

CHAPTER 508

CONVEYANCING, REGISTRATION

- | | | | |
|---------|---|---------|---|
| 508.01 | Registration. | 508.48 | Instruments affecting title filed with registrar; notice. |
| 508.02 | Registered land subject to same incidents as unregistered; adverse possession excepted. | 508.49 | Interest less than fee; noticed by memorial. |
| 508.03 | Application. | 508.50 | Instruments to have name and address. |
| 508.04 | Titles which may be registered. | 508.51 | Owner's duplicate presented; exception. |
| 508.05 | Application, how signed and verified. | 508.52 | Conveyance; cancelation of old and issuance of new certificate. |
| 508.06 | Contents of application; rights and privileges of claimants. | 508.53 | Transfer and payment of taxes. |
| 508.07 | Nonresident applicant; agent. | 508.54 | Mortgage. |
| 508.08 | Application, contents. | 508.55 | Registration of mortgage; memorial entered on certificate. |
| 508.09 | Amendment. | 508.555 | Mortgage securing revolving line of credit; notice. |
| 508.10 | Application to district court; powers of court. | 508.56 | Assignment and discharge of mortgage. |
| 508.11 | Application filed with clerk; docket; abstract. | 508.57 | Foreclosure; notice. |
| 508.12 | Examiners of titles. | 508.58 | Registration after foreclosure; new certificate. |
| 508.13 | References to examiners; powers; reports. | 508.59 | Registration of judgment or final decree. |
| 508.14 | Survey in certain counties. | 508.60 | Leases. |
| 508.15 | Order for summons; parties defendant. | 508.61 | Trust and other deeds of limitation; new trustee; corporate dissolution. |
| 508.16 | Form of summons; service. | 508.62 | Trustee's conveyance. |
| 508.17 | Answer. | 508.63 | Registration of instruments creating liens; judgments. |
| 508.18 | Guardian ad litem; when appointed. | 508.64 | Attachments; liens. |
| 508.19 | Decree on default. | 508.65 | Plaintiff's attorney; name and address endorsed; notice. |
| 508.20 | Trial; reference. | 508.66 | Release of court proceedings; clerk's certificate. |
| 508.21 | Dismissal. | 508.67 | Acquiring title by action; new certificate. |
| 508.22 | Decree of registration; effect. | 508.671 | Determination of boundaries. |
| 508.23 | Contents of decree; copy filed. | 508.68 | Death of owner; issuance of new certificates. |
| 508.24 | Registration runs with land; withdrawal. | 508.69 | Jurisdiction of court not impaired. |
| 508.25 | Rights of person holding certificate of title. | 508.70 | Subsequent adverse claim, how registered; costs. |
| 508.26 | Opening decree. | 508.71 | Alterations on register; order of court; directive of examiner; new certificates. |
| 508.27 | Title acquired pending proceeding. | 508.72 | Agency; power to be registered. |
| 508.28 | Limitation of actions. | 508.73 | Eminent domain; reversion. |
| 508.29 | Appeals. | 508.74 | Charges on registration. |
| 508.30 | Registrar of titles. | 508.75 | Assurance fund; investment. |
| 508.31 | Registrar's bond. | 508.76 | Damages through erroneous registration; action. |
| 508.32 | Under control of court; affixing seal. | 508.77 | Parties defendant; judgment; execution. |
| 508.33 | Deputies. | 508.78 | Liability of assurance fund. |
| 508.34 | Register of titles. | 508.79 | Limitation of action. |
| 508.35 | Form of certificate. | 508.80 | Fraudulent instrument or entry; penalty. |
| 508.36 | Certificates and copies as evidence. | 508.81 | Clerk's fees; notices. |
| 508.37 | Tract indexes, reception books. | 508.82 | Registrar's fees. |
| 508.38 | Forms of records adopted. | 508.835 | Disposal of canceled duplicate certificates and receipt cards. |
| 508.39 | Notices after registration; service. | 508.836 | Disposal of certain affidavits. |
| 508.40 | Owner's duplicate receipt. | 508.84 | Instruments of encumbrance; disposal. |
| 508.421 | Surrender of duplicate; exchange certificate. | | |
| 508.43 | Certificate, effective date. | | |
| 508.44 | Loss of duplicate certificates. | | |
| 508.45 | Court may order duplicate certificate produced. | | |
| 508.46 | Plats of registered land. | | |
| 508.47 | Registered lands; transfer, surveys. | | |

NOTE: For land registration in Blue Earth county also see Laws 1969, Chapter 489.

508.01 REGISTRATION.

Real estate in this state may be registered under the provisions of this chapter in the manner herein provided.

History: *RL s 3370; 1905 c 305 s 1; 1909 c 183 s 2 (8247)*

508.02 REGISTERED LAND SUBJECT TO SAME INCIDENTS AS UNREGISTERED; ADVERSE POSSESSION EXCEPTED.

Registered land shall be subject to the same burdens and incidents which attach by law to unregistered land. This chapter shall not operate to relieve registered land or the owners thereof from any rights, duties, or obligations incident to or growing out of the marriage relation, or from liability to attachment on mesne process, or levy on execution, or from liability to any lien or charge of any description, created or established by law upon the land or the buildings situated thereon, or the interest of the owner in such land or buildings. It shall not operate to change the laws of descent or the rights of partition between cotenants, or the right to take the land by eminent domain. It shall not operate to relieve such land from liability to be taken or recovered by any assignee or receiver under any provision of law relative thereto, and shall not operate to change or affect any other rights, burdens, liabilities, or obligations created by law and applicable to unregistered land except as otherwise expressly provided herein. No title to registered land in derogation of that of the registered owner shall be acquired by prescription or by adverse possession.

History: RL s 3371; 1905 c 305 s 2 (8248)

508.03 APPLICATION.

An application for registration may be made by any of the following persons:

- (1) The person or persons who singly or collectively own the land; tenants in common shall join in the application;
- (2) The person or persons who singly or collectively have the power of disposing of the land;
- (3) Infants and other persons under disability, by their guardian duly appointed by the proper court in this state;
- (4) A corporation, by its proper officer, or by an agent duly authorized by the board of directors;
- (5) Any executor, administrator or personal representative duly appointed by the proper court in this state;
- (6) A municipal corporation, by its mayor and city clerk, in the case of a city, after a resolution passed by its city council so directing, and by the county auditor and chairman of the county board, in the case of a county, after a resolution passed by its county board so directing;
- (7) Any person may make application when, for at least 15 years, the land has been in the adverse possession of the applicant or those through whom he claims title;
- (8) A partnership by one or more of its general partners;
- (9) The state of Minnesota, by the county auditor and chairman of the county board of the county in which the land is located, at the direction of the county board of such county, in the case of lands forfeited to the state for taxes, and held by it in trust for its taxing districts, or otherwise.

This provision is in addition to all other laws by which the state may register the title to land.

History: RL s 3372; 1905 c 305 s 3; 1909 c 110 s 1; 1939 c 100 s 1; 1941 c 378 s 1; 1977 c 21 s 1; 1983 c 92 s 1 (8249)

508.04 TITLES WHICH MAY BE REGISTERED.

Subdivision 1. No lesser estate than a fee simple, except an appurtenant easement as defined in subdivision 2, and no mortgage, lien, or other charge upon

land, shall be registered, unless the estate in fee simple therein is registered; but the fact that the estate or interest of the applicant is subject to any outstanding lesser estate or to a mortgage or other charge or lien shall not prevent its registration, and when a dock or harbor line has been established by federal authority, the estate and interest of a riparian proprietor in the submerged lands lying between the original shore line and such established dock line may be registered under this chapter, subject to the rights of the state of Minnesota in its sovereign capacity in the same, and such registration shall not in any manner affect or change the rights of the state with respect to such lands.

Subd. 2. An appurtenant easement over unregistered land may be registered when the fee simple estate to which it is appurtenant has been registered or is registered concurrently with the registration of such easement. The word "land" in this chapter, except as contained in sections 508.37 and 508.47, subdivisions 2 to 7, shall include those appurtenant easements designated in this subdivision and all requirements for the registration of land shall also apply to the registration of such an appurtenant easement. Such an appurtenant easement shall remain in full force and effect after registration until the filing on the certificate of title of an order of the court terminating the easement.

History: *RL s 3373; 1905 c 305 s 4; 1915 c 242 s 1; 1927 c 112 s 1; 1939 c 100 s 2; 1977 c 21 s 2 (8250)*

508.05 APPLICATION, HOW SIGNED AND VERIFIED.

The application shall be in writing and signed and verified by the applicant, or by his agent thereunto lawfully authorized in writing. If the application is signed and verified by any agent, except an officer of a corporation, the authority of such agent shall be executed and acknowledged in the manner required for the execution and acknowledgment of a deed and recorded with the county recorder for the county wherein the land is situated before the filing of the application. If the application is made by a corporation, it shall be verified by some officer of the corporation. If the applicant is married, the husband or wife of the applicant may assent thereto in writing by a duly acknowledged endorsement thereon, or by a separate instrument duly acknowledged and filed with the application, but otherwise the spouse shall be made a defendant and served with summons.

