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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

EIGHTY-SIXTH  
SESSION

**HOUSE FILE No. 1489**

March 9, 2009

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The bill was read for the first time and referred to the Committee on Commerce and Labor

1.1 A bill for an act  
1.2 relating to real property; mortgages; providing for notice of sale and  
1.3 postponement; amending Minnesota Statutes 2008, sections 580.03; 580.07.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2008, section 580.03, is amended to read:

1.6 **580.03 NOTICE OF SALE; SERVICE ON OCCUPANT.**

1.7 Six weeks' published notice shall be given that such mortgage will be foreclosed  
1.8 by sale of the mortgaged premises or some part thereof, ~~and~~. At least four weeks before  
1.9 the appointed time of sale a copy of ~~such~~ the published notice and notice of the date and  
1.10 time by which the mortgagor must vacate the property if the mortgage is not reinstated  
1.11 under section 580.30 or the property redeemed under section 580.23 shall be served in like  
1.12 manner as a summons in a civil action in the district court upon the person in possession  
1.13 of the mortgaged premises, if the same are actually occupied. If there be a building on  
1.14 such premises used by a church or religious corporation, for its usual meetings, service  
1.15 upon any officer or trustee of such corporation shall be a sufficient service upon it. The  
1.16 notice required by sections 580.041 and 580.042 must be served simultaneously with the  
1.17 notice of foreclosure required by this section.

1.18 Sec. 2. Minnesota Statutes 2008, section 580.07, is amended to read:

1.19 **580.07 POSTPONEMENT.**

1.20 (a) The sale may be postponed, from time to time, by the party conducting the  
1.21 foreclosure, ~~by inserting~~. The party requesting the postponement must, at the party's  
1.22 expense:

2.1 (1) publish, only once, a notice of the postponement and the rescheduled date of the  
2.2 sale, if known, as soon as practicable, in the newspaper in which the original advertisement  
2.3 notice under section 580.03 was published, at the expense of the party requesting the  
2.4 postponement. The notice shall be published only once.; and

2.5 (2) send by first class mail to the occupant, or occupants, if any, postmarked within  
2.6 three days of the postponed sale, notice:

2.7 (i) of the postponement; and

2.8 (ii) if known, the rescheduled date of the sale and the date and time by which the  
2.9 mortgagor must vacate the property if the mortgage is not reinstated under section 580.30  
2.10 or the property redeemed under section 580.23.

2.11 (b) If the rescheduled date of the sale is not known at the time of the initial  
2.12 publication and notice to the occupant or occupants of postponement, the foreclosing party  
2.13 must, at its expense, if and when a new date is scheduled:

2.14 (1) publish, only once, notice of the rescheduled date of the sale, as soon as  
2.15 practicable, in the newspaper in which the notice under section 580.03 and the notice of  
2.16 postponement under paragraph (a) was published; and

2.17 (2) send by first class mail to the occupant, or occupants, if any, postmarked within  
2.18 ten days of the rescheduled sale, notice:

2.19 (i) of the date of the rescheduled sale; and

2.20 (ii) of the date and time by which the mortgagor must vacate the property if the  
2.21 mortgage is not reinstated under section 580.30 or the property redeemed under section  
2.22 580.23.