

STATE OF MINNESOTA

IN SUPREME COURT

WHEREAS the Minnesota Legislature, by Chapter 951, Laws of 1971, created county courts; and

WHEREAS said legislation gave the county court concurrent jurisdiction with the district court in proceedings to quiet title to real estate and real estate mortgage foreclosures by action; and

WHEREAS said legislation provides that pleading, practice, procedure and forms in civil actions are governed by the rules for municipal courts and rules promulgated from time to time by the supreme court or by the statutes governing the district court, insofar as the rules promulgated by the supreme court do not contain any applicable provision; and

WHEREAS the municipal courts do not have jurisdiction over proceedings to quiet title to real estate and real estate mortgage foreclosures by action;

NOW, THEREFORE, IT IS HEREBY ORDERED that Rule 55.01, Subdivision 4, of the Minnesota Rules of Civil Procedure for the municipal courts, insofar as it applies to the county courts, is hereby amended to read as follows:

55.01 Judgment

(4) When service of the summons has been made by published notice, or by delivery of a copy without the state, no judgment shall be entered on default until the plaintiff shall have filed a bond, approved by the court, conditioned to abide such order as the court may make touching the restitution of any property collected or obtained by virtue of the judgment in case a defense is thereafter permitted and sustained; provided, that in actions involving the title to real estate or to foreclose mortgages thereon such bond shall not be required.

IT IS HEREBY FURTHER ORDERED that the application of the aforementioned amendment shall be retroactive and apply to all actions in the county courts.

Dated: January 22, 1973

SUPREME COURT OF THE STATE OF MINNESOTA

*Carl R. Hanson*  
Chief Justice

*James C. Anderson*  
Associate Justice

*W. J. Rosabeck*  
Associate Justice

*W. Donald Brown*  
Associate Justice

*Fuller Kelly*  
Associate Justice

*James J. [unclear]*  
Associate Justice

*Harold H. [unclear]*  
Associate Justice

**SUPREME COURT  
FILED**

**JAN 23 1973**

**JOHN McCARTHY  
CLERK**