History: *RL s 3374; 1905 c 305 s 5; 1935 c 16 s 1; 1976 c 181 s 2 (8251)*

508.06 CONTENTS OF APPLICATION; RIGHTS AND PRIVILEGES OF CLAIMANTS.

The application shall set forth substantially:

(1) The full name, age, and residence of the applicant; if the application is made by any person acting in behalf of another, the application shall likewise state the full name and residence of the person so acting, and the capacity in which he acts;

(2) Whether the applicant is or is not married and, if married, the full name and residence of the husband or wife; it shall state whether or not the applicant is under any legal disability, and if so, the nature of the disability; and whether the applicant has ever been divorced and, if so, when, where, and by what court the divorce was granted;

(3) A correct description of the land, together with the estimated market value of the fee simple interest therein, exclusive of improvements, according to the last official assessment; the description of an appurtenant easement shall be accompanied by a description of the fee simple estate to which it is appurtenant;

MINNESOTA STATUTES 1984

(4) The estate or interest of the applicant in the land, and whether or not it is subject to an estate of homestead;

(5) The names of all persons or parties, except the applicant, who appear of record, or who are known to the applicant to have or to claim any right, title, estate, lien, or interest in the land and the nature and character of it;

(6) Whether the land is occupied or unoccupied; if occupied by any other person than the applicant, it shall state the full name and address of each occupant and the nature of the estate, interest, lien, or charge which the occupant or occupants have, or claim to have, in the land;

(7) Whether the land is subject to any lien or encumbrance, recorded or unrecorded, together with the character and amount of it, and the name and post office address of each holder of it; if recorded, it shall state the place, book, and page of record;

(8) If the application is on behalf of a minor, it shall state the age of the minor and that a duly certified copy of the letters of guardianship has been recorded with the county recorder in the county in which the land is situated;

(9) When the place of residence of any person whose residence is required to be given is unknown to the applicant, it may be so stated in the application and also that, after due and diligent search, the applicant has been unable to ascertain it;

(10) If it is desired to fix and establish the boundary lines of the land, the full names and post office addresses of all owners of adjoining lands which are in any manner affected by it shall be fully stated.

Any person having or claiming any right, title, interest, or estate in land, or any lien or charge upon or against it, may assent in writing to its registration. The person assenting need not be named as a defendant in the registration proceeding or, if already named as a defendant in it, need not be served with the summons in it. The assent shall be executed and acknowledged in the manner required by law for the execution and acknowledgment of a deed and filed with the clerk of the court.

History: *RL s 3375; 1905 c 305 s 6; 1973 c 9 s 4; 1976 c 181 s 2; 1977 c 21 s 3; 1983 c 92 s 2 (8252)*

508.07 NONRESIDENT APPLICANT; AGENT.

If the applicant is not a resident of the state, he shall file for record with the county recorder a written agreement, duly executed and acknowledged, appointing an agent residing in the state. He shall state therein the full name and post office address of this agent and therein agree that the service of any legal process in proceedings under or growing out of any application shall be of the same legal effect when made on this agent as if made on the applicant within the state. If the agent so appointed dies or removes from the state, the applicant shall at once appoint another agent in like manner and, if he fails so to do, the court may in its discretion dismiss the application. In any subsequent application made by the applicant, he may refer to such written authority so recorded, provided the same is sufficiently comprehensive to include such subsequent application.

History: *RL s 3376; 1905 c 305 s 7; 1976 c 181 s 2 (8253)*

508.08 APPLICATION, CONTENTS.

Any number of adjoining tracts of land in the same county and owned by the same person and in the same right, or any number of tracts of land in the same county having the same chain of title, and belonging to the same person, may be included in one application. When approved by the examiner of titles, nonadjoin-

ing tracts of land owned by the same person or persons in the same right having different chains of title may be included in one application.

History: *RL s 3377; 1905 c 305 s 8; 1941 c 378 s 2; 1983 c 92 s 3 (8254)*

508.09 AMENDMENT.

Amendments to the application, including joinder, substitution, or discontinuance as to parties, may be allowed by the court at any time upon terms that are just and reasonable, but all amendments shall be in writing and signed and verified like the original application.

History: *RL s 3378; 1905 c 305 s 9 (8255)*

508.10 APPLICATION TO DISTRICT COURT; POWERS OF COURT.

An application for registration shall be addressed to the district court in and for the county wherein the land described therein is situated. The district court shall have original exclusive jurisdiction thereof, and of all proceedings thereunder, and full power to inquire into the title of the land, and any right, title, interest, or estate therein, and any lien, charge, or encumbrance thereon. By its decree, the court shall adjudge and determine the title to the land, the nature, character, extent, and amount of all liens and encumbrances thereon, the priority as between the same, and remove all clouds from the title. The district court shall have full power and authority to make all necessary orders, judgments, and decrees and, for these purposes, the court shall be always open.

History: *RL s 3379; 1905 c 305 s 10 (8256)*

508.11 APPLICATION FILED WITH CLERK; DOCKET; ABSTRACT.

The application shall be filed with the clerk, who shall docket the same in a book to be known as the "Land Registration Docket". All orders, judgments, and decrees of the court in the proceeding shall be minuted in such docket. All final orders or decrees shall be recorded by the clerk and proper reference made thereto in such docket. At the time of the filing of the application with the clerk, a copy thereof, duly certified by him, shall be filed for record with the county recorder, and shall be notice forever to purchasers and encumbrancers of the pendency of the proceeding and of all matters referred to in the court files and records pertaining to the proceeding. The applicant shall file with the clerk, as soon after the filing of the application as is practicable, an abstract of title to the land described in the application, satisfactory to the examiner. If required so to do by the examiner, the applicant shall likewise cause the land to be surveyed by some competent surveyor, and file with the clerk a plat of the land duly certified by such surveyor.

History: *RL s 3380; 1905 c 305 s 11; 1976 c 181 s 2; 1977 c 21 s 4 (8257)*

508.12 EXAMINERS OF TITLES.

Subdivision 1. **Examiner and deputy examiner.** The judges of the district court shall appoint a competent attorney in each county within their respective districts to be an examiner of titles and legal adviser to the registrar in said county, and may appoint one deputy examiner who shall act in the name of the examiner and under his supervision and control, and his acts shall be the acts of the examiners. The examiner of titles shall hold office subject to the will and discretion of the district court by which he is appointed. His compensation and that of his deputies shall be fixed and determined by the court and paid in the same manner as the compensation of other county employees is paid except that in all counties having less than 75,000 inhabitants, and in Stearns county and Dakota county the

fees and compensations of the examiners for services as legal adviser to the registrar shall be determined by the judge of the district court and, paid in the same manner as the compensation of other county employees is paid, but in every other instance shall be paid by the person applying to have his title registered or for other action or relief which requires the services, certification or approval of the examiner.

Subd. 2. **County attorney as legal adviser in certain counties.** Notwithstanding any provision of this section to the contrary, in all counties other than Hennepin, Ramsey and St. Louis having a full-time county attorney, the county board by resolution may provide that the county attorney shall also be the legal adviser to the registrar in said county.

Subd. 3. **Deputy examiners in the second and fourth judicial districts.** In the second judicial district the judges of the district court may appoint not more than three full time deputy examiners, in addition to the deputy examiner above provided for; and in the fourth judicial district the judges of the district court may appoint not more than five full time deputy examiners, in addition to the deputy examiner above provided for; or, in the event any said full time deputy examiners provided for in this paragraph or the paragraph immediately above are not appointed, two part time deputy examiners may be appointed for each such full time deputy examiner not so appointed. All deputy examiners shall be competent attorneys and shall act in the name of the examiner and under his supervision and control and their acts shall be the acts of the examiner. All deputies shall hold office subject to the will and discretion of the district court by which they are appointed and their compensation shall be fixed and determined by the court and paid in the same manner as the compensation of other county employees is paid.

History: *RL s 3381; 1905 c 305 s 12; 1909 c 183 s 3; 1927 c 112 s 2; 1953 c 276 s 1; 1955 c 319 s 1; 1957 c 252 s 1; 1959 c 252 s 1; 1961 c 362 s 1; 1971 c 799 s 1; 1974 c 322 s 8 (8258)*

508.13 REFERENCES TO EXAMINERS; POWERS; REPORTS.

Immediately after the filing of the abstract of title, the court shall enter an order referring the application to an examiner of titles, who shall proceed to examine into the title of the land described in the application, and into the truth of all matters set forth therein. He shall ascertain whether or not the land is occupied, and, if occupied, he shall ascertain the nature thereof, and by what right the occupation is held. He shall also ascertain whether or not any judgments exist which may be a lien upon the land. He shall search all public records, and fully investigate all facts pertaining to the title which may be brought to his notice, and shall file in the case a full report thereof, together with his opinion upon the title. The court shall not be bound by any report of the examiner of titles, but may require further or other proof. An examiner of titles shall have full power to administer oaths and examine witnesses concerning any matter involved in his investigation of titles. When, in the opinion of the examiner, the state has any interest in, or lien upon, the land, he shall state the nature and character thereof in his report, and in such cases, the state shall be joined as a party, and named in the summons as a party thereto, in order that its interest, estate or lien may be defined and preserved. The clerk shall give notice to the applicant of the filing of such report. If the report of the examiner is adverse to the applicant, he shall have a reasonable time in which to proceed further, or to withdraw his application. This election shall be made in writing and filed with the clerk. Examiners shall, upon the request of the registrar, advise him upon any act or duty pertaining to the conduct of his office, or prepare the form of any memorial to be made or entered by the registrar.

In all cases where under the provisions of this chapter application is made to the court for any order or decree, the court may refer the matter to the examiner of

titles for hearing and report in like manner as herein provided for the reference of the initial application for registration.

History: *RL s 3382; 1905 c 305 s 13; 1927 c 112 s 3; 1978 c 750 s 4 (8259)*

508.14 SURVEY IN CERTAIN COUNTIES.

In any county of this state having more than 200,000 inhabitants, the county surveyor thereof shall, at the request of the examiner of titles for such county, make a survey of the plat described in any application for registration under this chapter, and file with the clerk of the district court of such county a plat of such land, duly certified, showing the dimensions of the land, the location of all structures, fences, and other improvements thereon and such other facts as may be required by the examiner. The surveyor shall also at the request of the registrar of titles of such county, make a survey of any registered land designated by him and file with such registrar a plat of such land, duly certified showing its dimensions and such other facts as the registrar may require. Such plat shall be numbered and entered as a memorial on the original owner's duplicate certificate of such land and transferred with each subsequent certificate affecting such land. In any county in which the county surveyor receives fees in lieu of a salary, he shall be paid such compensation for his services as the county board may determine; in all other counties, he shall receive no other compensation than the salary paid him for other county work.

