

1947

# Report of Sectio of Real Property Law

Minn. L. Rev. Editorial Board

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## Recommended Citation

Editorial Board, Minn. L. Rev., "Report of Sectio of Real Property Law" (1947). *Minnesota Law Review*. 2654.  
<https://scholarship.law.umn.edu/mlr/2654>

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cept the bills previously approved by the Committee and the State Bar Association.

Respectfully submitted,

J. A. MORRISON, Chairman

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FRANK J. DANZ

WILLIAM LEE

MILTON C. LIGHTNER

## REPORT OF THE PUBLIC RELATIONS COMMITTEE

No written report was filed by this committee. An oral report with recommendations will be presented during the Convention.

## REPORT OF SECTION OF REAL PROPERTY LAW

TO THE MINNESOTA STATE BAR ASSOCIATION :

Your Section reports as follows :

### Report

The formation of a Section of Real Property Law was authorized by the action of the Board of Governors June 1945. It was deemed advisable not to form the section then as a new constitution and set of by-laws was being prepared for adoption at the 1946 annual meeting of the State Bar Association. A petition to the Board of Governors and a set of by-laws for the government of the proposed section was submitted and drawn in accordance with the provisions of the new constitution and by-laws which were to be adopted by the Minnesota State Bar Association. The Board of Governors was asked to act on the petition for the formation of the section at its meeting June 1946. The new constitution and by-laws were adopted near the end of the convention and the Board of Governors did not meet thereafter. Two changes were suggested as to the governing of the Section and the section by-laws were amended accordingly. A committee of Real Property Law was appointed as in the past to function until the section could be created.

A new petition for formation of a section of Real Property Law and a copy of the proposed by-laws as amended were submitted to the Board of Governors at its meeting September 14, 1946, by W. W. Gibson of Minneapolis, on behalf of the petitioners. The Board of Governors voted to authorize a section of Real Property Law under Section IX of the newly adopted state constitution authorizing the formation of sections and the regulation thereof under Article VI of the by-laws.

The officers and four elective members of the council, which together form the governing body of the Section corresponding to the Board of Governors of the State Bar Association were appointed by the Board of Governors to serve until the first annual meeting of the Section, June 27, 1947, held at the same time as the annual meeting of the State Bar Association. At that time four officers will be elected for terms of one year and the four elective members of the Council will be elected for terms of one, two, three and four years, the terms of office of the officers and elective members

expiring at the close of the annual meeting next succeeding that at which they are elected. The officers and elective members so appointed were Carroll G. Patton, Chairman, Minneapolis; Arthur M. Clure, Vice-Chairman, Duluth; John H. McGuigan, Secretary, St. Paul; Wellington Tully, Treasurer, Minneapolis; N. D. Arvesen, Fergus Falls; R. E. Mork, Worthington; William Powell, Preston; and S. B. Wennerberg, Center City.

Immediately following the authorization of the Section of Real Property Law and the appointment of the officers and members of the Council an organizational meeting was held and a Section formed as authorized.

Membership in the Section under the Section by-laws is open to all members in good standing of the Minnesota State Bar Association upon payment of annual Section dues of Two Dollars (\$2.00). The fiscal year of the Section corresponds with that of the Minnesota State Bar Association, July 1 to June 30. A letter together with an Application Card for membership of the Section was sent to all members of the Minnesota State Bar Association. The Section has at the date of this report six hundred and fifty (650) members.

The activity of the Section from September 1946 to March 1947 was concentrated in building the membership. Much checking, arranging and classifying was necessary to establish the membership of the Section and it is now established on an addressograph plan system to facilitate communication with its members.

The Section has issued to its members a certificate of membership which they have been asked to display in their offices. A seal distinctive of the Section has been adopted and is impressed upon the membership certificate. The seal of the Section is registered with the Secretary of State of the State of Minnesota as provided by statute which makes it the property of the Section for its use exclusively and for the use of its members upon application to the Section.

Each member of the Council was assigned various duties to promote the activity of the Section. The Secretary was designated to follow the activities of the 1947 Legislature and to assist him in this duty a legislative service was subscribed to which issued a daily bulletin on bills introduced. By following closely the legislative program bills which might be adverse to or affect real property law and the practice of attorneys in that field could be watched and action taken so as to protect the interest of the members.

