

REAL ESTATE.

CHAPTER 111.

CANCELLATION OF ENCUMBRANCES AND CONVEYANCE OF TITLE.

AN ACT to Authorize Courts by Their Judgment to Cancel Encumbrances upon and to Establish and Convey the Title to Real Property in Certain Cases.

Be it Enacted by the Legislative Assembly of the Territory of Dakota :

§ 1. POWER OF COURT.] That in all actions arising under chapter 29, of the code of civil procedure, of this Territory, and in actions brought for the satisfaction of record of mortgages and other liens upon real property, whenever the defendant is not found within the jurisdiction of the court and service of summons therein is made on such defendant by publication, or whenever any defendant in such action refuses or neglects to make a conveyance or cancel an encumbrance pursuant to the judgment of the court, the court shall have power by its judgment to determine and establish the title to the property in question, to annul, cancel and remove any and all conveyances and encumbrances constituting a cloud upon such title and whenever a conveyance of such property is directed to be made by such judgment, and likewise in actions for the specific performance of contracts relating to real property in this territory, whenever the defendant is not found within the jurisdiction of the court and service of summons therein is made on such defendant by publication or whenever any defendant in such action refuses or neglects to convey the property involved in the suit pursuant to the judgment of the court this shall be done in behalf of such defendant by a trustee appointed by the court for that purpose.

§ 2. EFFECT WHEN.] This act shall take effect and be in force from and after its passage and approval.

Approved, March 7, 1889.