

A bill for an act
relating to real property; providing for mediation prior to commencement
of mortgage foreclosure proceedings on homestead property; creating a
homestead-lender mediation account; amending Minnesota Statutes 2008,
sections 580.021, as amended; 580.022, subdivision 1; 580.23, by adding a
subdivision; 582.30, subdivision 2; Minnesota Statutes 2009 Supplement,
sections 357.18, subdivision 1; 508.82, subdivision 1; 508A.82, subdivision 1;
proposing coding for new law in Minnesota Statutes, chapter 583.

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

ARTICLE 1

HOMESTEAD-LENDER MEDIATION

Section 1. Minnesota Statutes 2008, section 580.021, as amended by Laws 2009,
chapter 130, section 4, is amended to read:

580.021 FORECLOSURE PREVENTION COUNSELING; MEDIATION REFERRAL.

Subdivision 1. **Applicability.** This section applies to foreclosure of mortgages by
advertisement under this chapter ~~and foreclosure of mortgages by action under or~~ chapter
581 on property consisting of one to four family dwelling units, one of which the owner
occupies as the owner's principal place of residency when the notice of pendency under
section 580.032 or the lis pendens for a foreclosure under chapter 581 is recorded.

Subd. 2. **Requirement to provide notice of opportunity for counseling and
mediation.** Before the notice of pendency under section 580.032, subdivision 3, or the lis
pendens for a foreclosure under chapter 581 is recorded, a party foreclosing a mortgage
must provide to the mortgagor information contained in a form prescribed in section
580.022, subdivision 1, that:

(1) foreclosure prevention counseling services provided by an authorized foreclosure prevention counseling agency are available; ~~and~~

(2) the party will transmit the homeowner's name, address, and telephone number to an approved foreclosure prevention agency; and the Office of the Attorney General; and

(3) notice that if the mortgagor receives counseling services but is unable to resolve the default, the mortgagor may have the mortgage debt reviewed in a mediation proceeding with a mediator approved by the attorney general.

Clause (3) expires on July 1, 2012.

The notices required by this subdivision may be provided concurrently with a written notice of default.

For the purposes of this section, an "authorized foreclosure prevention counseling agency" or "counseling agency" is a government agency or a nonprofit agency funded, all or in part, for foreclosure prevention services, by the Minnesota Housing Finance Agency or the United States Department of Housing and Urban Development, or otherwise approved by the United States Department of Housing and Urban Development to provide foreclosure prevention counseling services.

Subd. 3. **Notification to authorized counseling agency.** The party entitled to foreclose shall, within one week of sending the notice prescribed in section 580.022, provide to the appropriate authorized foreclosure prevention counseling agency and the Office of the Attorney General the mortgagor's name, address, and most recent known telephone number.

Subd. 4. **Notice of provision of counseling; request for contact information.** (a) An authorized foreclosure prevention counseling agency that contacts or is contacted by a mortgagor or the mortgagor's authorized representative and agrees to provide foreclosure prevention assistance services to the mortgagor or representative must provide the form prescribed in section 580.022, subdivision 2, to the mortgagee. The form serves as notice to the mortgagee that the mortgagor is receiving foreclosure prevention counseling assistance. Upon receipt of the form, the mortgagee must not commence or continue a foreclosure proceeding past the day prior to the time when the initial published notice contained in section 580.03 must be given, except when allowed under sections 583.40 to 583.48.

(b) The mortgagee must return the form to the ~~authorized foreclosure prevention~~ counseling agency within 15 days of receipt of the form with the name and telephone number of the mortgagee's agent. The agent must be a person authorized by the mortgagee to:

(1) discuss with the ~~authorized foreclosure prevention~~ counseling agency or the mortgagor the terms of the mortgage; and

(2) negotiate any resolution to the mortgagor's default.

(c) Nothing in this subdivision requires a mortgagee to reach a resolution relating to the mortgagor's default.

Subd. 5. **Mediation referral.** (a) If an authorized foreclosure prevention counseling agency provides counseling services to a mortgagor, the counseling agency must discuss repayment options and alternatives for resolving the default with the mortgagor and mortgagee. If the mortgagor and mortgagee are unable to negotiate a resolution of the mortgagor's default within 60 days of receipt of the form submitted by the mortgagee under subdivision 4, paragraph (b), the counseling agency must give the mortgagor a mediation request affidavit in the form prescribed in section 583.46, subdivision 2, unless the mortgagor is not eligible for mediation under section 583.41. The counseling agency also must inform the mortgagor that if the mortgagor wishes to pursue mediation, the form must be sent by certified mail to the attorney general within seven days of receipt of the form. The counseling agency must forward the mortgagor's name to the attorney general along with a copy of the form submitted by the mortgagee under subdivision 4, paragraph (b), to verify the mortgagor's eligibility to participate in mediation.

(b) This subdivision expires on July 1, 2012.

