 Property subject to will
§ 59.5 Considerations in drafting a will

§ 59.6 The testator and the testator's family and beneficiaries
§ 59.7 The testator's property
§ 59.8 Testator's plan of distribution

B. APPLICABLE LAW

§ 59.9 Applicable state law
§ 59.10 Intestate succession
§ 59.11 Capacity to make a will
§ 59.12 Form of will, execution and attestation
§ 59.13 Revocation of wills
§ 59.14 Change in circumstances—Divorce
§ 59.15 Omitted children
§ 59.16 Satisfaction of devise during life
§ 59.17 Abatement
§ 59.18 Antilapse statute
§ 59.19 Nonexoneration
§ 59.20 Survivorship by 120 hours
§ 59.21 Simultaneous death
§ 59.22 Statutory share and disinheritance
§ 59.23 Bequest to custodian under UTMA
§ 59.24 Trusts
§ 59.24.50 Fiduciary access to digital assets *[New]*
§ 59.25 Disclaimer

C. TRANSFER TAXES

§ 59.26 Outline of transfer taxes
§ 59.27 Estate tax
§ 59.28 Special estate tax on qualified plan benefits
§ 59.29 Gift tax
§ 59.30 Generation-skipping transfer tax
§ 59.31 Allocation of estate tax and GST tax

D. ORGANIZATION OF DOCUMENT

§ 59.32 Organization of clauses and outline of provisions
§ 59.33 Publishing or introductory clause
§ 59.34 Revocation clause
§ 59.35 Funeral expenses and debts clause
§ 59.36 Specific devises
§ 59.37 Cash bequests
§ 59.38 Religious and charitable bequests
§ 59.39 Preference or abatement of legacies
§ 59.40 Specific devises of real estate
§ 59.41 Residuary clause
§ 59.42 Common disaster clause
§ 59.43 Provisions in lieu of dower
§ 59.44 Disinheritance clause
§ 59.45 Disclaimer clause
§ 59.46 Independent administration
§ 59.47 Powers of personal representative

§ 59.48 Appointment of personal representative
§ 59.49 Guardian/conservator/custodian for minors
§ 59.50 Definitions
§ 59.51 Signature
§ 59.52 Attestation clause
§ 59.53 Self-proving will affidavit

E. EXECUTION OF WILL

§ 59.54 Execution of a will
§ 59.55 Ceremony of execution
§ 59.56 Instructions to testator
§ 59.57 Drafting codicils
§ 59.58 Antenuptial and postnuptial contracts

Table of Laws and Rules

Table of Cases

Index

Table of Contents

Volume 6

PART 3. BUSINESS ORGANIZATIONS

CHAPTER 12. INTRODUCTION TO BUSINESS ORGANIZATIONS

§ 12.1 Scope
§ 12.2 Forms of organization
§ 12.5 Other laws applicable

CHAPTER 13. PROPRIETORSHIP

§ 13.2 Business name
§ 13.3 Form—Certificate of assumed name

CHAPTER 14. PARTNERSHIPS

§ 14.1 Introduction
§ 14.2 Formation
§ 14.3 Effect of partnership
§ 14.4 Nature of partnership interest
§ 14.5 Who can be a partner
§ 14.6 Limited partnerships—In general
§ 14.7 Limited partnerships—Formation
§ 14.8 Limited partnership—Rights and liabilities of partners
§ 14.10 Income tax considerations
§ 14.13 Form—Assignment of limited partnership interest

CHAPTER 14A. LIMITED LIABILITY PARTNERSHIPS *[New]*

§ 14A.1 Introduction
§ 14A.2 Filing of statement of qualification
§ 14A.2.50 Checklist—Limited liability partnership statement of qualification *[New]*
§ 14A.3 Name of limited liability partnerships
§ 14A.4 Annual renewal *[Retitled]*
§ 14A.5 Foreign limited liability partnerships
§ 14A.6 Form—Limited liability partnership agreement *[New]*

CHAPTER 15. ORGANIZING A CORPORATION

§ 15.1 Introduction

§ 15.3 Articles of incorporation
§ 15.4 Bylaws
§ 15.5 Powers
§ 15.6 Capitalization
§ 15.7 Shareholders
§ 15.8 Shareholders meetings
§ 15.9 Directors
§ 15.10 Officers
§ 15.11 Amendment of articles of incorporation
§ 15.12 Amendment of bylaws
§ 15.13 Dissenting shareholders
§ 15.14 Corporate renewal *[Retitled]*
§ 15.15 Qualification of foreign corporations
§ 15.16 Shareholder control agreements
§ 15.17 Shareholder voting arrangements
§ 15.18 Buy-sell arrangements
§ 15.19 Form—Articles of incorporation
§ 15.20 Form—Bylaws
§ 15.23 Conversions *[New]*

CHAPTER 15A. LIMITED LIABILITY COMPANIES *[New]*

§ 15A.1 The Minnesota Limited Liability Company Act
§ 15A.1.50 The Minnesota Revised Uniform Limited Liability Company Act *[New]*
§ 15A.2 General provisions
§ 15A.3 Formation of limited liability companies and organic changes
§ 15A.4 Members
§ 15A.5 Management and operation of limited liability company
§ 15A.6 Finance
§ 15A.7 Dissolution and termination of the limited liability company
§ 15A.8 Foreign limited liability companies
§ 15A.9 Member derivative actions
§ 15A.10 Recognition of limited liability company by other states
§ 15A.11 Annual renewal *[Retitled]*
§ 15A.12 Form—Articles of organization of limited liability company
§ 15A.13 Conversion

CHAPTER 16. COMBINATIONS OF BUSINESSES

§ 16.6 Statutory provisions
§ 16.7 Procedure for effecting combinations—Transfer of assets and properties
§ 16.8 Procedure for effecting combinations—Exchanges
§ 16.9 Procedure for effecting combinations—Mergers
§ 16.10 Control share acquisitions
§ 16.11 Limitations on business combinations
§ 16.16 Acquisition agreement—Agreements of the parties