The Section took over the work started by the Committee of Real Property Law in the preparation of the State Title Examination Standards. The State Committee on Title Standards made its report at the 1946 annual meeting of the Minnesota State Bar Association recommending the adoption of fifty-nine (59) Title Standards which were adopted as state standards. The Council at its second meeting voted to issue a book in loose-leaf form which should be in three parts. Part I Title Standards, comprises the 59 Title Standards adopted by the Minnesota State Bar Association together with an index; Part II Examination of Titles in five (5) sections which represent papers read at a legal clinic held in Minneapolis, March 1946. Permission was secured from the authors of the papers to use them in the book issued by the Section. An index is provided covering the material in Part II. The third section is a directory of the members of the Section arranged geographically as in the State Bar Association Directory. Many hours of revision and editing were expended in preparing copy for the proposed book. The Council considered the bids submitted for the printing, furnishing of binders and mailcartons and directed that bids be accepted as submitted and that the Chairman proceed to have the book published and send subscription cards to the membership. The price of said book to members is Four Dollars (\$4.00) and to non-members Six Dollars (\$6.00). That as to non-members who are members of the Minnesota State Bar Association, \$2.00 of the \$6.00 remitted is set aside to a membership in the Section. That as to attorneys outside of the state who are members of their State Bar Association, the price is Six Dollars (\$6.00) and also to law

schools, state bar associations, law and reference libraries. Membership in the Section and in the Minnesota State Bar Association are required as requisites to the right to subscribe to the book. Members only may subscribe for the book, and it is for the use of attorneys only and each member in accepting the volume represents and agrees that it shall be used only in such manner.

The form of the book was adopted by the Council after considering those that had been issued by other state bar associations. The volume permits Standards to be withdrawn if voided by the Supreme Court decision or by legislative act and for the addition of new standards as they are adopted by the Minnesota State Bar Association. The index can be revised as needed, likewise the directory can be revised, added to or changed as needed. This will be one of the continuing activities of the Section. To date Five Hundred (500) volumes of the book have been issued to the members of the Section and the remaining members are sending in their subscriptions daily.

The members of the Section will receive a summary of the laws enacted by the 1947 session of the legislature affecting matters of real property law, and there will be a review of the laws on the annual program of the Section. This will be a service rendered to the members of the Section each legislative year. In addition the Section will issue to the members letters, pamphlets and booklets on matters of interest to the attorney having real property practice.

The Section will have its annual meeting Friday morning, June 27, 1947, commencing at 9:00 A.M. and continuing until 11:50 A.M. The program of the Section will be mailed to each member of the Section before the annual meeting, but a summary of same is as follows:

- A. Address of welcome by State Bar President, M. J. Galvin.
- B. Discussion of Title Standards issued.
- C. Adoption of Section by-laws which were accepted by the Board of Governors in creating the Section.
- D. Election of officers and members of the Council.
- E. Report of the Council to the members of its activities for the fiscal year and adoption by the Section.
  - Secretary's Report
  - Treasurer's Report
  - Report by other members of the Council
  - Chairman's Report
- F. Review of legislation enacted by the 1947 legislature.
- G. Submission of proposed legislation to be sponsored by the Section at the 1949 session of the legislature.
- H. Discussion of questions submitted for new Standards.
- I. Suggestions of new fields of activity for the Section.
- J. New officers and members of the Council installed and close.

It is hoped that additional members of the Minnesota State Bar Association will apply for membership in the Section and will subscribe to the book on Title Standards. Application cards may be secured from Wellington Tully, Treasurer, 600 Midland Bank Building, Minneapolis 1, Minnesota.

Respectfully submitted,

CARROLL G. PATTON, Chairman  
 ARTHUR M. CLURE, Vice Chairman  
 JOHN H. MCGUIGAN, Secretary  
 WELLINGTON TULLY, Treasurer

Members of the Council:  
 N. D. ARVESEN  
 R. E. MORK  
 WILLIAM POWELL  
 S. B. WENNERBERG  
 M. J. GALVIN