Sec. 2. Minnesota Statutes 2008, section 580.022, subdivision 1, is amended to read:

Subdivision 1. **Counseling form.** The notice required under section 580.021, subdivision 2, ~~clause (2)~~, must be printed on colored paper that is other than the color of any other document provided with it and must appear substantially as follows:

"PREFORECLOSURE NOTICE

Foreclosure Prevention Counseling and Mediation

Why You Are Getting This Notice

YOU HAVE DEFAULTED ON A MORTGAGE OF THE HOMESTEAD
PROPERTY DESCRIBED AS [Legal Description and Property Address]. THE HOLDER
OF THE MORTGAGE, [Name of Holder of Mortgage] INTENDS TO FORECLOSE ON
THIS PROPERTY. YOU HAVE THE RIGHT TO PARTICIPATE IN A MEDIATION
PROCESS TO SEE IF A RESOLUTION CAN BE REACHED WITH [Name of Holder
of Mortgage]. TO LEARN MORE ABOUT MEDIATION, CONTACT THE OFFICE OF
THE ATTORNEY GENERAL AT (651) 296-3353 OR 1-800-657-3787, OR ONLINE AT
WWW.AG.STATE.MN.US. IF YOU WANT TO PARTICIPATE IN MEDIATION, YOU

**MUST FIRST PARTICIPATE IN FORECLOSURE PREVENTION COUNSELING
WITH THE AGENCY LISTED BELOW.**

We do not want you to lose your home and your equity. Government-approved nonprofit agencies are available to, if possible, help you prevent foreclosure.

We have given your contact information to an authorized foreclosure prevention counseling agency to contact you to help you prevent foreclosure.

Who Are These Foreclosure Prevention Counseling Agencies

They are nonprofit agencies who are experts in housing and foreclosure prevention counseling and assistance. They are experienced in dealing with lenders and homeowners who are behind on mortgage payments and can help you understand your options and work with you to address your delinquency. They are approved by either the Minnesota Housing Finance Agency or the United States Department of Housing and Urban Development. They are not connected with us in any way.

Which Agency Will Contact You

[insert name, address, and telephone number of agency]

You can also contact them directly."

Sec. 3. Minnesota Statutes 2008, section 580.23, is amended by adding a subdivision to read:

Subd. 1a. **Five-month redemption period.** (a) Notwithstanding subdivision 1, if, before the sale of lands in conformity with the preceding sections of this chapter, the mortgagor or the mortgagor's personal representatives or assigns participated in mediation proceedings under sections 583.40 to 583.49, the period of time for redemption as provided under subdivision 1 is five months instead of six months.

(b) If the mortgagor or the mortgagor's personal representatives or assigns participated in mediation proceedings under sections 583.40 to 583.49, and the mortgagor or owner seeks to postpone the sale as permitted by section 580.07, the postponement must be to the first date that is not a Saturday, Sunday, or legal holiday and is four months after the originally scheduled date of sale. Except as provided in this paragraph, the mortgagor or owner must otherwise follow the provisions of section 580.07 in seeking a postponement of sale.

(c) This subdivision expires on July 1, 2012.

Sec. 4. Minnesota Statutes 2008, section 582.30, subdivision 2, is amended to read:

Subd. 2. ~~Not if six-month or five-week redemption period~~ **No deficiency judgment.** A deficiency judgment is not allowed if a mortgage is foreclosed by

advertisement under chapter 580, and has a redemption period of six months under section 580.23, subdivision 1, five months under section 580.23, subdivision 1a, or five weeks under section 582.032.

Sec. 5. **[583.40] DEFINITIONS.**

Subdivision 1. **Applicability.** The definitions in this section apply to sections 583.40 to 583.48.

Subd. 2. **Commence a foreclosure proceeding.** "Commence a foreclosure proceeding" means to file a notice of pendency under section 580.032 or commence a foreclosure action under chapter 581.

Subd. 3. **Send.** "Send" means to deliver by certified mail or another method acknowledging receipt.

Subd. 4. **Serve.** "Serve" means personal service under the Minnesota Rules of Civil Procedure.

Sec. 6. **[583.41] APPLICABILITY.**

Subdivision 1. **Creditors.** (a) Sections 583.40 to 583.48 apply to a person who is the holder of a mortgage to which section 580.021 applies.

(b) Sections 583.40 to 583.48 do not apply to property if the holder of the mortgage, before selling the property to the owner, occupied the property as the holder's principal place of residency.

Subd. 2. **Debtors.** Sections 583.40 to 583.48 apply to a debtor who has received foreclosure prevention counseling under section 580.021 and who has been verified as eligible for mediation by an authorized foreclosure prevention counseling agency, or who files a mediation request under section 583.42, subdivision 1, paragraph (b), indicating that the debtor did not receive the required preforeclosure prevention counseling and mediation notice. Sections 583.40 to 583.48 do not apply to a debtor who qualifies as a debtor under the Farmer-Lender Mediation Act.

Subd. 3. **Applicability.** Sections 580.40 to 583.48 do not apply to mortgages refinanced or modified under the Home Affordable Refinance or Home Affordable Modification Programs established by the United States Treasury Department in 2009.

Subd. 4. **Eligibility.** For the purposes of sections 580.40 to 583.48, a debtor is eligible for mediation only if the following criteria apply:

(1) the debtor generally meets all the mediation eligibility requirements in sections 583.40 to 583.48;

(2) if, while the foreclosure prevention counseling agency provided counseling services to the debtor, the creditor did not modify the debtor's mortgage loan that is subject to the foreclosure proceeding; and

(3) there is a reasonable likelihood that the debtor could afford a modified loan. The mediator must consider whether a potential loan modification would result in a debt-to-income ratio that is within the traditional secondary market loan qualification guidelines established by Fannie Mae and/or Freddie Mac.

Subd. 5. **Exemption.** Sections 583.40 to 583.48 do not apply to mortgages originated, serviced, and held by a credit union, an organization majority-owned by one or more credit unions, a savings association, or a bank that has a physical location in Minnesota and has had five foreclosures or less during twelve months preceding the date of the foreclosure notice for the subject mortgage. This exemption only applies if the credit union, savings association, or bank underwrote the loans in its portfolio to prudent industry lending standards including requiring income documentation and verification.