History: *1909 c 366 s 1 (8260)*

508.15 ORDER FOR SUMMONS; PARTIES DEFENDANT.

If, in the opinion of the examiner, the applicant has a title to the land proper for registration, or if the applicant, after an adverse opinion of the examiner, elects to proceed further, the applicant shall file with the clerk a verified petition praying that a summons may be issued in the proceeding. The court shall thereupon examine all the files and records of the proceeding and, by its order, direct that a summons be issued therein. This order shall contain the name and address, so far as known, of every person who is to be joined as a party to the proceeding, including all persons named in the application, or found by the report of the examiner to be in possession of the land, or as having any right, title, interest, or estate therein, or any lien or encumbrance upon or against the same, together with the name and address of all other persons or parties whom the court, in its order, may direct to be joined therein. The parties thus named in the order of the court shall be, and shall be known as, defendants.

When the description in the application includes land which, according to the plat of the United States Government Survey, forms part or all of the bed of a meandered stream or lake, the state of Minnesota shall be made a party defendant. In all cases where decree of registration has been heretofore entered for any such land without the state having been joined and served with summons, it shall be deemed that title had heretofore passed to the applicant by reliction or accretion.

History: *RL s 3383; 1905 c 305 s 14; 1933 c 164 (8261)*

508.16 FORM OF SUMMONS; SERVICE.

Subdivision 1. The summons shall be subscribed by the clerk, directed to the defendants, and require them to appear and answer the application of the applicant, within 20 days after the service of the summons, exclusive of the day of such service. It shall be served in the manner as provided by law for the service of a summons in civil actions in the district court, except as herein otherwise provided. It shall be served upon the state by delivering a copy thereof to the attorney general, a deputy

MINNESOTA STATUTES 1984

attorney general or an assistant attorney general who shall transmit the same to the county attorney of the county in which the land described therein is situated, and thereupon such county attorney shall appear in such proceeding, and represent the state therein. It shall be served upon a domestic corporation governed by chapter 302A whose charter has terminated by dissolution, expiration, or otherwise, by delivering a copy of it to a person, known to the applicant, who held office in the corporation at the time of dissolution and can be found in the state or, if no officer known to the applicant can be found in the state, by publishing the summons in a newspaper printed and published in the county where the application is filed, once each week for three consecutive weeks. It shall be served upon all persons not personally served who are not residents of the state or who cannot be found therein, and upon domestic corporations not governed by chapter 302A whose charter has terminated by dissolution, expiration, or otherwise more than three years prior to the commencement of the action, and upon unknown successors in interests of such corporations, and upon "all other persons or parties unknown claiming any right, title, estate, lien, or interest in the real estate described in the application herein" by publishing the same in a newspaper printed and published in the county wherein the application is filed, once each week for three consecutive weeks; provided, if the order for summons or a supplemental order of the court, filed before, during or after the publication of the summons, shall so direct, the summons may be personally served without the state upon any one or more of the defendants who are nonresidents of the state or who cannot be found therein, in like manner and with like effect as such service in a summons in a civil action in the district court; and provided further, that any nonresident defendant, natural or corporate, who can be found in the state of Minnesota and can be personally served therein, may be served personally. The clerk shall also, at least 20 days before the entry of the decree which shall be entered in the matter, send a copy of the summons by mail to all defendants not served personally who are not residents of the state, and whose place of address is known to applicant or stated in the application, or in the order directing the issuance of the summons. The certificate of the clerk that he has mailed the summons, as herein provided, shall be conclusive evidence thereof. Other or further notice of the application for registration may be given in such manner and to such persons as the court or any judge thereof may direct. The summons shall be served at the expense of the applicant and proof of the service shall be made in the same manner as in civil actions. The summons shall be substantially in the following form:

SUMMONS IN APPLICATION FOR REGISTRATION OF LAND

State of Minnesota

ss.

County of

District Court Judicial District.

In the matter of the application of (name of applicant) to register the title to the following described real estate situated in county, Minnesota, namely: (description of land)

Applicant,

vs

(names of defendants) and "all other persons or parties unknown claiming any right, title, estate, lien or interest in the real estate described in the application herein."

Defendants.

MINNESOTA STATUTES 1984

9149

CONVEYANCING, REGISTRATION 508.19

THE STATE OF MINNESOTA TO THE ABOVE NAMED DEFENDANTS:

You are hereby summoned and required to answer the application of the applicant in the above entitled proceeding and to file your answer to the said application in the office of the clerk of said court, in said county, within 20 days after service of this summons upon you exclusive of the day of such service, and, if you fail to answer the application within the time aforesaid, the applicant in this proceeding will apply to the court for the relief demanded therein.

Witness clerk of said court, and the seal thereof, at, in said county, this day of, 19...

(Seal)

.....
Clerk

Subd. 2. Jurisdiction. When the summons has been served, the court acquires jurisdiction of the subject matter of the proceeding, and of all persons who have, or may have, any right, title, interest, or estate in the real estate described in the application, or any lien or charge upon or against it. By the phrase in the summons "all other persons or parties unknown claiming any right, title, estate, lien, or interest in the real estate described in the application herein," all the world are made parties defendant, and shall be bound and concluded by the decree. Any person claiming any right, title, estate, or interest in or lien upon the land who has been served shall be bound by the decree without regard to the nature of the right, title, estate, or interest in or lien upon the land asserted by the person or described in the application, report of the examiner, summons, or otherwise, it being the public policy of the state of Minnesota to give effect to the decree of registration as set forth in section 508.22 as to any such person.

History: *RL s 3384; 1905 c 305 s 15; 1927 c 112 s 4; 1929 c 97 s 1; 1957 c 239 s 1; 1971 c 64 s 1; 1983 c 92 s 4; 1984 c 566 s 2 (8262)*

508.17 ANSWER.

Any person claiming any right, title, estate, or interest in or lien upon the land, whether named in the summons or not, may file an answer therein, within the time named in the summons, or within such further time as may be allowed by the court. The answer shall state all objections to the application, set forth the right, title, estate, interest, or lien claimed by the party filing the same, and be signed and verified by the defendant, or by some person in his behalf.

History: *RL s 3385; 1905 c 305 s 16 (8263)*

508.18 GUARDIAN AD LITEM; WHEN APPOINTED.

Upon the petition of the applicant, or of any person interested in the proceeding, the court shall appoint a disinterested person to act as guardian ad litem for minors, and other persons under disability, and for all persons not in being who may appear to have any interest or lien upon the land. The compensation of the guardian shall be determined by the court and paid by the applicant as part of the expenses of the proceeding.

History: *RL s 3386; 1905 c 305 s 17 (8264)*

508.19 DECREE ON DEFAULT.

If no person appears and answers within the time named in the summons, or allowed by the court, the court may, at once, upon the motion of the applicant, no

MINNESOTA STATUTES 1984

reason to the contrary appearing, and upon satisfactory proof of the applicant's right thereto, make and file its order and decree confirming the title of the applicant and ordering the registration thereof.

History: *RL s 3387; 1905 c 305 s 18 (8265)*

508.20 TRIAL; REFERENCE.

When an answer is filed, the case shall be tried by the court in like manner as an ordinary civil action. The court may refer the case, or any part thereof, to one of the examiners to hear the parties and their evidence, and make report thereon to the court. After the filing of the report, the court may order such other or further hearing of the cause before the court, or before the examiner, and may require such other or further proof by any of the parties to the cause as it shall deem proper.

History: *RL s 3388; 1905 c 305 s 19; 1978 c 750 s 5 (8266)*

508.21 DISMISSAL.

If the court shall find after hearing that the applicant has not a title proper for registration, an order shall be entered dismissing the application which may be without prejudice. The applicant may upon motion dismiss the application at any time before the final decree is entered upon such terms as shall be fixed by the court.

History: *RL s 3389; 1905 c 305 s 20 (8267)*

508.22 DECREE OF REGISTRATION; EFFECT.

If, after hearing, the court finds the applicant has a title proper for registration, whether as stated in his application or otherwise, it shall make and file its decree therein, confirming the title of the applicant and ordering its registration. Except as herein otherwise provided, every decree of registration shall bind the land described in it, forever quiet the title to it, and be forever binding and conclusive upon all persons, regardless of whether they were mentioned in the application or in the report of the examiner or whether they possessed an interest in the land not referred to in the application or in the report of the examiner, whether they were mentioned by name in the summons, or included in the phrase, "all other persons or parties unknown claiming any right, title, estate, lien, or interest in the real estate described in the application herein." The decree shall not be opened, vacated, or set aside by reason of the absence, infancy, or other disability of any person affected by it, nor by any proceeding at law or in equity for opening, vacating, setting aside, or reversing judgments and decrees, except as herein especially provided. The decree shall forever determine, bind, and conclude all the right, title, interest, estate, or lien in the land described in it of the husband or wife of any defendant acquired or growing out of the marriage relation as though the husband or wife had been expressly named in the decree.

History: *RL s 3390; 1905 c 305 s 21; 1983 c 92 s 5 (8268)*

508.23 CONTENTS OF DECREE; COPY FILED.

Subdivision 1. Every decree of registration shall bear the date, hour, and minute of its entry and be signed by one of the judges of the district court. It shall state the age of the owner of the land, and whether married, or unmarried, and, if married, the name of the husband or wife; if the owner of the land is under disability, it shall state the nature thereof. It shall contain an accurate description of the land as finally determined by the court, and set forth the estate of the owner and also, in such manner as to show their relative priority, all particular estates, mortgages, easements, liens, attachments, and other encumbrances, including rights

of husband and wife, if any, to which the land or the owner's estate is subject, and any other facts properly to be determined by the court. Immediately upon the filing of the decree of registration, the clerk shall file a certified copy thereof with the registrar.