§ 16.20 Acquisition agreement—Miscellaneous

CHAPTER 17. DISTRIBUTIONS AND DISSOLUTION

§ 17.1 Distributions—In general
§ 17.2 Distributions—Permitted distributions
§ 17.3 Distributions—Liability for improper distributions
§ 17.4 Distributions—Acquisition of corporate shares
§ 17.5 Dissolution—In general
§ 17.6 Voluntary dissolution—Commencement
§ 17.7 Voluntary dissolution—Procedures
§ 17.8 Voluntary dissolution—Conclusion
§ 17.9 Involuntary dissolution—Commencement
§ 17.10 Involuntary dissolution—Remedies
§ 17.11 Involuntary dissolution—Procedure and conclusion

CHAPTER 18. TRADE NAMES AND INTELLECTUAL PROPERTY

§ 18.2 Trademarks
§ 18.3 Copyrights and patents

PART 4. COMMERCIAL TRANSACTIONS

CHAPTER 19. SALES

§ 19.1 General comments
§ 19.2 Formal requirements of contract for sale of goods
§ 19.3 Construction of contracts for sale of goods
§ 19.4 Warranties
§ 19.5 Seller's obligation of delivery and passing of risk of loss
§ 19.9 Breach and repudiation
§ 19.11 Buyer's remedies for breach of contract
§ 19.13 Statute of limitations
§ 19.14 Bills of sale
§ 19.15 Checking title before payment

CHAPTER 19A. LEASES OF GOODS *[New]*

§ 19A.1 General comments
§ 19A.2 Applicability of article 2A—Transactions included
§ 19A.3 Formation of the lease contract—Agreement (offer and acceptance)
§ 19A.4 Formal requirements—Statute of frauds
§ 19A.5 Construction of lease contracts
§ 19A.6 Parol evidence rule
§ 19A.7 Risk of loss
§ 19A.8 Warranties
§ 19A.9 Performance of the lease contract
§ 19A.10 Default

§ 19A.11 Forms—Particular contracts

CHAPTER 20. COMMERCIAL PAPER

§ 20.1 General comments
§ 20.2 Form and content of negotiable instruments
§ 20.3 Transfer and negotiation
§ 20.4 Rights of holders of negotiable instruments
§ 20.5 Liability of maker, drawer, and acceptor
§ 20.6 Liability of endorser
§ 20.7 Warranties on presentment and transfer
§ 20.9 Form—Promissory note (long form)

CHAPTER 21. BANK DEPOSITS AND COLLECTIONS

§ 21.1 General comments
§ 21.2 Depositary and collecting banks
§ 21.3 Relationship between depositary bank and its customers
§ 21.4 Payor banks
§ 21.5 Relationship between payor bank and its customers
§ 21.7 Funds transfers *[New]*

CHAPTER 22. LETTERS OF CREDIT

§ 22.1 General comments
§ 22.2 Establishment of a credit
§ 22.3 Duties and liabilities of issuer, advising and confirming banks
§ 22.4 Transfer, assignment, and presentment

CHAPTER 23. BULK TRANSFERS

§ 23.1 General comments
§ 23.2 Transactions to which Article 6 applies
§ 23.4 Options of creditors upon compliance with Article 6

CHAPTER 24. DOCUMENTS OF TITLE

§ 24.1 General comments
§ 24.3 Liability of warehouseman
§ 24.4 Rights of warehouseman
§ 24.5 Liability of issuer of bill of lading

CHAPTER 25. INVESTMENT SECURITIES

§ 25.1 General comments
§ 25.2 Rights and obligations of issuer
§ 25.3 Presentment and transfer of securities and instructions
§ 25.4 Rights and obligations of purchasers and creditors
§ 25.5 Registration of securities
§ 25.6 Security entitlement *[New]*
§ 25.7 Securities and financial assets *[New]*
§ 25.8 Attaching and perfecting security interests in securities and security entitlements *[New]*

CHAPTER 26. SECURED TRANSACTIONS

§ 26.1 General comments
§ 26.2 Classification of property
§ 26.3 Perfection of a security interest
§ 26.4 Motor vehicles—Perfection and filing
§ 26.5 Rules of priority
§ 26.6 Filing
§ 26.7 Filing—Form UCC-1
§ 26.8 Filing—Form UCC-5 *[Retitled]*
§ 26.9 Filing—Form UCC-3
§ 26.10 Filing—Form UCC-11
§ 26.11 Filing—Form UCC-12
§ 26.12 Default—Remedies of secured party

PART 5. DEBTOR-CREDITOR PRACTICE

CHAPTER 27. BANKRUPTCY PRACTICE AND PROCEDURE

§ 27.1 Bankruptcy overview
§ 27.3 Bankruptcy rules and local rules
§ 27.5 The bankruptcy court—In general
§ 27.6 The bankruptcy court—Jurisdiction
§ 27.8 The bankruptcy court—Appeals
§ 27.9 Voluntary petitions
§ 27.12 Involuntary petitions—Number and claims of petitioning creditors
§ 27.16 Exemptions
§ 27.18 Discharge of a debtor
§ 27.19 Nondischargeable debts
§ 27.20 Discharge hearing and reaffirmation
§ 27.21 Effect of discharge
§ 27.23 The automatic stay
§ 27.24 The automatic stay—Obtaining relief from stay
§ 27.26 Property of the estate
§ 27.28 Secured creditors—Determination of secured status
§ 27.29 Secured creditors—Allowance of claims
§ 27.31 Post-petition effect of security interest
§ 27.33 Executory contracts and unexpired leases
§ 27.35 Trustee's avoiding powers—Status of the trustee
§ 27.37 Trustee's avoiding powers—Limitations on avoiding powers
§ 27.38 Fraudulent conveyances
§ 27.39 Preferences
§ 27.40 Setoff
§ 27.41 Distribution of the estate—Filing and allowance of claims
§ 27.42 Distribution of the estate—Priority claims
§ 27.44 Chapter 11 reorganization—An overview
§ 27.45 Chapter 11 trustees
§ 27.49 Chapter 11 plans—Who may file
§ 27.50 Chapter 11 plans—Classification of claims or interests