Sec. 7. [583.42] MANDATORY MEDIATION PROCEEDINGS.

Subdivision 1. **Mediation request.** (a) A debtor who wishes to participate in mediation must send a mediation request affidavit in the form prescribed in section 583.46, subdivision 2 to the attorney general within seven days after receiving the mediation request affidavit from the counseling agency under section 580.021, subdivision 5. The debtor must disclose all known creditors with debts secured by the property. A debtor who fails to send a timely mediation request waives the right to mediation under sections 583.40 to 583.48 for that specific mortgage foreclosure. Upon receipt of a mediation request affidavit, the attorney general must send a copy of the affidavit to the holder of the mortgage. The holder of the mortgage must not commence a foreclosure proceeding against the property or proceed with a proceeding to which paragraph (b) applies until the stay of the foreclosure is lifted or as otherwise authorized under sections 583.40 to 583.48.

(b) If a debtor did not receive the preforeclosure prevention counseling and mediation notice required under section 580.021 and a mortgage foreclosure proceeding has been commenced against the debtor's property, the debtor may send the mediation request affidavit to the attorney general at any time before the time when the initial public notice contained in section 580.03 must be given. The mediation request affidavit must indicate that the debtor has not received the required notice.

(c) The attorney general must combine all mediation requests for the same debtor that are received before the initial mediation meeting into one mediation proceeding.

(d) The debtor shall only be entitled to a single mediation proceeding for that specific mortgage foreclosure. In the event a mortgage is modified through the mediation process contained in sections 583.40 to 583.48, that mortgage shall not be eligible for mediation if the modified mortgage becomes the subject of subsequent foreclosure proceeding.

Subd. 2. **Mediation proceeding notice.** (a) Within ten days after receiving a mediation request, the attorney general must send:

(1) a mediation proceeding notice to the debtor; and

(2) a mediation proceeding notice to all creditors with a lien on the property listed by the debtor in the mediation request.

(b) The mediation proceeding notice must disclose:

(1) the name and address of the debtor;

(2) that the debtor has requested mediation under sections 583.40 to 583.48;

(3) the time and place for the initial mediation meeting;

(4) that in lieu of having a mediator assigned by the attorney general, the debtor and any one or more of the creditors may agree to select and pay for a professional mediator who must be approved by the attorney general;

(5) that sections 583.40 to 583.48 do not prohibit the creditor from continuing the foreclosure proceeding up through, but not including, the time when the initial published notice contained in section 580.03 must be given but the creditor must not publish the initial notice, except as otherwise allowed under sections 583.40 to 583.48;

(6) by the initial mediation meeting, the creditor must provide the debtor with a copy of the mortgage and note, a statement of interest rates on the debt, delinquent payments, unpaid principal and interest balances, the creditor's estimate of value of the property, and a general description of the debt restructuring programs available from the creditor; and

(7) by the initial mediation meeting, the debtor must provide the creditor and the mediator with full documentation of the debtor's income and financial obligations.

(c) An initial mediation meeting must be held within 20 days of the mediation proceeding notice. The initial mediation meeting shall be held by telephone or video conference. The mediator shall reserve the right to require the parties, or their representatives, to appear in person for subsequent mediation meetings, if the mediator concludes and certifies that the personal attendance of the parties is reasonably necessary for a meaningful conclusion of the mediation. At the initial mediation meeting, the mediator shall determine whether or not there is a reasonable likelihood that the debtor could afford a modified loan.

(d) In lieu of the attorney general assigning a mediator, the debtor and creditor may agree to select and pay for a professional mediator for the mediation proceeding. The

attorney general must approve the professional mediator before the professional mediator may be assigned to the mediation proceeding. The professional mediator may not be approved unless the professional mediator prepares and signs an affidavit:

(1) disclosing any biases, relationships, or previous associations with the debtor or creditor subject to the mediation proceedings;

(2) stating certifications, training, or qualifications as a professional mediator;

(3) disclosing fees to be charged or a rate schedule of fees for the mediation proceeding; and

(4) affirming to uphold sections 583.40 to 583.48.

Subd. 3. Effect of mediation proceeding notice. (a) Sections 583.40 to 583.48 do not prevent a creditor from continuing the foreclosure proceeding up through, but not including, the time when the initial published notice contained in section 580.03 must be given. A creditor must not publish the initial notice, except as otherwise allowed under sections 583.40 to 583.48.

(b) Notwithstanding paragraph (a), a creditor receiving a mediation proceeding notice may commence or continue a mortgage foreclosure proceeding against the property if:

(1) the creditor receives a mediator's affidavit of the debtor's lack of good faith under section 583.43;

(2) ten days have expired since the debtor and creditor signed an unrevoked agreement under subdivision 7 allowing the creditor to commence mortgage foreclosure proceedings against the property; or

(3) the creditor receives a termination statement under subdivision 8.

(c) A creditor receiving a mediation proceeding notice must provide the debtor by the initial mediation meeting with a copy of the mortgage and note, a statement of interest rates on the debt, delinquent payments, unpaid principal and interest balances, the creditor's estimate of the value of the property, and a general description of the debt restructuring programs available from the creditor.

(d) The provisions of this subdivision are subject to section 583.43, relating to extensions or reductions in the period before a creditor may commence or continue a mortgage foreclosure proceeding.