Subd. 1a. **Judicial determination of boundaries.** If one or more boundary lines are judicially determined, the land description in the decree of registration shall make reference to that fact and to the location of the judicial landmarks that mark the boundary lines. When any of the boundary lines are registered, the clerk also shall file with the registrar a certified copy of the plat of the survey which contains a certification by a registered land surveyor that the boundaries registered have been marked by judicial landmarks set pursuant to the order of the court. The registrar of titles shall enter the certified copy of the plat of the survey as a memorial upon the certificate of title issued for the land registered by the decree. If any of the adjoining lands are registered, the decree of registration shall direct the registrar of titles to show by memorial upon the certificates of title for the adjoining lands which of the boundary lines of these lands have been determined in the district court case.

Subd. 2. When a decree of registration is entered for an appurtenant easement only, it shall include the description and certificate of title number of the fee simple estate to which it is appurtenant. The registrar of titles shall not issue a separate certificate of title for the easement, but shall enter the easement as a memorial upon the certificate of title issued for the designated fee simple estate. Upon the issuance of a new certificate of title for such fee simple estate, the registrar of titles shall omit the memorial of the easement and place the easement in the new certificate of title immediately following the description of the fee simple estate to which the easement is appurtenant.

History: *RL s 3391; 1905 c 305 s 22; 1977 c 21 s 5; 1983 c 92 s 6 (8269)*

508.24 REGISTRATION RUNS WITH LAND; WITHDRAWAL.

Subdivision 1. The obtaining of a decree of registration, and the receiving of a certificate of title shall be deemed as an agreement running with the land and binding upon the applicant and his successors in the title that the land shall be and forever remain registered land, unless withdrawn therefrom as hereinafter provided, and subject to the provisions of this chapter and to all acts amendatory thereof. All dealings with the land, or any estate or interest therein, and all liens, encumbrances, and charges upon the same, after the land has been registered, and while it remains registered, shall be expressly subject to the terms and provisions of this chapter.

Subd. 2. **Petition; nonmetropolitan counties.** The registered owner of land in counties not containing a city of the first class may apply by verified petition to the district court of the county wherein the land is situated for its withdrawal from registration. The application shall be heard by the district court on not less than 20 days' written notice to all persons appearing of record or known to the petitioner to have or claim an interest in the property. The notice shall be served in the manner provided by law for the service of a summons in a civil action in the district court unless otherwise specified by the court. At the hearing any person interested in any manner in the land or who may be affected by its withdrawal from registration, may appear and be heard in favor of or in opposition to the application. After hearing the court may order that the land be withdrawn from registration, subject to encumbrances, liens, and other incidents of title then existing, and if so ordered shall require that a certified copy of the order, a certified copy of the original decree of registration, and certified copies of all undischarged instruments memorialized on the certificate of title, be recorded in the office of the county recorder at the expense of the petitioner. In its order the court shall reconcile any differences in description of the land as originally registered and as described in the last certificate of title.

Upon the recording of the instruments and upon filing a certified copy of the order in the office of the registrar of titles, and surrender to him of the duplicates of the last certificate of title, the land shall be withdrawn from registration and become unregistered property.

History: *RL s 3392; 1905 c 305 s 23; 1959 c 418 s 1; 1976 c 181 s 2; 1983 c 92 s 7 (8270)*

508.25 RIGHTS OF PERSON HOLDING CERTIFICATE OF TITLE.

Every person receiving a certificate of title pursuant to a decree of registration and every subsequent purchaser of registered land who receives a certificate of title in good faith and for a valuable consideration shall hold it free from all encumbrances and adverse claims, excepting only the estates, mortgages, liens, charges, and interests as may be noted in the last certificate of title in the office of the registrar, and also excepting any of the following rights or encumbrances subsisting against it, if any:

- (1) Liens, claims, or rights arising or existing under the laws or the constitution of the United States, which this state cannot require to appear of record;
- (2) The lien of any real property tax or special assessment for which the land has not been sold at the date of the certificate of title;
- (3) Any lease for a period not exceeding three years when there is actual occupation of the premises thereunder;
- (4) All rights in public highways upon the land;
- (5) The right of appeal, or right to appear and contest the application, as is allowed by this chapter;
- (6) The rights of any person in possession under deed or contract for deed from the owner of the certificate of title;
- (7) Any outstanding mechanics lien rights which may exist under sections 514.01 to 514.17.

History: *RL s 3393; 1905 c 305 s 24; 1931 c 357; 1982 c 523 art 2 s 46; 1983 c 92 s 8 (8271)*

508.26 OPENING DECREE.

Any person having any right, title, or interest in or lien upon the land upon whom the summons has not been actually served, and who had no notice or knowledge of the filing of the application or of the pendency of such proceeding prior to the entry of the decree therein, may at any time within 60 days after the entry of such decree, and not afterwards, file his duly verified petition setting forth such facts and praying for leave to file his answer therein. If the court is satisfied of the truth of the matter set forth in such verified petition, it shall make an order permitting such petitioner to answer the application. Upon the filing of such answer, and upon not less than ten days' notice to the applicant, and to such other persons or parties as the court may order, and in such manner as it may direct, the court shall proceed to review the case, and, if satisfied that its decision or decree ought to be opened, it shall so order. Thereupon the court shall proceed to hear and try the case de novo and to make such further order, decision, or decree therein as shall be according to equity.

History: *RL s 3394; 1905 c 305 s 25 (8272)*

508.27 TITLE ACQUIRED PENDING PROCEEDING.

Any person who shall acquire any right, title, interest or estate in the land subsequent to the filing of the copy of the application for registration with the county recorder, and prior to the entry of the decree in the registration proceeding, shall at once appear and answer as a party defendant in such proceeding, and the right, title, interest, estate, or lien of such person shall be subject to the order or decree of the court.

History: *RL s 3395; 1905 c 305 s 26; 1976 c 181 s 2 (8273)*

508.28 LIMITATION OF ACTIONS.

No decree of registration hereafter entered, and no original certificate of title hereafter issued pursuant thereto, shall be adjudged invalid or set aside unless the action in which the validity of such decree, or of the original certificate of title issued pursuant thereto, is called in question, be commenced, or the defense alleging the invalidity thereof be interposed, within six months from the date of such decree. No action or proceeding for the recovery of any right, title, interest, or estate in registered land adverse to the title established by any original decree of registration hereafter entered shall be maintained, unless such action is commenced within six months from the date of such original decree. No action or proceeding for the enforcement or foreclosure of any lien or charge upon or against registered land in existence at the date of any original decree of registration hereafter entered, and which is not recognized and established by such decree, shall be maintained, unless such action or proceeding is commenced within six months from the date of such original decree. No such action or proceeding shall be commenced by any person who is bound by the decree. Nothing herein shall affect any rights already barred when this law takes effect.

History: *RL s 3396; 1905 c 305 s 27 (8274)*

508.29 APPEALS.

An appeal may be taken to the court of appeals from any order or judgment of the district court under this chapter as follows:

(1) from any final decree, within 90 days from its date except that the appeal period for those parties who were not personally served shall be six months from the date of the final decree; upon appeal from the decree, the court of appeals may review any intermediate order involving the merits or necessarily affecting the decree;

(2) from any order granting or denying an application to open, vacate, or set aside the decree, within 30 days from the date of the filing of the order;

(3) from any order granting or refusing a new trial, or from any order involving the merits of the proceeding, or some part of them, within 30 days from the filing of the order;

(4) from any order relating to registered land after its original registration, within 90 days after the entry of the order.

All appeals from any order or decree in any proceeding under this chapter shall be as in other civil cases.

History: *RL s 3397; 1905 c 305 s 28; 1977 c 21 s 6; 1983 c 247 s 184 (8275)*

508.30 REGISTRAR OF TITLES.

County recorders shall be the registrars of titles in their respective counties.

History: *RL s 3398; 1905 c 305 s 29; 1976 c 181 s 2 (8276)*

508.31 REGISTRAR'S BOND.

Before entering upon the duties of his office, the registrar of titles shall execute a bond to the state for such amount and with such sureties as may be determined by the county board. Such bond shall be approved by the district court, filed in the office of the county recorder, and conditioned for the faithful discharge of his duties. A copy of the bond shall be filed and entered upon the records of the court.

History: RL s 3399; 1905 c 305 s 30; 1973 c 524 s 11; 1976 c 181 s 2 (8277)

508.32 UNDER CONTROL OF COURT; AFFIXING SEAL.

The registrar of titles shall be at all times under the control of the court, which may adopt such rules governing the conduct of his office as it may deem wise. Every registrar of titles shall have an official seal and affix the same to all documents requiring his official signature. Provided, however, that instead of affixing his said official seal to certificates of title he may use a printed facsimile thereof at all points in said certificate where his official seal is required.

History: RL s 3400; 1905 c 305 s 31; 1949 c 72 s 1 (8278)

508.33 DEPUTIES.

The registrar of titles may, in his discretion, appoint one or more deputy registrars of titles, who may also be deputy county recorders, to act in his stead. Deputy registrars shall act in the name of the registrar and their acts shall be his acts. The registrar shall be liable for any neglect or omission of a deputy to the same extent as for his own neglect or omission. The registrar may, with the consent of the county board, employ such clerks as may be required to properly perform the duties of his office. In all counties in which the county recorder does not receive the fees of the office in lieu of a salary, the county board shall fix the compensation of all deputy registrars and clerks appointed or employed by the registrar which shall be paid out of any county funds not otherwise appropriated.