§ 27.51 Chapter 11 plans—Contents
§ 27.52 Chapter 11 plans—The impaired creditor
§ 27.53 Chapter 11 plans—Acceptance
§ 27.56 Special problems of nonrecourse lenders
§ 27.58 Chapter 12—Family farmer reorganization
§ 27.59 Chapter 13 plans—Introduction
§ 27.60 Eligibility for Chapter 13
§ 27.63 Chapter 12 and Chapter 13 plans—Filing
§ 27.64 Chapter 12 and Chapter 13 plans—Contents
§ 27.65 Chapter 12 and Chapter 13 plans—Creditors' rights
§ 27.66 Chapter 12 and Chapter 13 plans—Payment period
§ 27.67 Chapter 12 and Chapter 13 plans—Filing of claims
§ 27.68 Chapter 12 and Chapter 13 plans—Confirmation
§ 27.69 Chapter 12 and chapter 13 plans—Modification
§ 27.70 Conversion or dismissal

CHAPTER 28. EXECUTIONS AND SUPPLEMENTARY PROCEEDINGS

§ 28.1 Executions—When and how issued
§ 28.2 Executions—Procedure
§ 28.3 Execution sale
§ 28.4 Right to redemption
§ 28.5 Exemptions
§ 28.6 Summary execution of judgment debts
§ 28.7 Discovery and supplementary proceedings against the judgment debtor
§ 28.12 Form—Execution exemption notice and notice of intent to levy on earnings *[New]*
§ 28.13 Form—Earnings execution disclosure *[New]*
§ 28.14 Form—Earnings execution disclosure—Child support *[New]*
§ 28.15 Form—Financial institutions executions disclosure and exemption notice *[New]*
§ 28.16 Form—Creditor's notice of objection and notice of hearing on exemption claim *[New]*
§ 28.17 Form—Notice of third party levy and disclosure *[New]*
§ 28.18 Form—Exemption notice (attorney's summary execution at financial institution) and objection to exemption claim *[New]*
§ 28.19 Form—Earnings exemption notice (attorney's summary execution) *[New]*
§ 28.20 Form—Notice of levy on earnings and disclosure *[New]*
§ 28.21 Form—Notice of levy on earnings and disclosure—Child support *[New]*
§ 28.22 Form—Notice of support judgment levy and disclosure (other than earnings) *[New]*
§ 28.23 Form—Notice of levy on garnishee—Funds held pursuant to garnishment summons *[New]*

CHAPTER 29. GARNISHMENT

§ 29.5 Property subject to garnishment
§ 29.6 Procedure to garnish—Checklist
§ 29.9 Exemptions from garnishment

§ 29.14 Form—Garnishment exemption notice and notice of intent to garnish earnings *[Retitled]*
§ 29.15 Form—Exemption notice
§ 29.15.50 Form—Exemption notice for prejudgment garnishment *[New]*
§ 29.16 Form—Garnishment summons and notice to judgment debtor
§ 29.17 Form—Garnishment disclosure
§ 29.18 Form—Creditor's notice of objection and notice of hearing on exemption claim *[Retitled]*
§ 29.19.50 Form—Notice of intent to garnish *[New]*
§ 29.20 Form—Notice to debtor with instructions and exemption notice *[Retitled]*
§ 29.21 Form—Notice of hearing and exemption notice (prejudgment garnishment before notice and hearing)
§ 29.22 Form—Notice of hearing and exemption notice (prejudgment garnishment after notice and hearing)
§ 29.23 Form—Complaint in federal court—Wrongful garnishment—Joint bank account of disabled person *[New]*

CHAPTER 30. ATTACHMENT

§ 30.2 When attachment is available
§ 30.4 What may be attached
§ 30.5 Procedure

CHAPTER 31. REPLEVIN ACTIONS

§ 31.4 Recovery of possession prior to notice and hearing
§ 31.11 Form—Bond

CHAPTER 32. MECHANICS' LIENS

§ 32.1 Nature of lien
§ 32.2 Persons entitled to lien
§ 32.3 Property subject to lien—In general
§ 32.6 Property subject to lien—Consenting interest holder
§ 32.8 Amount of lien
§ 32.9 Time of attachment of lien
§ 32.10 Contractor notice to owner
§ 32.12 Exceptions to notice requirements
§ 32.13 Withholding payments to contractor
§ 32.14 Drafting lien statement
§ 32.16 Service of lien statement
§ 32.17 Priority

CHAPTER 33. FORECLOSURE OF MECHANICS' LIENS

§ 33.1 Form of action
§ 33.2 Time of commencement
§ 33.5 Complaint and bill of particulars
§ 33.7 Notice of lis pendens

§ 33.9 Answer
§ 33.10 Attorney fees
§ 33.12 Interest
§ 33.18 Redemption

PART 6. FAMILY LAW

CHAPTER 34. MARRIAGE

§ 34.1 Who may marry
§ 34.2 Who may not marry
§ 34.3 Marriage solemnization
§ 34.4 Antenuptial contracts
§ 34.5 Cohabitation agreements
§ 34.6 Domestic Abuse Act
§ 34.7 Uniform Parentage Act
§ 34.9 Postnuptial contracts *[New]*

CHAPTER 35. DIVORCE AND DISSOLUTION

§ 35.2 Organization of the statutes
§ 35.3 Annulment
§ 35.4 Dissolution grounds
§ 35.5 Residence requirement
§ 35.6 Custody, parenting time, and visitation *[Retitled]*
§ 35.7 Uniform Child Custody Act
§ 35.8 Support and maintenance
§ 35.9 Cost-of-living adjustments
§ 35.10 Income withholding
§ 35.11 Property settlement
§ 35.12 Fees and costs
§ 35.13 Initial interview with client
§ 35.15 Summons and petition
§ 35.16 Hearing for temporary relief
§ 35.17 Stipulation
§ 35.18 Trial
§ 35.19 Final documents
§ 35.20 Transfer of property
§ 35.21 Modification of decree
§ 35:21.50 Form—Required notices upon court order or judgment and decree *[New]*
§ 35.22 Enforcement