Subd. 4. Eligibility and duties of mediator. (a) The attorney general may appoint and arrange for the compensation of mediators who are qualified persons experienced in finance or negotiation.

(b) A person is not eligible to be a mediator if the person has a conflict of interest that does not allow the person to be impartial.

(c) At all mediation meetings, the mediator shall:

(1) attempt to mediate between the debtor and the creditors;

(2) advise the debtor and creditors of assistance programs that are available;

(3) attempt to arrive at an agreement to fairly adjust, refinance, or pay the mortgage debt; and

(4) advise, counsel, and assist the debtor and creditor in attempting to arrive at an agreement for the future conduct of financial relations between them.

(d) The mediator shall have the discretion to determine the format of the mediation meetings, including whether or not to keep the parties separate.

Subd. 5. **Mediator liability and immunity.** A mediator and the attorney general and their employees are immune from civil liability for actions within the scope of their positions under this chapter. A mediator and the attorney general and their employees do not have a duty to advise a creditor or debtor about the law or to encourage or assist a debtor or creditor regarding their legal rights. This subdivision is in addition to and not a limitation of immunity that otherwise exists under law.

Subd. 6. **Mediation period.** The mediator may call mediation meetings during the mediation period, which may be up to 60 days after the debtor sends a mediation request to the attorney general.

Subd. 7. **Mediation agreement.** (a) If an agreement is reached among the debtor and creditors, the mediator must witness and sign a written mediation agreement, have it signed by the debtor and creditors, and if applicable, submit the agreement to (1) the attorney general, and (2) any court that has jurisdiction over mortgage foreclosure or redemption proceedings regarding the property.

(b) The debtor and creditors who are parties to the approved mediation agreement and creditors who have filed claim forms and have not objected to the mediation agreement:

(1) are bound by the terms of the agreement; and

(2) may enforce the mediation agreement as a legal contract.

(c) A debtor may agree to allow a creditor to commence a mortgage foreclosure proceeding against property that is subject to mediation before the proceeding is otherwise allowed under subdivision 3, provided that the debtor or creditor may rescind the agreement within five business days after that debtor and creditor both sign the agreement.

Subd. 8. **Termination of mediation.** (a) The mediator must sign and serve on the parties and the attorney general an affidavit by the end of the mediation period.

(b) The mediator must prepare an affidavit acknowledging that mediation has ended and that:

(1) describes or references agreements reached between a creditor and the debtor, if any, and agreements reached among creditors, if any; or

(2) states that no agreement was reached between the parties, despite a good faith effort by the parties.

(c) Mediation agreements may be included as part of the affidavit.

(d) Within three business days after the end of mediation, the mediator must forward the affidavit under paragraph (b) for recording with the county recorder or registrar of titles of the county where the property is located. The filed affidavit is prima facie evidence of the facts stated in the affidavit.

Sec. 8. [583.43] GOOD FAITH REQUIRED.

Subdivision 1. **Obligation of good faith.** The parties must engage in mediation in good faith. Not participating in good faith includes:

(a) failure to attend and participate in mediation sessions without cause;

(b) failure to provide full information regarding the financial obligations of the parties and other creditors including the obligation of a creditor to provide information under section 583.42, subdivision 3, paragraph (c);

(c) failure of the creditor to designate a representative to participate in the mediation with authority to make binding commitments;

(d) lack of a written statement of debt restructuring alternatives and a statement of reasons why alternatives are unacceptable to one of the parties; and

(e) other similar behavior that evidences lack of good faith by a party. A failure to agree to reduce, restructure, refinance, or forgive debt is not, in itself, evidence of lack of good faith by the creditor. Nothing in sections 583.40 to 583.49 shall require a creditor to modify the debt that is the subject of the foreclosure proceeding.

Subd. 2. **Party's bad faith; mediator's affidavit.** If the mediator determines that either party is not participating in good faith as defined in subdivision 1, the mediator must file an affidavit indicating the reasons for the finding with the attorney general and with parties to the mediation.

Subd. 3. **Creditor's bad faith.** If the mediator finds that the creditor has not participated in the mediation in good faith, and the creditor continues with the foreclosure proceeding, then the debtor shall be allowed a six-month redemption period.

Subd. 4. **Debtor's lack of good faith.** If the mediator finds that the debtor has not participated in the mediation in good faith, and the creditor continues with the foreclosure proceeding, then the debtor shall execute a deed in lieu of foreclosure within 90 days of the filing of the mediator's affidavit containing the finding of bad faith.

Sec. 9. **[583.44] CREDITOR NOT ATTENDING MEDIATION MEETING.**

Subdivision 1. Filing and effect of claim form. A creditor that is notified of the initial mediation meeting is subject to and bound by a mediation agreement if the creditor does not attend mediation meetings, unless the creditor files a claim form. In lieu of attending a mediation meeting, a creditor may file a claim form with the mediator before the scheduled meeting. By filing a claim form the creditor agrees to be bound by a mediation agreement reached at the mediation meeting unless an objection is filed within the time specified in subdivision 2. The mediator must notify the creditors who have filed claim forms of the terms of any agreement.

Subd. 2. Objections to agreements. A creditor who has filed a claim form may serve a written objection to the terms of the mediation agreement on the mediator and the debtor within ten days after receiving notice of the mediation agreement. If a creditor files an objection to the terms of a mediation agreement, the mediator must meet again with debtors and creditors within ten days after receiving the objection. Notwithstanding the mediation period under section 583.42, subdivision 6, if an objection is filed, the mediator must call mediation meetings during the ten-day period following receipt of the objection.