History: RL s 3401; 1905 c 305 s 32; 1976 c 181 s 2 (8279)

508.34 REGISTER OF TITLES.

Immediately upon the filing of the decree of registration with the registrar, he shall proceed to register the title pursuant to the terms of the decree in the manner herein provided. He shall keep a book known as the "Register of Titles," wherein he shall enter all first and subsequent certificates of title by binding or entering them therein in the order of their numbers, beginning with number one. The entering of the certificate of title in the register of titles shall constitute the act of registration. The term "certificate of title" shall be deemed to include all memorials and notations thereon, and each certificate of title shall contain proper blanks for the entry of the memorials and notations thereon. Each certificate shall constitute a separate page of such book, and all memorials and notations that may be entered by the registrar shall be entered by him upon the page whereon the latest certificate of title is entered.

History: RL s 3402; 1905 c 305 s 33 (8280)

508.35 FORM OF CERTIFICATE.

The certificate of title shall contain the name and residence of the owner, a description of the land, and of the estate of the owner therein, and shall by memorial contain a description of all encumbrances, liens, and interests in which the estate of the owner is subject. It shall state his age and, if under disability, the nature of it.

MINNESOTA STATUTES 1984

It shall also state whether or not the owner is married and, if married, the name of the husband or wife. In case the land is held in trust or subject to any condition or limitation, it shall state the nature and character of it. It shall be substantially in the following form:

CERTIFICATE OF TITLE

First certificate of title, pursuant to the order of the district court, judicial district, county of, and state of Minnesota, date....., 19....

REGISTRATION

State of Minnesota)
) ss.
County of)

This is to certify that, of the of, county of, and state of, is now the owner of an estate, to-wit, of and in the following described land situated in the county of and state of Minnesota, to-wit,

Subject to the encumbrances, liens, and interest noted by the memorial underwritten or endorsed hereon; and subject to the following rights or encumbrances subsisting, as provided in Laws 1905, chapter 305, section 24, namely:

- (1) Liens, claims, or rights arising under the laws or the Constitution of the United States, which the statutes of this state cannot require to appear of record;
(2) Any real property tax or special assessment for which a sale of the land has not been had at the date of the certificate of title;
(3) Any lease for a period not exceeding three years, when there is actual occupation of the premises under the lease;
(4) All rights in public highways upon the land;
(5) Such right of appeal or right to appear and contest the application as is allowed by law;
(6) The rights of any person in possession under deed or contract for deed from the owner of the certificate of title;
(7) Any outstanding mechanics lien rights which may exist under sections 514.01 to 514.17.

That the said is of the age of years, is married, and is under disability.

In witness whereof, I have hereunto subscribed my name and affixed the seal of my office, this day of, 19.....

.....
Registrar of Titles, in and for the county of
..... and State of Minnesota.

All certificates issued subsequent to the first certificate of title shall be in like form except that they shall be entitled "Transfer from number (here give the number of the next previous certificate relating to the same land)," and shall also contain the words "Originally registered (date, volume, and page of registration)."

History: RL s 3403; 1905 c 305 s 34; 1941 c 33; 1973 c 14 s 1; 1983 c 92 s 9 (8281)

508.36 CERTIFICATES AND COPIES AS EVIDENCE.

The original certificate of title in the registrar of titles, any copy of it duly certified by the registrar, or by his deputy, and authenticated by his seal, and

likewise the owner's duplicate certificate of title shall be received in evidence in all the courts of this state and be conclusive evidence of all matters and things contained in it. In case of variance between the owner's duplicate certificate and the original certificate of title, the original certificate shall prevail. Deeds, mortgages, leases, or other conveyances of real estate, and all instruments in any manner affecting the title to registered land, together with any notations, endorsements, or memorials upon the same made by the registrar of titles, as required by law, heretofore or hereafter filed with the registrar, shall be received in evidence in all the courts of this state, without further or other proof, and be prima facie evidence of the contents of it. Duly authenticated copies of these instruments, or any of them, may likewise be received in evidence in any court in this state with like force and effect as the original instruments.

History: *RL s 3404; 1905 c 305 s 35; 1983 c 92 s 10 (8282)*

508.37 TRACT INDEXES, RECEPTION BOOKS.

Subdivision 1. [Repealed, 1Sp1981 c 4 art 2 s 41]

Subd. 1a. **Books.** The registrar shall likewise keep tract indexes, in which he shall enter an accurate description of all registered land, together with the names of the respective owners thereof, and a reference to the volume and page of the register of titles in which the same is registered. The registrar shall keep two books, to be known as the grantors' and grantees' reception books respectively.

The grantors' reception book shall be a grantors' index of instruments filed with the registrar. Each page shall be divided into columns. The surname and given name of the grantor shall be entered under the first column and under the succeeding columns there shall be entered respectively the name of the grantee; the date of registration, specifying the month, day, year and hour and whether ante meridian or post meridian; the number of the instrument; the book and page of the register of titles where the land is registered; the type of instrument; and a description of the property by lot or section, block or township, range, addition and other pertinent information.

The grantees' reception book shall be a grantees' index of instruments filed with the registrar. Each page shall be divided into columns. The surname and given name of the grantee shall be entered under the first column and under the succeeding columns there shall be entered respectively the name of the grantor; the date of registration, specifying the month, day, year and hour and whether ante meridian or post meridian; the number of the instrument; the book and page of the register of titles where the land is registered; the type of instrument; and a description of the property by lot or section, block or township, range, addition and other pertinent information.

Subd. 2. The registrar shall enter in each of these books in the order and manner aforesaid, and as soon as the same are received, all instruments affecting the title to land which are filed with him and, as far as may be the particulars of the instruments in the appropriate column of these books. The pages of each of the reception books shall be lettered in alphabetical order, a convenient number of consecutive pages being allotted to each letter of the alphabet, and each entry shall be made in the grantors' reception book under the initial letter of the grantor's surname, and in the grantees' reception book, under the initial letter of the grantee's surname, and all the entries under each letter shall appear in the order as to time in which the instruments were filed.

History: *RL s 3405; 1905 c 305 s 36; 1953 c 520 s 1; 1Sp1981 c 4 art 2 s 40 (8283)*

508.38 FORMS OF RECORDS ADOPTED.

Every instrument affecting the title to land, filed with the registrar, shall be numbered by him consecutively, and he shall endorse upon the same the number thereof, together with the date, hour, and minute when the same is filed, and a reference to its proper certificate of title. Every such instrument shall be retained by him and regarded as registered from the time of filing except that such instruments may be copied or reproduced as provided by section 15.17, as amended, and the copies or reproductions thereof substituted for the originals with the equal force and effect of the same, which originals may be then destroyed as provided by said section 15.17. When the memorial of any instrument is made upon any certificate, the date, number, and time of filing thereof shall likewise be endorsed upon such certificate. All records and papers relating to registered land in the office of the registrar, shall be open to the inspection of the public at such times and under such conditions as the court may prescribe. Duplicates of all instruments, voluntary or involuntary, filed and registered with the registrar, may be presented with the originals, and shall thereupon be attested and sealed by him, and endorsed with the file number, and other memoranda on the originals, and returned to the person presenting the same. The registrar shall furnish certified copies of the instruments filed and registered in his office, upon payment of a fee as provided in section 357.18. The court shall adopt general forms of memorials and notations to be used by the registrars in registering the common forms of conveyance and other instruments.

History: *RL s 3406; 1905 c 305 s 37; 1961 c 12 s 1; 1978 c 500 s 1 (8284)*

508.39 NOTICES AFTER REGISTRATION; SERVICE.

All notices required by this law, after the original registration, either by the registrar or by the court, shall be served on the persons to be notified in the following manner: The notice shall be served upon a resident of the state in the manner now provided by law for the service of a summons in a civil action, and the same proof of such service shall be made. It shall be served upon a person who is not a resident of the state by sending the same by mail to such person at his post office address, as stated in the certificate or in any registered instrument on file with the registrar. The certificate of the registrar or clerk that any notice has been mailed as aforesaid shall be conclusive proof of the service of such notice, but the court may, in any case, order different or other service thereof by publication or otherwise.

History: *RL s 3407; 1905 c 305 s 37a (8285)*

508.40 OWNER'S DUPLICATE RECEIPT.

At the time the original certificate of title is entered, the registrar shall make a duplicate thereof, endorsing across the face of such duplicate the words "Owner's Duplicate Certificate" and deliver the same to the owner or his authorized attorney. The registrar shall, in every case, when it is practicable so to do, take from such owner a receipt for such duplicate certificate, which shall be signed by the owner in person. In the case of multiple owners the receipt may be executed by any one of such owners. Such receipt, when signed and delivered in the office of the registrar, shall be witnessed by him or his deputy. If such receipt is signed elsewhere, it shall be acknowledged in the same manner as a deed. Such receipt shall be prima facie evidence of the genuineness of such signature.

History: *RL s 3408; 1905 c 305 s 38; 1955 c 543 s 1; 1973 c 9 s 5 (8286)*

508.41 [Repealed, 1983 c 92 s 38]

508.42 [Repealed, 1983 c 92 s 38]

508.421 SURRENDER OF DUPLICATE; EXCHANGE CERTIFICATE.

Subdivision 1. **Surrender; reissuance.** The owner or owners of registered land may surrender the owner's duplicate certificate of title and the registrar of titles may then issue a new certificate of title free from the *memorials* of all interests which have terminated.

Subd. 2. **Multiple parcels or interests.** The owner or owners of registered land holding (1) one certificate of title for two or more parcels of land or (2) one certificate for undivided interests in one or more parcels of land may surrender the owner's duplicate certificate of title for the land and thereupon the registrar may issue separate certificates of title to each owner or for each parcel or any combination thereof as may be desired consistent with their registered interests, provided a registered land survey is not required by section 508.47. When the registrar of titles has issued more than one certificate of title to one or more owners for one or more parcels of land, the owner or owners may surrender the owner's duplicate certificates of title for the land and thereupon the registrar may issue a single certificate of title for all of the land to the owner or owners of the land, or the registrar may issue two or more certificates to the owner or owners of the land or for each parcel or any combination thereof as may be desired consistent with their registered interests, provided a registered land survey is not required by section 508.47.