CHAPTER 36. CHANGE OF NAME

§ 36.2 Applicant under 14
§ 36.4 Venue
§ 36.8 Application
§ 36.15 Form—Application
§ 36.16 Form—Order

CHAPTER 37. GUARDIANSHIP AND CONSERVATORSHIP

§ 37.1 In general

ADULTS

§ 37.3 Incapacitated person
§ 37.4 For the person
§ 37.5 For the estate
§ 37.6 Difference between guardianship and conservatorship
§ 37.7 Impose the least restrictions necessary
§ 37.8 Burden of proof
§ 37.9 Petitioner
§ 37.10 Petition
§ 37.11 Bill of particulars
§ 37.12 Who may be a guardian or conservator
§ 37.13 Temporary substitute guardian *[Retitled]*
§ 37.14 Emergency guardian *[Retitled]*
§ 37.14.50 Emergency and temporary conservator *[New]*
§ 37.15 Guardian ad litem
§ 37.16 Lis pendens
§ 37.17 Jurisdiction
§ 37.18 Notice of hearing
§ 37.19 Service of notice
§ 37.20 Visitor
§ 37.21 Defective notice or service
§ 37.22 Hearing—Personal appearance
§ 37.23 Hearing—Proceedings
§ 37.24 Hearing—Findings and powers
§ 37.25 Bond
§ 37.26 Letters of guardianship or conservatorship
§ 37.27 Powers and duties of guardian or conservator
§ 37.28 Person—Powers
§ 37.29 Person—Duties
§ 37.30 Estate—Powers
§ 37.31 Estate—Duties
§ 37.32 Limitations—Guardian or conservator of person
§ 37.33 Limitations—Guardian or conservator of estate
§ 37.34 Disposition of real estate
§ 37.35 Terms of sale
§ 37.36 Inventory
§ 37.37 Annual accounting
§ 37.38 Annual notice
§ 37.39 Annual report of condition
§ 37.40 Hearings on account
§ 37.41 Removal of guardian or conservator
§ 37.42 Restoration to capacity or modification
§ 37.43 Termination
§ 37.44 Discharge of guardian or conservator

MINORS

§ 37.46 Guardian of minor
§ 37.47 Temporary guardian
§ 37.48 Delegation of powers
§ 37.49 Appointment by court

§ 37.50 Conservator of minor
§ 37.51 Necessity to appoint a conservator
§ 37.52 Appointment of guardian—Will
§ 37.53 Appointment of guardian—In general
§ 37.54 Appointment of guardian—Venue
§ 37.55 Notice of hearing
§ 37.56 Appointment—Order and letters
§ 37.57 Termination

CHAPTER 38. MINNESOTA HOSPITALIZATION COMMITMENT ACT

§ 38.1 Introduction
§ 38.2 Definitions
§ 38.3 Chemically dependent person
§ 38.4 Mentally Ill person
§ 38.5 Mentally retarded person
§ 38.6 Mentally Ill and dangerous person
§ 38.6.50 Sexually dangerous persons and sexual psychopaths *[New]*
§ 38.7 Examiner
§ 38.8 Treatment facility
§ 38.9 Rights of patients
§ 38.10 Admission procedures—Involuntary holds
§ 38.11 Emergency holds
§ 38.12 Judicial commitment—Preliminary procedures
§ 38.13 The petition
§ 38.14 Procedures of petition
§ 38.15 Length of commitment
§ 38.16 Provisional discharge
§ 38.17 Rule 20 of the Criminal Rules of Procedure—Competency
§ 38.18 Miscellaneous provisions
§ 38.19 Conclusion
§ 38.20 Contents of the Minnesota Commitment and Treatment Act of 1982, as amended *[Retitled]*

CHAPTER 39. ADOPTION

§ 39.1 Adoption is purely statutory
§ 39.1.50 Rules of adoption procedure *[New]*
§ 39.3 Who may adopt
§ 39.4 Who may be adopted
§ 39.5 Residence requirements—Adoptors in Minnesota
§ 39.6 Residence requirements—Adoptee with adoptors
§ 39.7 Consent—Adoptee
§ 39.8 Consent—Parents
§ 39.9 Consent—Parent missing
§ 39.11 Consent—Parental rights terminated
§ 39.13 Consent—Parents divorced
§ 39.15 Consent—Adoptee illegitimate
§ 39.15.50 Consent—Putative fathers' adoption registry *[New]*
§ 39.16 Consent—No parent qualified
§ 39.18 Consent—Guardian

§ 39.19 Consent—Execution
§ 39.20 Consent—Withdrawal
§ 39.21 Direct placement without agency screening
§ 39.22 Welfare investigation
§ 39.24 Venue
§ 39.25 Pleadings, documents, and orders
§ 39.26 Service of process
§ 39.27 Protection of child pending hearing
§ 39.28 Checklist—Hearing prerequisites
§ 39.30 Contested hearing
§ 39.31 Effect of adoption
§ 39.32 Confidentiality
§ 39.33 Statutory provisions
§ 39.34 Form—Checklist—Documents and proof
§ 39:34.50 Petition for Adult Adoption *[New]*
§ 39:34.70 Consent of Adult to Adult Adoption *[New]*
§ 39.35 Form—Petition for adoption—Statewide *[Retitled]*
§ 39.36 Form—Consent of parent to adoption by stepparent—Statewide *[Retitled]*
§ 39.37 Form—Findings order and decree of adoption—Statewide *[Retitled]*
§ 39:37.50 Findings of Fact, Conclusions of Law, Order for Judgment, and Judgment and Decree of Adoption *[New]*
§ 39.38 Form—Consent of child over 14 to adoption by stepparent—Statewide *[Retitled]*
§ 39.39 Form—Motion to waive post-placement assessment—Statewide *[Retitled]*
§ 39.40 Petition for Access to Adoption Case Records, Birth Parent Identifying Information, and/or Birth Record Information *[New]*
§ 39.41 Order Regarding Petition for Access to Adoption Case Records, Birth Parent Identifying Information, and/or Birth Record Information *[New]*