Sec. 10. **[583.45] DATA PRACTICES.**

Data regarding the finances of individual debtors and creditors created, collected, and maintained by the attorney general or mediators under sections 583.40 to 583.48 are private data on individuals or nonpublic data as defined in section 13.02, subdivision 9 or 12.

Sec. 11. **[583.46] FORMS AND COMPENSATION.**

Subdivision 1. Compensation. The attorney general must set the compensation of mediators.

Subd. 2. Mediation request affidavit form. The affidavit for requesting mediation under section 583.42, must be in substantially the following form:

MEDIATION REQUEST AFFIDAVIT

Re: Homestead-Lender Mediation Act Applicability.

State of Minnesota _____)
_____) SS.
County of _____)

_____, being first duly sworn, deposes and says:

I wish to participate in a mediation process to resolve a dispute with the holder of a mortgage on property in which I have an ownership interest, located at:

12.1 _____
12.2 Street Address

12.3 _____
12.4 City, State, Zip Code

12.5 **CHECK THE APPLICABLE STATEMENT**

12.6 [] This property consists of one to four family dwelling units, one of which I
12.7 occupied as my principal place of residency on the date that I received a Preforeclosure
12.8 Notice relating to the dispute.

12.9 [] I did not receive a Preforeclosure Notice but this property consists of one to four
12.10 family dwelling units, one of which I occupied as my principal place of residency on the
12.11 date of this Mediation Request Affidavit.

12.12 _____
12.13 Subscribed and sworn to before me this
12.14 _____ day of _____, _____.

12.15 _____
12.16 Notary Public, _____ County _____
12.17 My Commission expires: _____

12.18 **Sec. 12. [583.47] ENFORCEMENT.**

12.19 A mediation agreement may be enforced by a state district court.

12.20 **Sec. 13. [583.48] INCONSISTENT LAWS.**

12.21 Sections 583.40 to 583.47 have precedence over any inconsistent or conflicting laws,
12.22 including chapters 580 and 581.

12.23 **Sec. 14. [583.49] EXPIRATION.**

12.24 Sections 583.40 to 583.48 expire July 1, 2012.

12.25 **Sec. 15. EFFECTIVE DATE.**

12.26 This article is effective July 1, 2010, and applies to foreclosures commenced on or
12.27 after that date.

12.28 **ARTICLE 2**

12.29 **FEES AND APPROPRIATIONS**

12.30 **Section 1. Minnesota Statutes 2009 Supplement, section 357.18, subdivision 1, is**
12.31 **amended to read:**

Subdivision 1. **County recorder fees.** (a) The fees to be charged by the county recorder shall be and not exceed the following:

(1) subject to paragraph (b), for indexing and recording any deed or other instrument a fee of \$46; \$10.50 shall be paid to the state treasury and credited to the general fund; \$10 shall be deposited in the technology fund pursuant to subdivision 4; and \$25.50 shall be deposited in the county general fund;

(2) for documents containing multiple assignments, partial releases or satisfactions a fee of \$46; if the document cites more than four recorded instruments, an additional fee of \$10 for each additional instrument cited over the first four citations;

(3) for certified copies of any records or papers, \$10;

(4) for a noncertified copy of any instrument or writing on file or recorded in the office of the county recorder, or any specified page or part of it, an amount as determined by the county board for each page or fraction of a page specified. If computer or microfilm printers are used to reproduce the instrument or writing, a like amount per image;

(5) for an abstract of title, the fees shall be determined by resolution of the county board duly adopted upon the recommendation of the county recorder, and the fees shall not exceed \$10 for every entry, \$100 for abstract certificate, \$1 per page for each exhibit included within an abstract as a part of an abstract entry, and \$5 per name for each required name search certification;

(6) for a copy of an official plat filed pursuant to section 505.08, the fee shall be \$10 and an additional \$5 shall be charged for the certification of each plat;

(7) for filing an amended floor plan in accordance with chapter 515, an amended condominium plat in accordance with chapter 515A, or a common interest community plat or amendment complying with section 515B.2-110, subsection (c), the fee shall be 50 cents per apartment or unit with a minimum fee of \$56;

(8) for a copy of a floor plan filed pursuant to chapter 515, a copy of a condominium plat filed in accordance with chapter 515A, or a copy of a common interest community plat complying with section 515B.2-110, subsection (c), the fee shall be \$1 for each page of the floor plan, condominium plat or common interest community plat with a minimum fee of \$10;

(9) for recording any plat, a fee of \$56, of which \$10.50 must be paid to the state treasury and credited to the general fund, \$10 must be deposited in the technology fund pursuant to subdivision 4, and \$35.50 must be deposited in the county general fund; and

(10) for a noncertified copy of any document submitted for recording, if the original document is accompanied by a copy or duplicate original, \$2. Upon receipt of the copy or duplicate original and payment of the fee, a county recorder shall return it marked

14.1 "copy" or "duplicate," showing the recording date and, if available, the document number
14.2 assigned to the original.

14.3 (b) During the period from the effective date of sections 583.40 to 583.49 through
14.4 December 31, 2012, the fee under paragraph (a), clause (1), for recording a notice of
14.5 pendency of a foreclosure by advertisement under section 580.032 or a notice of lis
14.6 pendens for a foreclosure by action under section 557.02 is increased by \$125; this amount
14.7 is to be paid to the state treasury and credited to the Homestead-Lender Mediation Act
14.8 account in the special revenue fund.