Subd. 3. **Exchange certificate designation.** A certificate of title issued pursuant to this section shall be known as an exchange certificate.

History: 1983 c 92 s 11; 1984 c 655 art 1 s 70

508.43 CERTIFICATE, EFFECTIVE DATE.

The certificate of title, when entered in the register of titles, shall relate back to and take effect as of the date of the decree of registration.

History: RL s 3411; 1905 c 305 s 41 (8289)

508.44 LOSS OF DUPLICATE CERTIFICATES.

Subdivision 1. If any duplicate certificate is lost or destroyed or cannot be produced, a duly verified statement, setting forth the facts relating thereto, may be filed with the registrar by the registered owner, or other person in interest. Upon such application, after due notice and hearing, the court may direct the registrar to issue a new duplicate certificate containing a memorandum of the fact that it is issued in place of a lost duplicate certificate, which shall be entitled to like faith and credit as the original duplicate.

Subd. 2. In lieu of the court directive to the registrar to issue a new duplicate certificate under subdivision 1, the registrar of titles shall issue such a duplicate certificate when directed to do so by the examiner of titles. The directive of the examiner shall be in writing after posting a notice addressed "TO WHOM IT MAY CONCERN" fixing a time when he shall direct the issuance of a new duplicate certificate of title unless valid objections thereto are delivered to his office prior to the specified time. The notice shall be posted on a bulletin board provided for the posting of legal notices at the courthouse at least seven days prior to the date fixed for the issuance of the directive. No such directive shall be issued by the examiner unless all persons in interest have signed and verified a statement setting forth the facts relating to the reasons why the duplicate certificate cannot be produced, the statement is memorialized upon the certificate of title and there is satisfactory evidence as to the identity of the signers and the facts relating to the loss or destruction of the duplicate certificate of title. Persons in interest in the case of an owner's duplicate certificate are the registered owners or their probate representa-

tives, and in the case of the mortgagee's or lessee's duplicate certificate the persons in interest are the registered owners of the mortgage or lease, as the case may be, or their probate representative.

History: *RL s 3412; 1905 c 305 s 42; 1976 c 77 s 1 (8290)*

508.45 COURT MAY ORDER DUPLICATE CERTIFICATE PRODUCED.

If the registrar of titles is requested to enter a new certificate in pursuance of an instrument which purports to be executed by the registered owner, or by reason of any instrument or proceeding which divests the title of the registered owner against his consent, and the outstanding owner's duplicate certificate is not presented for cancelation when such request is made, the registrar of titles shall not enter a new certificate, until authorized so to do by order of the district court. The person who claims to be entitled thereto may make application therefor to the district court, and after due notice and hearing, the court may order the registered owner, or any person withholding the duplicate certificate, to surrender it, and direct the entry of a new certificate upon such surrender. If the person withholding the duplicate certificate is not amenable to the process of the court, or if for any reason the outstanding owner's duplicate certificate cannot be delivered up, the court may by decree annul it, and order a new certificate of title to be entered. If an outstanding mortgagee's or lessee's duplicate certificate is not produced and surrendered when the mortgage or lease is discharged, assigned, or extinguished, the same proceedings may be had to obtain registration as in the case of the non-production of an owner's duplicate.

History: *RL s 3413; 1905 c 305 s 43 (8291)*

508.46 PLATS OF REGISTERED LAND.

The owner of registered land may plat the same and subdivide it into lots and blocks in like manner as in case of unregistered land. All laws with reference to the subdivision and platting of unregistered land shall apply with like force and effect to registered land excepting only that the surveyor's plat thereof shall be filed with the registrar.

History: *RL s 3414; 1905 c 305 s 44 (8292)*

508.47 REGISTERED LANDS; TRANSFER, SURVEYS.

Subdivision 1. Conveyances. An owner of registered land may convey, mortgage, lease, charge, or otherwise deal with the same as fully as if it had not been registered. He may use any form of deed, mortgage, lease, or other voluntary instrument sufficient in law for the purpose intended. No voluntary instrument of conveyance purporting to convey or affect registered land, except a will, and a lease for a term not exceeding three years, shall take effect as a conveyance, or bind or affect the land, but shall operate only as a contract between the parties, and as authority to the registrar to make registration. The act of registration shall be the operative act to convey or affect the land.

Subd. 2. Registered land survey, court order. The district court for any county, may, by general rule or order of the court, require that the owner of a parcel of unplatted registered land, who conveys any part thereof which is not a full government subdivision, or simple fractional or quantity part of a full government subdivision, shall first file with the registrar of titles, when so required by him, a drawing in triplicate of said parcel of unplatted land, showing the tract or tracts being or to be conveyed, which drawing shall be known as a "registered land survey." Such general rule or order shall be made only after hearing, to be held only

after a notice of such hearing has been posted in the office of the clerk of district court of the county for which such rule or order is to be made for three weeks prior to the date of such hearing, and in addition thereto only after a notice of such hearing has been published once a week for three weeks in a legal newspaper of general circulation in said county.

Subd. 3. Definitions. (a) A full government subdivision is defined as a government lot, a quarter-quarter section, a quarter-quarter-quarter section ad infinitum;

(b) A simple fractional part of a full government subdivision is defined as: one-half; two-thirds; one-fourth, and similar fractions;

(c) A simple quantity part of a full government subdivision is defined as: twenty acres; two hundred feet, ten chains, and similar quantities.

Subd. 4. Survey; requisites; filing; copies. The registered land survey shall correctly show the legal description of the parcel of unplatted land represented by said registered land survey and the outside measurements of the parcel of unplatted land and of all tracts delineated therein, the direction of all lines of said tracts to be shown by angles or bearings or other relationship to the outside lines of said registered land survey, and the surveyor shall place stakes in the ground at appropriate corners, and all tracts shall be lettered consecutively beginning with the letter "A". None of said tracts or parts thereof may be dedicated to the public by said registered land survey. Except in counties having microfilming capabilities, a reproduction copy of the registered land survey shall be delivered to the county auditor. The registered land survey shall be on paper, mounted on cloth, shall be a black on white drawing, the scale to be not smaller than one inch equals 200 feet, and shall be certified to be a correct representation of said parcel of unplatted land by a registered surveyor. The mounted drawing shall be exactly 17 inches by 14 inches and not less than 2 1/2 inches of the 14 inches shall be blank for binding purposes, and such survey shall be filed in triplicate with the registrar of titles upon the payment of a fee of \$15. Before filing, however, any such survey shall be approved in the manner required for the approval of subdivision plats, which approval shall be endorsed thereon or attached thereto.

In counties having microfilming capabilities, the survey may be prepared on sheets of suitable mylar or on linen tracing cloth by photographic process or on material of equal quality. Notwithstanding any provisions of subdivision 5 to the contrary, no other copies of the survey need be filed.

The registrar shall furnish to any person a copy of said registered land survey, duly certified by him, for a fee of \$7.50, which shall be admissible in evidence.

Subd. 5. Filing registered land survey. The registered land survey shall be filed in the office of the registrar of titles, who shall number each registered land survey, the numbers to run consecutively beginning with the number "1". One copy of each registered land survey shall be retained by the registrar of titles as a master copy, one copy filed in a registered land survey register in his office and made available to the public, and one copy delivered to the county auditor which he may thereafter refer to in connection with the tax descriptions when he finds it convenient. Thereafter the tracts in each registered land survey shall be known as Tract, registered land survey No., files of registrar of titles, county of, and all conveyances shall describe said property accordingly; but the registrar shall not accept for filing and registration any conveyance of unplatted registered land if the land is described in the conveyance according to a registered land survey which has not been approved as provided in subdivision 4 unless the approval of the body authorized to approve subdivision plats is endorsed thereon or attached thereto.

Subd. 6. **Not to change tax classification.** Nothing in this section shall operate to change the tax classification of the lands in the registered land survey or otherwise in any way affect the land. The purpose of this section is to simplify the description and designation of the registered land in connection with its transfer. Land conveyed by reference to a registered land survey shall be deemed to be conveyed by metes and bounds.

Subd. 7. **Applies to transfers of parts of lots.** The provisions of this section shall also be applied to the transfer of parts of lots, outlots and unlotted blocks, when the language necessary to describe the parts in other than by simple fractional or quantity parts thereof.

History: *RL s 3415; 1905 c 305 s 45; 1951 c 566 s 1; 1953 c 504 s 1; 1959 c 380 s 1; 1961 c 626 s 1,2; 1967 c 470 s 1; 1971 c 63 s 3; 1974 c 493 s 2; 1978 c 499 s 3; 1983 c 92 s 12 (8293)*

508.48 INSTRUMENTS AFFECTING TITLE FILED WITH REGISTRAR; NOTICE.

Every conveyance, lien, attachment, order, decree, or judgment, or other instrument or proceeding, which would affect the title to unregistered land under existing laws, if recorded, or filed with the county recorder, shall, in like manner, affect the title to registered land if filed and registered with the registrar in the county where the real estate is situated, and shall be notice to all persons from the time of such registering or filing of the interests therein created. Neither the reference in a registered instrument to an unregistered instrument or interest nor the joinder in a registered instrument by a party or parties with no registered interest shall constitute notice, either actual or constructive, of an unregistered interest.

History: *RL s 3416; 1905 c 305 s 46; 1976 c 181 s 2; 1983 c 92 s 13 (8294)*

508.49 INTEREST LESS THAN FEE; NOTICED BY MEMORIAL.

No new certificate shall be issued upon any transfer of registered land which does not divest the title in fee simple of the land, or some part of it. All interests in registered land, less than an estate in fee simple, shall be registered by filing with the registrar the instrument which creates, transfers, or claims the interest, and by brief memorandum or memorial of it made and signed by the registrar upon the certificate of title. A similar memorandum shall also be made on the owner's duplicate if practicable so to do. The cancellation of the interests shall be registered in the same manner.

