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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 262

- 01/20/2015 Authored by Smith, Scott, Lesch and Winkler
- The bill was read for the first time and referred to the Committee on Civil Law and Data Practices
- 01/29/2015 Adoption of Report: Placed on the General Register as Amended
- Read Second Time
- 02/26/2015 Calendar for the Day
- Read Third Time
- Passed by the House and transmitted to the Senate

1.1 A bill for an act

1.2 relating to real property; modifying government approval of plats; authorizing

1.3 new certificate by examiner's directive after cancellation of contract for deed;

1.4 authorizing new certificate of possessory interest by directive after cancellation

1.5 of contract for deed; amending Minnesota Statutes 2014, sections 505.03,

1.6 subdivision 1; 508.58, by adding a subdivision; 508A.58, subdivision 2, by

1.7 adding a subdivision.

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

1.9 Section 1. Minnesota Statutes 2014, section 505.03, subdivision 1, is amended to read:

1.10 Subdivision 1. **City, town, and county approval.** Plats shall, except in cities whose

1.11 charters provide for official supervision of plats by municipal officers or bodies, together

1.12 with an abstract ~~and~~ certificate of title, or other satisfactory evidence of title, be presented

1.13 for approval to the council of the city or town board of towns wherein there reside over

1.14 5,000 people in which the land is located; and, if the land is located outside the limits of

1.15 any city, or such town, then to the board of county commissioners of the county in which

1.16 the land is located. For purposes of this subdivision, "satisfactory evidence of title" must

1.17 be determined by the city council, town board, or board of county commissioners and

1.18 must include an abstract of title, certificate of title, title opinion, title commitment, or title

1.19 policy. Plats that subdivide land are subject to the approval of the elected body of the local

1.20 governmental units exercising authority over the subdivision of the land. Plats that only

1.21 delineate existing parcels or comply with a minor subdivision procedure may be approved

1.22 by a local government official designated by the governing body of the local governmental

1.23 unit exercising authority over the subdivision of land.

2.1 Sec. 2. Minnesota Statutes 2014, section 508.58, is amended by adding a subdivision
2.2 to read:

2.3 Subd. 5. Examiner of titles directive; cancellation of contract for deed. The
2.4 registrar shall carry the memorials of all documents relating to a contract for deed
2.5 cancellation until directed to remove them by court order or written examiner's directive.
2.6 The examiner of titles may issue a written directive upon the request of the registered
2.7 owner or other person in interest if documents evidencing a legally sufficient cancellation
2.8 under section 559.21 have been of record on the certificate of title or certificate of
2.9 possessory title for at least five years. The documents must include a copy of the notice
2.10 of cancellation of contract for deed with proof of service thereof, and the affidavit of
2.11 the seller, the seller's agent, or the seller's attorney showing that the purchaser has not
2.12 complied with the terms of the notice. The court order or written directive of the examiner
2.13 of titles must also specify the instruments the registrar shall omit from any successor
2.14 certificate of title because of cancellation of the contract for deed.

2.15 Sec. 3. Minnesota Statutes 2014, section 508A.58, subdivision 2, is amended to read:

2.16 Subd. 2. Examiner of titles directive; foreclosure by action. Any person who has
2.17 become the owner in fee of land registered under sections 508A.01 to 508A.85, or any part
2.18 of the land, pursuant to a mortgage foreclosure by action under chapter 581 is entitled to a
2.19 new CPT for the land described in the sheriff's certificate of sale or so much of the land as
2.20 may be described in the CPT, after the redemption period expires. The registrar shall enter
2.21 a new CPT only pursuant to the court order provided in subdivision 1 or upon the written
2.22 directive of the examiner of titles as to the legal sufficiency of the mortgage foreclosure
2.23 proceeding. The directive of the examiner of titles also must specify the instruments the
2.24 registrar shall omit from the new CPT by virtue of the foreclosure.

2.25 Sec. 4. Minnesota Statutes 2014, section 508A.58, is amended by adding a subdivision
2.26 to read:

2.27 Subd. 3. Examiner of titles directive; cancellation of contract for deed.
2.28 The registrar shall carry the memorials of all documents relating to a contract for
2.29 deed cancellation until directed to remove them by court order or written examiner's
2.30 directive. The examiner of titles may issue a written directive upon the request of the
2.31 registered owner or other person in interest if documents evidencing a legally sufficient
2.32 cancellation under section 559.21 have been of record on the CPT for at least five
2.33 years. The documents must include a copy of the notice of cancellation of contract for
2.34 deed with proof of service thereof, and the affidavit of the seller, the seller's agent, or

3.1 the seller's attorney showing that the purchaser has not complied with the terms of the
3.2 notice. The court order or written directive of the examiner of titles must also specify the
3.3 instruments the registrar shall omit from any successor CPT or certificate of title because
3.4 of cancellation of the contract for deed.