14.9 Sec. 2. Minnesota Statutes 2009 Supplement, section 508.82, subdivision 1, is
14.10 amended to read:

14.11 Subdivision 1. **Standard documents.** (a) The fees to be charged by the registrar of
14.12 titles shall be and not exceed the following:

14.13 (1) of the fees provided herein, \$1.50 of the fees collected under clauses (2), (3), (4),
14.14 (11), (13), (15), (17), and (18) for filing or memorializing shall be paid to the state treasury
14.15 pursuant to section 508.75 and credited to the general fund;

14.16 (2) for registering a first certificate of title, including issuing a copy of it, \$46.

14.17 Pursuant to clause (1), distribution of this fee is as follows:

14.18 (i) \$10.50 shall be paid to the state treasury and credited to the general fund;

14.19 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18,
14.20 subdivision 4; and

14.21 (iii) \$25.50 shall be deposited in the county general fund;

14.22 (3) for registering each instrument transferring the fee simple title for which a new
14.23 certificate of title is issued and for the registration of the new certificate of title, including
14.24 a copy of it, \$46. Pursuant to clause (1), distribution of this fee is as follows:

14.25 (i) \$12 shall be paid to the state treasury and credited to the general fund;

14.26 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18,
14.27 subdivision 4; and

14.28 (iii) \$24 shall be deposited in the county general fund;

14.29 (4) subject to paragraph (b), for the entry of each memorial on a certificate, \$46.

14.30 For multiple certificate entries, \$20 thereafter. Pursuant to clause (1), distribution of
14.31 this fee is as follows:

14.32 (i) \$12 shall be paid to the state treasury and credited to the general fund;

14.33 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18,
14.34 subdivision 4;

14.35 (iii) \$24 shall be deposited in the county general fund; and

H.F. No. 2613, as introduced - 86th Legislative Session (2009-2010) [10-4629]

15.1 (iv) \$20 shall be deposited in the county general fund for each multiple entry used;
15.2 (5) for issuing each residue certificate and each additional new certificate, \$40;
15.3 (6) for exchange certificates, \$20 for each certificate canceled and \$20 for each
15.4 new certificate issued;

15.5 (7) for each certificate showing condition of the register, \$50;

15.6 (8) for any certified copy of any instrument or writing on file or recorded in the
15.7 registrar of titles' office, \$10;

15.8 (9) for a noncertified copy of any certificate of title, other than the copies issued
15.9 under clauses (2) and (3), any instrument or writing on file or recorded in the office of
15.10 the registrar of titles, or any specified page or part of it, an amount as determined by the
15.11 county board for each page or fraction of a page specified. If computer or microfilm
15.12 printers are used to reproduce the instrument or writing, a like amount per image;

15.13 (10) for a noncertified copy of any document submitted for recording, if the original
15.14 document is accompanied by a copy or duplicate original, \$2. Upon receipt of the copy
15.15 or duplicate original and payment of the fee, a registrar of titles shall return it marked
15.16 "copy" or "duplicate," showing the recording date and, if available, the document number
15.17 assigned to the original;

15.18 (11) for filing two copies of any plat, other than a CIC plat complying with section
15.19 515B.2-110, paragraph (c), in the office of the registrar, \$56. Pursuant to clause (1),
15.20 distribution of this fee is as follows:

15.21 (i) \$12 shall be paid to the state treasury and credited to the general fund;

15.22 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18,
15.23 subdivision 4; and

15.24 (iii) \$34 shall be deposited in the county general fund;

15.25 (12) for any other service under this chapter, such fee as the court shall determine;

15.26 (13) for filing any document affecting two or more units in a condominium governed
15.27 by chapter 515, \$46 for the first certificate upon which the document is registered, and for
15.28 multiple certificate entries, \$20 for each additional certificate upon which the document
15.29 is registered. For purposes of this paragraph, an amendment to the declaration of a
15.30 condominium governed by chapter 515 and a related amendment to the condominium
15.31 floor plans shall be considered a single document, and the filing fee shall be \$56 for the
15.32 first certificate upon which the document is registered, and for multiple certificate entries,
15.33 \$20 for each additional certificate upon which the document is registered. Pursuant to
15.34 clause (1), distribution of this fee is as follows:

15.35 (i) \$12 shall be paid to the state treasury and credited to the general fund;

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(ii) \$10 shall be deposited in the technology fund pursuant to section 357.18, subdivision 4;

(iii) \$24 shall be deposited in the county general fund for amendment to a declaration;

(iv) \$20 shall be deposited in the county general fund for each multiple entry used; and

(v) \$34 shall be deposited in the county general fund for an amended floor plan;

(14) for issuance of a CECT pursuant to section 508.351, \$40;

(15) for filing a common interest community declaration and a CIC plat complying with section 515B.2-110, paragraph (c); an amendment to a common interest community declaration and a related amendment to a CIC plat complying with section 515B.2-110, paragraph (c); or a supplemental declaration and a related supplemental CIC plat complying with section 515B.2-110, paragraph (c), each of which related documents shall be considered a single document, the filing fee shall be \$56 for the first certificate upon which the document is registered, and for multiple certificate entries, \$20 for each additional certificate upon which the document is registered. For filing any other document affecting two or more units in a common interest community, the filing fee shall be \$46 for the first certificate upon which the document is registered, and for multiple certificate entries, \$20 for each additional certificate upon which the document is registered. The same fees shall apply to filing any document affecting two or more units or other parcels subject to a master declaration. Pursuant to clause (1), distribution of this fee is as follows:

(i) \$12 shall be paid to the state treasury and credited to the general fund;

(ii) \$10 shall be deposited in the technology fund pursuant to section 357.18, subdivision 4;

(iii) \$24 shall be deposited in the county general fund for the filing of an amendment complying with section 515B.2-110, subsection (c);

(iv) \$20 shall be deposited in the county general fund for each multiple entry used; and

(v) \$34 shall be deposited in the county general fund for the filing of a condominium or CIC plat or amendment;

(16) for a copy of a condominium floor plan filed in accordance with chapter 515, or a copy of a common interest community plat complying with section 515B.2-110, subsection (c), the fee shall be \$1 for each page of the floor plan or common interest community plat with a minimum fee of \$10;

(17) for the filing of a certified copy of a plat of the survey pursuant to section 508.23 or 508.671, \$46. Pursuant to clause (1), distribution of this fee is as follows:

(i) \$12 shall be paid to the state treasury and credited to the general fund;

(ii) \$10 shall be deposited in the technology fund pursuant to section 357.18, subdivision 4; and

(iii) \$24 shall be deposited in the county general fund;

(18) for filing a registered land survey in triplicate in accordance with section 508.47, subdivision 4, \$56. Pursuant to clause (1), distribution of this fee is as follows:

(i) \$12 shall be paid to the state treasury and credited to the general fund;

(ii) \$10 shall be deposited in the technology fund pursuant to section 357.18, subdivision 4; and

(iii) \$34 shall be deposited in the county general fund; and

(19) for furnishing a certified copy of a registered land survey in accordance with section 508.47, subdivision 4, \$15.

(b) During the period from the effective date of sections 583.40 to 583.49 through December 31, 2012, the fee under paragraph (a), clause (4), for entry of a memorial of a notice of pendency of a foreclosure by advertisement under section 580.032 or a notice of lis pendens for a foreclosure by action under section 557.02 is increased by \$125; this amount is to be paid to the state treasury and credited to the Homestead-Lender Mediation Act account in the special revenue fund.

Sec. 3. Minnesota Statutes 2009 Supplement, section 508A.82, subdivision 1, is amended to read:

Subdivision 1. **Standard documents.** (a) The fees to be charged by the registrar of titles shall be and not exceed the following:

(1) of the fees provided herein, \$1.50 of the fees collected under clauses (2), (3), (5), (12), (14), (16), and (19) for filing or memorializing shall be paid to the state treasury pursuant to section 508.75 and credited to the general fund;

(2) for registering a first CPT, including issuing a copy of it, \$46. Pursuant to clause (1), distribution of the fee is as follows:

(i) \$10.50 shall be paid to the state treasury and credited to the general fund;

(ii) \$10 shall be deposited in the technology fund pursuant to section 357.18, subdivision 4; and

(iii) \$25.50 shall be deposited in the county general fund;

(3) for registering each instrument transferring the fee simple title for which a new CPT is issued and for the registration of the new CPT, including a copy of it, \$46. Pursuant to clause (1), distribution of the fee is as follows:

(i) \$12 shall be paid to the state treasury and credited to the general fund;

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18.1 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18,
18.2 subdivision 4; and

18.3 (iii) \$24 shall be deposited in the county general fund;

18.4 (4) for issuance of a CECT pursuant to section 508A.351, \$40;

18.5 (5) subject to paragraph (b), for the entry of each memorial on a CPT, \$46; for
18.6 multiple certificate entries, \$20 thereafter. Pursuant to clause (1), distribution of the fee
18.7 is as follows:

18.8 (i) \$12 shall be paid to the state treasury and credited to the general fund;

18.9 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18,
18.10 subdivision 4;

18.11 (iii) \$24 shall be deposited in the county general fund; and

18.12 (iv) \$20 shall be deposited in the county general fund for each multiple entry used;

18.13 (6) for issuing each residue CPT, \$40;

18.14 (7) for exchange CPTs or combined certificates of title, \$20 for each CPT and
18.15 certificate of title canceled and \$20 for each new CPT or combined certificate of title
18.16 issued;

18.17 (8) for each CPT showing condition of the register, \$50;

18.18 (9) for any certified copy of any instrument or writing on file or recorded in the
18.19 registrar of titles' office, \$10;

18.20 (10) for a noncertified copy of any CPT, other than the copies issued under clauses
18.21 (2) and (3), any instrument or writing on file or recorded in the office of the registrar of
18.22 titles, or any specified page or part of it, an amount as determined by the county board for
18.23 each page or fraction of a page specified. If computer or microfilm printers are used to
18.24 reproduce the instrument or writing, a like amount per image;

18.25 (11) for a noncertified copy of any document submitted for recording, if the original
18.26 document is accompanied by a copy or duplicate original, \$2. Upon receipt of the copy
18.27 or duplicate original and payment of the fee, a registrar of titles shall return it marked
18.28 "copy" or "duplicate," showing the recording date and, if available, the document number
18.29 assigned to the original;

18.30 (12) for filing two copies of any plat in the office of the registrar, \$56. Pursuant to
18.31 clause (1), distribution of the fee is as follows:

18.32 (i) \$12 shall be paid to the state treasury and credited to the general fund;

18.33 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18,
18.34 subdivision 4; and