History: *RL s 3417; 1905 c 305 s 47; 1983 c 92 s 14 (8295)*

508.50 INSTRUMENTS TO HAVE NAME AND ADDRESS.

Every deed or other voluntary instrument which is presented for registration shall contain or have endorsed upon it the full name and post office address of the grantee, or other person, who acquires or claims an interest under the instrument. All names and addresses shall also be entered upon the certificates of title. Any change in the post office address of the person shall be memorialized on the certificate of title upon the filing of an affidavit from the person of the change.

History: *RL s 3418; 1905 c 305 s 48; 1983 c 92 s 15 (8296)*

508.51 OWNER'S DUPLICATE PRESENTED; EXCEPTION.

No new certificate of title shall be entered or issued, and no memorial shall be made upon any certificate of title in pursuance of any deed or other voluntary

MINNESOTA STATUTES 1984

instrument, unless the owner's duplicate is presented therewith, except in cases provided for in this law or upon the order of the court. When such order is made, a memorial thereof shall be entered, or a new certificate issued as directed thereby. When any voluntary instrument is presented for registration the production of the owner's duplicate certificate shall authorize the registrar to enter a new certificate or to make a memorial of registration in accordance with such instrument, and the new certificate or memorial shall be binding upon the registered owner and upon all persons claiming under him in favor of every purchaser for value and in good faith. In all cases of registration which are procured by fraud, the owner may pursue all his legal and equitable remedies against the parties to such fraud, without prejudice to the rights of any innocent holder for value of a certificate of title.

History: RL s 3419; 1905 c 305 s 49 (8297)

508.52 CONVEYANCE; CANCELATION OF OLD AND ISSUANCE OF NEW CERTIFICATE.

An owner of registered land who desires to convey the land, or a portion thereof, in fee, shall execute a deed of conveyance, and file the deed, together with his owner's duplicate certificate, with the registrar. The registrar shall require an affidavit by the grantee, or some person in his behalf, which affidavit shall set forth the name, age, and residence of the grantee, and whether the grantee is or is not under legal disability, whether or not married, and, if married, the name of the husband or wife. The deed of conveyance shall be filed and endorsed with the number and place of registration of the owner's certificate. Before canceling the outstanding certificate of title the registrar shall show by memorial thereon the registration of the deed on the basis of which it is canceled. The encumbrances, claims, or interests adverse to the title of the registered owner shall be stated upon the new certificate, except so far as they may be simultaneously released or discharged. The owner's duplicate certificate and the original certificate of title shall be marked "Canceled" by the registrar, who shall enter in the register a new certificate of title to the grantee, and prepare and deliver to the grantee a new owner's duplicate certificate. If a deed in fee is for a portion of the land described in a certificate of title, the memorial of the deed entered by the registrar shall include the legal description contained in the deed and the registrar shall enter a new certificate of title to the grantee for the portion of the land conveyed and, except as otherwise provided in this section, issue a residue certificate of title to the grantor for the portion of the land not conveyed. The registrar shall prepare and deliver to each of the parties a new owner's duplicate certificate for their respective certificates. In lieu of canceling the grantor's certificate of title and issuing a residue certificate and owner's duplicate certificate to him for the portion of the land not conveyed, the registrar may, in his discretion if the grantor's deed does not divide a parcel of unplatted land, and in the absence of a request to the contrary by the registered owner, mark by the land description on both the owner's duplicate certificate of title and the original certificate of title "Part of land conveyed, see memorials". The fee for a residue certificate of title shall be paid to the registrar only when the grantor's certificate of title is canceled after the conveyance by the grantor of a portion of the land described in his certificate of title. When two or more successive conveyances of the same property are filed for registration on the same day the registrar may, in his discretion, enter a certificate in favor of the grantee or grantees in the last of the successive conveyances, and the memorial of the previous deed or deeds entered on the prior certificate of title shall have the same force and effect as though the prior certificate of title had been entered in favor of the grantee or grantees in the earlier deed or deeds in the successive conveyances. The fees for the registration of the earlier deed or deeds shall be the same as the fees prescribed for the entry of

memorials. The registrar of titles in his discretion with the consent of the transferee, may mark "See memorials for new owner(s)" by the names of the registered owners on both the original certificate of title and the owner's duplicate certificate of title and also add to the memorial of the transferring conveyance a statement that the memorial shall serve in lieu of a new certificate of title in favor of the grantee or grantees therein noted and may refrain from canceling the certificate of title until the time it is canceled by a subsequent transfer, and the memorial showing such transfer of title shall have the same effect as the entry of a new certificate of title for the land described in the certificate of title; the fee for the registration of a conveyance without cancellation of the certificate of title shall be the same as the fee prescribed for the entry of a memorial.

History: *RL s 3420; 1905 c 305 s 50; 1949 c 173 s 1; 1979 c 13 s 1 (8298)*

508.53 TRANSFER AND PAYMENT OF TAXES.

All laws requiring deeds, plats, or other instruments affecting unregistered land to bear the endorsement of the proper city or county officials showing that all taxes or assessments upon the same have been paid, shall be operative as to registered land, and all such laws shall be complied with before any deed, plat, or other instrument affecting registered land shall be filed with the registrar. When, by the terms of any decree of registration, any tax or local assessment lien, or the title based upon the same, is either subordinated to the title adjudicated thereby or merged therein, all such liens and titles shall be described in detail in the decree, and from and after the entry thereof such titles and liens shall be considered as having in law been paid. A certified copy of the decree shall be filed with the county auditor and with the city treasurer in all counties where local assessments are paid to such official. The county auditor and city treasurer shall thereafter treat the liens and titles described in such decree as having in law been paid and make upon the books and records of their respective offices proper entries to that effect. If any deed, plat, or other instrument affecting such land is thereafter presented to the county auditor or to the city treasurer upon which it is the duty of such officers to make any official endorsements, they shall regard all the titles and liens described in such decree as having been legally paid and satisfied and make their official endorsement upon such deed, plat, or other instrument without reference or regard thereto.

History: *RL s 3421; 1905 c 305 s 51 (8299)*

508.54 MORTGAGE.

The owner of registered land may mortgage the same by deed or other instrument sufficient in law for that purpose and such mortgage or other instrument may be assigned, extended, discharged, or released, either in whole or in part, or otherwise dealt with by the mortgagee by any form of deed or instrument sufficient in law for the purpose. Such deed, mortgage, or other instrument, and all instruments assigning, extending, discharging, releasing, or otherwise dealing with the same, shall be registered and take effect upon the title only from the time of registration.

History: *RL s 3422; 1905 c 305 s 52 (8300)*

508.55 REGISTRATION OF MORTGAGE; MEMORIAL ENTERED ON CERTIFICATE.

The registration of a mortgage shall be made in the following manner: The owner's duplicate certificate shall be presented to the registrar, together with the mortgage deed, or other instrument to be registered, and the registrar shall enter

upon the original certificate of title and also upon the owner's duplicate certificate a memorial of the purport of the instrument registered, the exact time of filing, and its file number. He shall also note upon the registered instrument the time of filing and a reference to the volume and page where it is registered. The registrar shall also, at the request of the mortgagee or his assignee, make and deliver to him a duplicate certificate of title like the owner's duplicate certificate, except that the words "Mortgagee's Duplicate" shall be written or printed diagonally across its face in large letters. A memorandum of the issuance of the mortgagee's duplicate shall be made upon the original certificate of title.

History: *RL s 3423; 1905 c 305 s 53; 1983 c 92 s 16 (8301)*

508.555 MORTGAGE SECURING REVOLVING LINE OF CREDIT; NOTICE.

A mortgage securing a revolving line of credit under which advances, payments, and readvances may be made from time to time, and which states the maximum amount of the line of credit which may be secured at any one time, is effective as notice to parties from the time the mortgage is filed and registered as to all advances and readvances secured thereby, regardless of the time or amount of advances, payments, or readvances and whether or not the advances or readvances are obligatory.

History: *1984 c 502 art 14 s 17*

508.56 ASSIGNMENT AND DISCHARGE OF MORTGAGE.

When a mortgage, upon which a mortgagee's duplicate has been issued, is assigned, extended, or otherwise dealt with, the mortgagee's duplicate shall be presented to the registrar, together with the instrument dealing with the mortgage, and a memorial of the instrument, shall be made upon the mortgagee's duplicate and upon the original certificate of title. When the mortgage is discharged or otherwise extinguished the mortgagee's duplicate shall be surrendered and stamped "Canceled." In case only a part of the mortgage upon the land is intended to be released or discharged a memorial of such partial release shall be entered. The production of the mortgagee's duplicate certificate shall be conclusive authority to register the instrument therewith presented.

History: *RL s 3424; 1905 c 305 s 54 (8302)*

508.57 FORECLOSURE; NOTICE.

Mortgages upon registered land may be foreclosed in the same manner as mortgages upon unregistered land. Where the mortgage is upon registered land it shall be sufficient to authorize the foreclosure thereof by advertisement, if such mortgage and all assignments thereof shall have been registered, and a memorial thereof duly entered upon the certificate of title. When a mortgage upon registered land is foreclosed by advertisement, the notice of foreclosure shall state the date of the mortgage, when and where registered, and the fact of registration. All laws relating to the foreclosure of mortgages upon unregistered land shall apply to mortgages upon registered land, or any estate or interest therein, except as herein provided, and except that a notice of the pendency of any suit or proceeding to enforce or foreclose the mortgage or other charge upon the land shall be filed with the registrar, and a memorial thereof entered on the register at the time of or prior to the commencement of such action or proceeding. A notice so filed and registered shall be notice to the registrar and to all persons thereafter dealing with the land or any part thereof. When a mortgagee's duplicate certificate has been issued it shall

be presented to the registrar at the time of filing and a memorial thereof entered therein. In all such foreclosures all certificates and affidavits permitted or required by law to be recorded with the county recorder shall be filed with the registrar and registered by him.