CHAPTER 40. THE JUVENILE COURT

§ 40.2 The court—Amendments
§ 40.3 Venue
§ 40.4 Certification *[Retitled]*
§ 40.5 Detention
§ 40.6 Delinquency
§ 40.6.50 Extended jurisdiction juvenile prosecutions *[New]*
§ 40.7 Habitual truants, runaway, juvenile petty offender, juvenile alcohol offender, juvenile controlled substance offender
§ 40.8 Juvenile traffic offender; juvenile water law offender
§ 40.9 Dependency
§ 40.10 Neglect
§ 40.11 Termination of parental rights
§ 40.12 Review of voluntary placements
§ 40.13 Domestic child abuse
§ 40.14 Contributing to the delinquency or neglect of children
§ 40.15 Marriage approval
§ 40.16 Contempt

§ 40.18 Form—Juvenile subpoena *[Retitled]*
§ 40.19 Form—Delinquency petition to juvenile court *[Retitled]*
§ 40.20 Form—Petition for child in need of protection *[Retitled]*
§ 40.21 Form—Notice of rights in juvenile delinquency proceeding *[Retitled]*
§ 40.22 Form—Statement of rights—Juvenile probation revocation *[Retitled]*
§ 40.23 Form—Juvenile summons *[Retitled]*
§ 40.24 Form—Notice in lieu of juvenile summons *[Retitled]*
§ 40.25 Form—Notice of change in foster care placement *[Retitled]*
§ 40.26 Form—Motion to intervene—Child welfare matter *[Retitled]*
§ 40.27 Form—Notice of intervention as a matter of right—Child welfare matter *[Retitled]*
§ 40.28 Form—Confidential document cover sheet—Photographs and other records *[Retitled]*
§ 40.29 Form—Hearing contact list—Child welfare matter *[Retitled]*
§ 40.30 Form—Petition to enter guilty plea—Extended juvenile jurisdiction case *[Retitled]*
§ 40.31 Form—Petition to enter guilty plea—Juvenile delinquency matter *[Retitled]*
§ 40.32 Form—Petition to proceed pro se in juvenile delinquency proceeding *[New]*

Volume 6A

PART 7. REAL ESTATE

CHAPTER 41. JOINT TENANCY IN LAND

§ 41.2 Creation of joint tenancies governed by statute
§ 41.5 Advantages and disadvantages of the use of joint tenancies
§ 41.7 Creating joint tenancies in husband and wife
§ 41.10 Deed by one joint tenant—Termination thereby effected
§ 41.11 Severance and termination

CHAPTER 42. LAND CONTRACTS

A. EARNEST MONEY CONTRACTS AND OPTIONS

§ 42.2 Formal requisites
§ 42.4 Earnest money
§ 42.6 Encumbrances
§ 42.13 Insurance
§ 42.15 Taxes and special assessments
§ 42.18 Exercising options
§ 42.21 Form—Purchase agreement

B. CONTRACTS FOR DEED

§ 42.22 Contracts for deed
§ 42.24 Drafting and executing

§ 42.25 Buyer's remedies
§ 42.26 Seller's remedies

CHAPTER 43. DEEDS

§ 43.4 Executing a deed
§ 43.6 Designating the grantor or grantors in a deed—When the grantor is married
§ 43.19 Land description and interest to be conveyed—Easements
§ 43.20 Land description and interest to be conveyed—Restrictions
§ 43.22 State deed tax
§ 43.23 Recording the deed
§ 43.24 Drafting deeds for special situations—The correction deed
§ 43.32 Delivery and acceptance of the deed
§ 43.33 Certificate of trust *[New]*
§ 43.34 Form—Affidavit of trustee for inter vivos trust *[New]*
§ 43.35 Form—Affidavit of trustee for testamentary trust *[New]*
§ 43.36 Conveyance by custodian *[New]*
§ 43.37 Form—Affidavit of custodian *[New]*
§ 43.38 Certificate of custodianship *[New]*
§ 43.39 Affidavit of custodian in real property transactions *[New]*

CHAPTER 44. TITLE EXAMINATION AND TITLE INSURANCE

A. EXAMINATION OF TITLE FOR ABSTRACT PROPERTY

§ 44.12 Procedure for examining the title—Checking the abstract for completeness
§ 44.16 Title opinions

B. EXAMINATION OF TITLE FOR REGISTERED LAND

§ 44.18 Certificate of title
§ 44.19 Interests not covered by certificate

CHAPTER 45. TITLE DEFECTS AND CURES

§ 45.2 Use of affidavits
§ 45.9 Statutory aids in curing title defects—Limitation statutes
§ 45.10 Statutory aids in curing title defects—Comprehensive limitation statutes

CHAPTER 46. REGISTERED PROPERTY

A. TITLE REGISTRATION

§ 46.1 Nature and purpose of the proceeding
§ 46.5 Applications
§ 46.7 Amendment and substitution

§ 46.9 Land involved—Number of tracts
§ 46.16 The state as a party
§ 46.17 Petition for summons
§ 46.25 Returns of service
§ 46.34 Certificate of title
§ 46.36 Appeals
§ 46.37 Effect of decree and certificate—Interests barred—Interests not barred
§ 46.38 Limitations on attack
§ 46.40 Registration without court proceedings; certificate of possessory title ("CPT")