18.35 (iii) \$34 shall be deposited in the county general fund;

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19.1 (13) for any other service under sections 508A.01 to 508A.85, the fee the court
19.2 shall determine;

19.3 (14) for filing an amendment to a declaration in accordance with chapter 515, \$46
19.4 for each certificate upon which the document is registered and for multiple certificate
19.5 entries, \$20 thereafter; \$56 for an amended floor plan filed in accordance with chapter
19.6 515. Pursuant to clause (1), distribution of the fee is as follows:

19.7 (i) \$12 shall be paid to the state treasury and credited to the general fund;

19.8 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18,
19.9 subdivision 4;

19.10 (iii) \$24 shall be deposited in the county general fund for amendment to a declaration;

19.11 (iv) \$20 shall be deposited in the county general fund for each multiple entry
19.12 used; and

19.13 (v) \$34 shall be deposited in the county general fund for an amended floor plan;

19.14 (15) for issuance of a CECT pursuant to section 508.351, \$40;

19.15 (16) for filing an amendment to a common interest community declaration, including
19.16 a supplemental declaration, and plat or amendment complying with section 515B.2-110,
19.17 subsection (c), and issuing a CECT if required, \$46 for each certificate upon which the
19.18 document is registered and for multiple certificate entries, \$20 thereafter; \$56 for the filing
19.19 of the condominium or common interest community plat or amendment. See section
19.20 515B.1-116 for special requirement relating to a common interest community. Pursuant to
19.21 clause (1), distribution of the fee is as follows:

19.22 (i) \$12 shall be paid to the state treasury and credited to the general fund;

19.23 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18,
19.24 subdivision 4;

19.25 (iii) \$24 shall be deposited in the county general fund for the filing of an amendment
19.26 complying with section 515B.2-110, subsection (c);

19.27 (iv) \$20 shall be deposited in the county general fund for each multiple entry
19.28 used; and

19.29 (v) \$34 shall be deposited in the county general fund for the filing of a condominium
19.30 or CIC plat or amendment;

19.31 (17) for a copy of a condominium floor plan filed in accordance with chapter 515,
19.32 or a copy of a common interest community plat complying with section 515B.2-110,
19.33 subsection (c), the fee shall be \$1 for each page of the floor plan, or common interest
19.34 community plat with a minimum fee of \$10;

19.35 (18) in counties in which the compensation of the examiner of titles is paid in
19.36 the same manner as the compensation of other county employees, for each parcel of

land contained in the application for a CPT, as the number of parcels is determined by the examiner, a fee which is reasonable and which reflects the actual cost to the county, established by the board of county commissioners of the county in which the land is located;

(19) for filing a registered land survey in triplicate in accordance with section 508A.47, subdivision 4, \$56. Pursuant to clause (1), distribution of the fee is as follows:

(i) \$12 shall be paid to the state treasury and credited to the general fund;

(ii) \$10 shall be deposited in the technology fund pursuant to section 357.18, subdivision 4; and

(iii) \$34 shall be deposited in the county general fund; and

(20) for furnishing a certified copy of a registered land survey in accordance with section 508A.47, subdivision 4, \$15.

(b) During the period from the effective date of sections 583.40 to 583.49 through December 31, 2012, the fee under paragraph (a), clause (5), for entry of a memorial of a notice of pendency of a foreclosure by advertisement under section 580.032 or a notice of lis pendens for a foreclosure by action under section 557.02 is increased by \$125; this amount is to be paid to the state treasury and credited to the Homestead-Lender Mediation Act account in the special revenue fund.

Sec. 4. **HOMESTEAD-LENDER MEDIATION ACT ACCOUNT.**

Subdivision 1. Establishment. The Homestead-Lender Mediation Act account is established in the state treasury.

Subd. 2. Generally. The Homestead-Lender Mediation Act account shall be administered by the Minnesota Housing Finance Authority for the purposes described in this section. Any interest or profit accruing from investment of money in the account shall be credited to the Homestead-Lender Mediation Act account.

Subd. 3. Expenditures. (a) Money in the Homestead-Lender Mediation Act account may only be used:

(1) to pay for the compensation of mediators appointed by the attorney general under the Homestead-Lender Mediation Act, Minnesota Statutes, section 583.42, subdivision 3;

(2) for reasonable reimbursement for staff and other administrative costs incurred by the attorney general associated with the Homestead-Lender Mediation Act; and

(3) for reimbursement of any funds deposited into the Homestead-Lender Mediation Act account in advance of sufficient revenue to the account.

(b) Money in the Homestead-Lender Mediation Act account is appropriated to the Minnesota Housing Finance Authority to make payments as provided in this subdivision.

21.1 Subd. 4. **Appropriation and reimbursement.** (a) Upon expiration of the
21.2 Homestead-Lender Mediation Act, as specified in article 1, any unused funds left in the
21.3 Homestead-Lender Mediation Act account shall be transferred to the general fund.
21.4 (b) Services provided under the Homestead-Lender Mediation Act are on a
21.5 first-come, first-served basis to the extent of available funds in the Homestead-Lender
21.6 Mediation Act account.

21.7 Sec. 5. **EFFECTIVE DATE.**
21.8 This article is effective July 1, 2010.

APPENDIX
Article locations in 10-4629

ARTICLE 1 HOMESTEAD-LENDER MEDIATION Page.Ln 1.10

ARTICLE 2 FEES AND APPROPRIATIONS Page.Ln 12.28