B. TRANSACTIONS INVOLVING REGISTERED LAND

§ 46.41 Incidents of registered land
§ 46.42 Instruments employed in conveying interests in registered land
§ 46.43 Issuance of copy of certificate of title *[Retitled]*
§ 46.44 Presentation of instruments for registration *[Retitled]*
§ 46.45 Copy of certificate of title to be furnished to owner *[Retitled]*
§ 46.46 Replacement of duplicates
§ 46.47 Replacement of duplicates—Notice, hearing, order
§ 46.48 Replacement of duplicates—Alternative procedure
§ 46.50 Effect of registered instruments
§ 46.51 Conveyance of registered land or portion thereof—New certificate
§ 46.52 Conveyance of less than a fee
§ 46.53 Mortgaging registered land
§ 46.54 Mortgaging registered land—Mortgagee's duplicate
§ 46.55 Registration of leases—Lessee's duplicate
§ 46.61 Exceptions, reservations, conditions, and recitals
§ 46.66 New certificate after foreclosure, judicial sale, or execution sale
§ 46.67 Eminent domain—Residue certificate
§ 46.68 Expanding land descriptions of certificates—Vacated streets and alleys—Accretions and relictions
§ 46.69 New certificate pursuant to tax title
§ 46.70 Nature of proceedings subsequent to initial registration
§ 46:71.50 Form—Petition subsequent to initial registration of land *[New]*
§ 46:71.70 Form—Memorandum in opposition to summary judgment in favor of mortgagee—Torrens proceeding subsequent to registration *[New]*
§ 46.73 Final order
§ 46.74 Personal judgments
§ 46.78 Judgments and decrees—Release by certificate of clerk or sheriff
§ 46.79 Registration of adverse claim
§ 46.80 Alteration of certificate or memorials by order of court
§ 46.81 Alteration pursuant to directive of examiner
§ 46.82 Instruments filed without order or directive

§ 46.84 Conclusiveness of certificates issued on transfers

CHAPTER 47. ANALYSIS FOR CLOSING A REAL ESTATE TRANSACTION

§ 47.7 Closing the transaction

CHAPTER 48. MORTGAGES

§ 48.1 Scope of chapter
§ 48.3 Matters preliminary to preparing mortgage for a prospective mortgagee
§ 48.4 Execution of the mortgage note
§ 48.9 Drafting the mortgage instrument—Designating the mortgagor or mortgagors
§ 48.11 Drafting the mortgage instrument—Expressing the consideration
§ 48.14 Drafting the mortgage instrument—Maturity of obligation
§ 48.15 Payment of taxes and insurance
§ 48.16 Assignment of rents
§ 48.17 Formalities of execution
§ 48.18 Special types of mortgages—The purchase money mortgage
§ 48.21 Assignment of mortgage
§ 48.24 Satisfaction of real estate mortgage
§ 48.29 Form—Complaint for rescission *[New]*
§ 48.30 Form—Answer—To complaint for rescission *[New]*

CHAPTER 49. FORECLOSURE OF MORTGAGES BY ADVERTISEMENT

§ 49.3 Prerequisites to foreclosure by advertisement
§ 49.4 Notice of default
§ 49.5 Power of attorney to foreclose
§ 49.7 Notice of sale—Requisites
§ 49.9 Notice of sale—Publication
§ 49.10 Notice of sale—Service
§ 49.16 Reinstatement prior to sale
§ 49.17 Special requirements—Military service
§ 49.18 Time and place of sale
§ 49.19 Conduct of sale
§ 49.20 Sale of separate tracts
§ 49.21 Postponement of sale
§ 49.22 Application and disposition of sale proceeds
§ 49.23 Sheriff's certificate of sale
§ 49.25 Attorney's fees
§ 49.27 Limitation and curative statutes
§ 49.29 Redemption by mortgagor
§ 49.31 Redemption procedure
§ 49.32 Redemption by junior lien creditor
§ 49.34 Agricultural property
§ 49.35 Possession of mortgaged property
§ 49.36 Deficiency after foreclosure

CHAPTER 50. FORECLOSURE OF MORTGAGES BY ACTION

§ 50.1 Pre-foreclosure notice
§ 50.3 Mortgages to which applicable
§ 50.4 Time within which action allowed
§ 50.6 Answers
§ 50.9 Judgment
§ 50.10 Sale
§ 50.12 Execution for deficiency
§ 50.16 Redemption
§ 50.20 Prevention of waste and collection of rents—Appointment of receiver

CHAPTER 50A. VOLUNTARY MORTGAGE FORECLOSURES *[New]*

§ 50A.1 General comments
§ 50A.2 Agreement
§ 50A.3 Notice
§ 50A.4 Redemption

CHAPTER 51. LEASES

§ 51.2 Formal requisites of a lease
§ 51.3 Lease covenants
§ 51.7 Provisions to consider in drafting leases—Length of the term
§ 51.8 Provisions to consider in drafting leases—Amount of rent and terms of payment
§ 51.11 Provisions to consider in drafting leases—Repairs and alterations
§ 51.14 Provisions to consider in drafting leases—Options to renew lease or to purchase premises
§ 51.18 Provisions to consider in drafting leases—Holding over by tenant
§ 51.21 Provisions to consider in drafting leases—Security provision
§ 51.23 Damage or destruction
§ 51.25 Provisions to consider in drafting leases—Other provisions
§ 51.26 Environmental liability
§ 51.42 Termination of tenancies—General comments
§ 51.43 Nature of notice to terminate leasehold tenancies
§ 51.45 Lessee's privilege to surrender premises

CHAPTER 52. CONDOMINIUMS

§ 52.6.50 Common interest community certificate *[Retitled]*
§ 52.8 Allocation of common element interests, votes and common expense liabilities
§ 52.12 Assessments for common expenses
§ 52.20 Warranties

CHAPTER 53A. MINNESOTA COMMON INTEREST OWNERSHIP ACT *[New]*

§ 53A.1 General comments
§ 53A.2 Definitions of "common interest community" and "planned community"
§ 53A.3 Declaration and CIC plat
§ 53A.4 Alterations of units; relocation of boundaries between adjoining units
§ 53A.5 Amendment of declaration
§ 53A.6 Termination of common interest community
§ 53A.7 Organization and operation of the common interest community
§ 53A.8 Disclosure statements
§ 53A.9 Form—Resale disclosure certificate

CHAPTER 54. REAL PROPERTY ACTIONS

A. GENERAL

§ 54.3 Notice of lis pendens
§ 54.9 Guardian ad litem

B. ACTIONS TO QUIET TITLE OR TO DETERMINE ADVERSE CLAIMS

§ 54.17 Action to determine adverse claims—Affidavit of default

C. ACTIONS TO DETERMINE BOUNDARIES

§ 54.26 Nature and purpose of the action
§ 54.27 Scope and parties
§ 54.30 Filing decree

D. ACTIONS OF EJECTMENT

§ 54.31 Nature of the action

E. ACTIONS FOR PARTITION

GENERAL

§ 54.42 Nature of action
§ 54.43 Summons and service

PARTITION BY DIVISION OF PROPERTY

§ 54.49 Unequal division

PARTITION BY SALE AND DIVISION OF PROCEEDS

§ 54.53 Appeals in partition actions

F. FORCIBLE ENTRY AND UNLAWFUL DETAINER

§ 54.54 Nature of action
§ 54.56 Procedures in unlawful detainer actions
§ 54.57 Grounds for unlawful detainer actions
§ 54.58 Notice of unlawful detainer action
§ 54.59 Jurisdiction and venue
§ 54.60 Who can bring action
§ 54.61 The parties
§ 54.62 Service of summons
§ 54.63 Answer and hearing
§ 54.64 Commencing the action
§ 54.65 Complaint
§ 54.66 Defenses in unlawful detainer and forcible entry
§ 54.67 Judgment and execution of writ of restitution
§ 54.69 Appeal
§ 54.70 Form—Complaint
§ 54.71 Form—Summons
§ 54.72 Form—Verdict
§ 54.73 Form—Writ of recovery of premises and order to vacate *[Retitled]*

G. MISCELLANEOUS REAL PROPERTY ACTIONS

§ 54.76 Action to abate a nuisance
§ 54.77 Actions for waste
§ 54.78 Action for trespass
§ 54.80 Action for reformation of an instrument
§ 54.81 Action for specific performance

PART 8. SPECIAL PROCEEDINGS

CHAPTER 55. WORKERS' COMPENSATION

§ 55.1 Introduction
§ 55.2 Interview with claimant
§ 55.3 Compensation benefits
§ 55.4 Job offer
§ 55.5 Procedure for resolving disputes—Primary denial of liability
§ 55.6 Procedure for resolving disputes—Continuation of weekly benefits
§ 55.7 Procedure for resolving disputes—Rehabilitation issues
§ 55.8 Procedure for resolving disputes—Medical
§ 55.8A Procedure for resolving disputes—Small claims court *[New]*
§ 55.9 Settlement
§ 55.10 Medical examinations and reports
§ 55.11 Attorney fees
§ 55.12 Taxation of disbursements and costs
§ 55.13 Special compensation fund
§ 55.14 Intervention
§ 55.15 Third party liability
§ 55.16 Form—Employee's claim petition

§ 55.17 Form—Employee's objection to discontinuance of compensation
§ 55.18 Form—Request for rehabilitation *[Retitled]*
§ 55.19 Form—Request for formal hearing
§ 55.20 Form—Notice of appeal to workers' compensation court of appeals
§ 55.21 Form—Workers' compensation retainer agreement

CHAPTER 56. INJUNCTIONS

§ 56.2 Temporary restraining order
§ 56.3 Temporary injunction
§ 56.6 Modification, vacation and effect of violation
§ 56:8.50 Form—Complaint for temporary restraining order—To prevent distribution of insurance proceeds *[New]*
§ 56:8.70 Form—Answer and counterclaim—For dissolution of temporary restraining order *[New]*
§ 56:12.50 Form—Complaint for injunctive relief—To enforce covenants that restrict construction *[New]*
§ 56:12.70 Form—Complaint for injunctive relief—To prevent interference with property development *[New]*

CHAPTER 57. ARBITRATION

§ 57.1 Introduction
§ 57.2 The Uniform Arbitration Act
§ 57.3 The hearing and proceedings—Submission to arbitrate
§ 57.4 The hearing and proceedings—Arbitrators
§ 57.5 The hearing and proceedings—The hearing
§ 57.9 Enforcement of the arbitration agreement—Procedure to compel or stay an arbitration
§ 57.10 Enforcement of the arbitration agreement—Compelling arbitration
§ 57.12 Enforcement of the arbitration agreement—Waiver or estoppel
§ 57.13 The award—General
§ 57.14 The award—Prejudgment interest
§ 57.15 The award—Punitive damages
§ 57.16 The award—Change of award by arbitrator
§ 57.17 The award—Court modification or correction
§ 57.18 The award—Vacation of award
§ 57.19 The award—Confirmation of award
§ 57.21 Jurisdiction, venue, judgment roll and docketing
§ 57.22 Appeals
§ 57.23 Arbitration and Section 65B.525 of the Minnesota No-Fault Act—General
§ 57.24 Arbitration and Section 65B.525 of the Minnesota No-Fault Act—Initiation of arbitration
§ 57.25 Arbitration and Section 65B.525 of the Minnesota No-Fault Act—Arbitrators
§ 57.26 Arbitration and Section 65B.525 of the Minnesota No-Fault Act—Jurisdiction
§ 57.27 Arbitration and Section 65B.525 of the Minnesota No-Fault Act—Discovery

§ 57.28 Arbitration and Section 65B.525 of the Minnesota No-Fault Act—Withdrawal *[Retitled]*
§ 57.29 Arbitration and Section 65B.525 of the Minnesota No-Fault Act—Arbitration hearing
§ 57.30 Arbitration and Section 65B.525 of the Minnesota No-Fault Act—Witnesses, subpoenas, depositions
§ 57.31 Arbitration and Section 65B.525 of the Minnesota No-Fault Act—Evidence
§ 57.32 Arbitration and Section 65B.525 of the Minnesota No-Fault Act—Close of hearing, re-opening
§ 57.33 Arbitration and Section 65B.525 of the Minnesota No-Fault Act—Award
§ 57.35 Judicial arbitration
§ 57.36 Arbitration of underinsured and uninsured motorist claims

PART 9. PROBATE

CHAPTER 58. ESTATE ADMINISTRATION

§ 58.4 Necessity of estate administration
§ 58.5 Jurisdiction
§ 58.10 Homestead election
§ 58.11 Allowances to spouse
§ 58.12 Spousal maintenance
§ 58.14 Spouse's elective share
§ 58.14.50 Uniform Disposition of Community Property Rights at Death Act *[New]*
§ 58.16 Collection by affidavit
§ 58.17 Determination of descent
§ 58.18 Summary administration
§ 58.19 Summary proceeding
§ 58.26 Informal proceedings—Notice
§ 58.27 Informal proceedings—Duties and powers of personal representative
§ 58.35 Formal proceedings—Modification or vacation of court's order
§ 58.40 Personal representative—In general
§ 58.41 Personal representative—Powers and duties
§ 58.42 Personal representative—Improper exercise of powers
§ 58.43 Personal representative—Termination of appointment
§ 58.45 Creditors claims
§ 58.58 Form—Application for informal appointment of personal representative *[Retitled]*
§ 58.59 Form—Order for informal appointment of administrator
§ 58.60 Form—Application for informal probate of will and for informal appointment of executor
§ 58.61 Form—Testimony of subscribing witness to will
§ 58.62 Form—Notice of informal probate of will and appointment of personal representative and notice to creditors
§ 58.63 Form—Affidavit of mailing order or notice of hearing
§ 58.64 Form—Acceptance of appointment and oath by individual
§ 58.65 Form—Statement of informal probate of will and order of informal appointment of executor

§ 58.66 Form—Letters of Special Administration—County of Ramsey *[Retitled]*
§ 58.67 Form—Inventory *[Retitled]*
§ 58.68 Form—Final Account *[Retitled]*
§ 58.69 Form—Receipt for assets by distributee
§ 58.70 Form—Informal administration: unsupervised personal representative's statement to close estate *[Retitled]*
§ 58.71 Form—Application for certificate from registrar that the personal representative appears to have fully administered the estate of decedent
§ 58.72 Form—Certificate of registrar that personal representative appears to have fully administered the estate of decedent
§ 58.73 Form—Petition for formal adjudication of intestacy, determination of heirs and appointment of personal representative *[Retitled]*
§ 58.74 Form—Order of formal adjudication of intestacy, determination of heirs, and appointment of administrator
§ 58.75 Petition for formal probate of will and for formal appointment of personal representative *[Retitled]*
§ 58.76 Form—Testimony of subscribing witness to will
§ 58.77 Form—Order and notice of hearing on petition for probate of will and appointment of personal representative and notice to creditors—County of Ramsey *[Retitled]*
§ 58.78 Form—Affidavit of mailing *[Retitled]*
§ 58.79 Form—Order of formal probate of will and formal appointment of executor
§ 58.80 Form—Acceptance of appointment and oath by individual *[Retitled]*
§ 58.81 Form—Letters testamentary
§ 58.82 Form—Inventory *[Retitled]*
§ 58.83 Form—Final account
§ 58.84 Form—Order allowing account
§ 58.85 Form—Petition to allow final account, settle, and distribute estate *[Retitled]*
§ 58.86 Form—Order for hearing on final account and petition for distribution and for mailed notice
§ 58.87 Form—Order of complete settlement of the estate and decree of distribution
§ 58.88 Form—Receipt for assets by distributee
§ 58.89 Form—Petition for discharge of personal representative
§ 58.90 Form—Order discharging personal representative

CHAPTER 59. WILL DRAFTING AND EXECUTION *[New]*

§ 59.1 Introduction
§ 59.2 Overview of estate planning

A. TESTATOR'S NEEDS

§ 59.3 Necessity for a will
§ 59.4 Property subject to will
§ 59.5 Considerations in drafting a will

§ 59.6 The testator and the testator's family and beneficiaries
§ 59.7 The testator's property
§ 59.8 Testator's plan of distribution

B. APPLICABLE LAW

§ 59.9 Applicable state law
§ 59.10 Intestate succession
§ 59.11 Capacity to make a will
§ 59.12 Form of will, execution and attestation
§ 59.13 Revocation of wills
§ 59.14 Change in circumstances—Divorce
§ 59.15 Omitted children
§ 59.16 Satisfaction of devise during life
§ 59.17 Abatement
§ 59.18 Antilapse statute
§ 59.19 Nonexoneration
§ 59.20 Survivorship by 120 hours
§ 59.21 Simultaneous death
§ 59.22 Statutory share and disinheritance
§ 59.23 Bequest to custodian under UTMA
§ 59.24 Trusts
§ 59.24.50 Fiduciary access to digital assets *[New]*
§ 59.25 Disclaimer

C. TRANSFER TAXES

§ 59.26 Outline of transfer taxes
§ 59.27 Estate tax
§ 59.28 Special estate tax on qualified plan benefits
§ 59.29 Gift tax
§ 59.30 Generation-skipping transfer tax
§ 59.31 Allocation of estate tax and GST tax

D. ORGANIZATION OF DOCUMENT

§ 59.32 Organization of clauses and outline of provisions
§ 59.33 Publishing or introductory clause
§ 59.34 Revocation clause
§ 59.35 Funeral expenses and debts clause
§ 59.36 Specific devises
§ 59.37 Cash bequests
§ 59.38 Religious and charitable bequests
§ 59.39 Preference or abatement of legacies
§ 59.40 Specific devises of real estate
§ 59.41 Residuary clause
§ 59.42 Common disaster clause
§ 59.43 Provisions in lieu of dower
§ 59.44 Disinheritance clause
§ 59.45 Disclaimer clause
§ 59.46 Independent administration
§ 59.47 Powers of personal representative

§ 59.48 Appointment of personal representative
§ 59.49 Guardian/conservator/custodian for minors
§ 59.50 Definitions
§ 59.51 Signature
§ 59.52 Attestation clause
§ 59.53 Self-proving will affidavit

E. EXECUTION OF WILL

§ 59.54 Execution of a will
§ 59.55 Ceremony of execution
§ 59.56 Instructions to testator
§ 59.57 Drafting codicils
§ 59.58 Antenuptial and postnuptial contracts

Table of Laws and Rules

Table of Cases

Index