History: *RL s 3425; 1905 c 305 s 55; 1976 c 181 s 2 (8303)*

508.58 REGISTRATION AFTER FORECLOSURE; NEW CERTIFICATE.

Any person who has, by an action or other proceeding to enforce or foreclose a mortgage, lien, or other charge upon registered land, become the owner in fee of the land, or any part thereof, may have his title registered. He shall apply by duly verified petition to the court for a new certificate of title to such land, and the court shall thereupon, after due notice to all parties in interest and upon such hearing as the court may direct, make an order or decree for the issuance of a new certificate of title to the person entitled thereto, and the registrar shall thereupon enter a new certificate of title to the land, or of the part thereof to which the applicant is entitled, and issue an owner's duplicate as in the case of a voluntary conveyance.

History: *RL s 3426; 1905 c 305 s 56 (8304)*

508.59 REGISTRATION OF JUDGMENT OR FINAL DECREE.

A judgment or decree affecting registered land shall be registered upon the presentation of a certified copy thereof to the registrar, who shall enter a memorial thereof upon the original certificate of title, and upon the owner's duplicate, and upon any outstanding mortgagee's or lessee's duplicate, if practicable so to do. When the registered owner of such land is by such judgment or decree divested of his estate in fee therein, or of any part thereof, the prevailing party shall be entitled to a new certificate of title for the land, or so much thereof as may be described in the judgment and decree, and the registrar shall enter such new certificate of title and issue a new owner's duplicate certificate as in the case of a voluntary conveyance. No such new certificate shall be entered except upon the written certification of the examiner of titles as to the legal sufficiency of the documents presented for filing for the purpose of issuance of a new certificate or upon the order of the district court directing the issuance thereof.

History: *RL s 3427; 1905 c 305 s 57; 1973 c 14 s 2 (8305)*

508.60 LEASES.

Leases of registered land for a term of three years or more shall be registered. All the provisions of this chapter relating to the registration of mortgages shall apply to the registration of leases so far as they are applicable to them.

History: *RL s 3428; 1905 c 305 s 58; 1983 c 92 s 17 (8306)*

508.61 TRUST AND OTHER DEEDS OF LIMITATION; NEW TRUSTEE; CORPORATE DISSOLUTION.

Subdivision 1. If a deed or other instrument is filed with the registrar for the purpose of transferring registered land in trust, or upon any equitable condition or limitation expressed therein, or for the purpose of creating or declaring a trust or other equitable interest therein without the transfer thereof, the particulars of the trust, condition, limitation, or other equitable interest need not be entered upon the certificate of title, but a memorial thereof may be entered by the words "in trust" or "upon condition," or other apt words, and by reference by number to the instrument authorizing or creating the same.

Subd. 2. When a new trustee of registered land is appointed a new certificate of title shall be entered in his name upon presentation to the registrar of a certified copy of the decree or other instrument appointing him and the surrender of the owner's duplicate certificate.

Subd. 3. When a corporate owner adopts a resolution for voluntary dissolution, the registrar of titles shall enter a new certificate of title in the name of the trustee in dissolution upon the surrender of the owner's duplicate certificate and the presentation of a certified copy of the certificate setting forth the adoption of the resolution together with the certificate of the secretary of state that said certificate of dissolution has been filed for record in his office.

Subd. 4. When an instrument showing such appointment or dissolution and a trustee's deed are filed for registration on the same day, a new certificate of title may be entered in the name of the grantee or grantees and the memorial of such instrument shall have the same force and effect as though a certificate of title had been entered in favor of the trustee; the fees, however, for registration to be the same as would be the case if a certificate of title were entered in the name of the trustee.

History: *RL s 3429; 1905 c 305 s 59; 1973 c 14 s 3 (8307)*

508.62 TRUSTEE'S CONVEYANCE.

No instrument executed by an owner whose fee title to registered land is held in trust which transfers, mortgages, leases, or in any manner affects the land, shall be registered except upon the written certification of the examiner of titles that the instrument is executed in accordance with a power conferred in the instrument of trust or is authorized by law, or upon the order of the district court directing its registration. The examiner shall not certify any such instrument unless the trust is administered by the court or unless the document creating the trust, or a certified copy of it, is registered as a memorial upon the certificate of title. The certified copy of the certificate setting forth the adoption of the resolution for voluntary dissolution of a corporate registered owner together with the certificate of the secretary of state that said certificate of dissolution has been filed for record in his office shall be deemed the document creating the trust.

History: *RL s 3430; 1905 c 305 s 60; 1973 c 14 s 4; 1983 c 92 s 18 (8308)*

508.63 REGISTRATION OF INSTRUMENTS CREATING LIENS; JUDGMENTS.

No judgment requiring the payment of money shall be a lien upon registered land, except as herein provided. Any person claiming such lien shall file with the registrar a certified copy of the judgment, together with a written statement containing a description of each parcel of land in which the judgment debtor has a registered interest and upon which the lien is claimed, and a proper reference to the certificate or certificates of title to such land. Upon filing such copy and statement, the registrar shall enter a memorial of such judgment upon each certificate designated in such statement, and the judgment shall thereupon be and become a lien upon the judgment debtor's interest in the land described in such certificate or certificates. At any time after filing the certified copy of such judgment, any person claiming the lien may, by filing a written statement, as herein provided, cause a memorial of such judgment to be entered upon any certificate of title to land in which the judgment debtor has a registered interest and not described in any previous statement and the judgment shall thereupon be and become a lien upon the judgment debtor's interest in such land. The judgment shall survive and the lien thereof shall continue for a period of ten years from the date of the judgment and no longer. In every case

where an instrument of any description, or a copy of any writ, order, or decree, is required by law to be filed or recorded in order to create or preserve any lien, writ, or attachment upon unregistered land, such instrument or copy, if intended to affect registered land, shall, in lieu of recording, be filed and registered with the registrar. In addition to any facts required by law to be stated in such instruments to entitle them to be filed or recorded, they shall also contain a reference to the number of the certificate of title of the land to be affected, and, if the attachment, charge, or lien is not claimed on all the land described in any certificate of title, such instrument shall contain a description sufficient to identify the land.

History: *RL s 3431; 1905 c 305 s 61; 1977 c 21 s 7 (8309)*

508.64 ATTACHMENTS; LIENS.

Attachments and liens of every description upon registered land shall be continued, reduced, discharged, and dissolved by any method sufficient therefor in the case of unregistered land. All certificates, writings, or other instruments permitted or required by law to be filed or recorded to give effect to the enforcement, continuance, reduction, discharge, or dissolution of attachments or other liens upon unregistered land or to give notice of the same, shall, in the case of like liens upon registered land, be filed with the registrar.

History: *RL s 3432; 1905 c 305 s 62 (8310)*

508.65 PLAINTIFF'S ATTORNEY; NAME AND ADDRESS ENDORSED; NOTICE.

The name and address of the attorney for the party giving the notice shall be endorsed upon the instrument which is registered pursuant to section 508.64. He shall be deemed to be the attorney for that party until the party files a written notice as a memorial upon the certificate of title stating that the designated attorney has ceased to be the party's attorney.

History: *RL s 3433; 1905 c 305 s 63; 1983 c 92 s 19 (8311)*

508.66 RELEASE OF COURT PROCEEDINGS; CLERK'S CERTIFICATE.

A certificate of the clerk of the court in which any action or proceeding shall have been pending or in which any judgment or decree is of record, that such action has been dismissed or otherwise disposed of, or that the judgment, decree, or order has been assigned, satisfied, released, or reversed, or the certificate of any sheriff, or other officer, that the levy of any execution, attachment, or other process has been released, discharged or otherwise disposed of, being duly filed and noted upon the register, shall be sufficient to authorize the registrar to cancel, or otherwise treat the memorial thereof according to the purport of such certificate.

History: *RL s 3434; 1905 c 305 s 64 (8312)*

508.67 ACQUIRING TITLE BY ACTION; NEW CERTIFICATE.

Upon the expiration of the time allowed by law for redemption of registered land, after it has been set off, or sold on execution, or taken or sold for the enforcement of any lien, or charge of any nature, the person who claims under such execution, or under any certificate, deed, or other instrument made in the course of proceedings to enforce such execution or lien, may apply to the court for an order directing the entry of a new certificate to him, and upon such notice, the court may require, the petition shall be heard and a proper order or decree rendered therein. In case the claim of title is based upon a tax certificate, tax or assessment deed, the petition or application shall be filed with the clerk of the court, who shall docket the

same in the land registration docket, and a copy thereof, certified by the clerk, shall, by the petitioner, be filed with the registrar who shall enter upon the register a memorial thereof, which shall have the force and effect of a *lis pendens*. Such an application of the petitioner shall be referred to the examiner of titles for examination and report in like manner as herein provided for the reference of initial applications for registration. The summons shall be issued in the form and served in the manner as in initial applications. Such an application shall be heard by the court and the applicant shall be required to show affirmatively that all the requirements of the statute to entitle him to register his title have been complied with. The decree shall show the condition of the title to such land and who is the owner thereof. It shall provide, if the applicant is found to be the owner, for the cancellation of the outstanding certificate and the registrar shall issue a new certificate for the land in lieu and in place of the outstanding certificate upon presentation to him of a duly certified copy of such decree, according to its terms. If the applicant is not adjudged to be the owner then the decree shall provide for the cancellation of the memorial of the registration of the certified copy of the application.

History: *RL s 3435; 1905 c 305 s 65; 1927 c 112 s 5; 1957 c 168 s 1 (8313)*

508.671 DETERMINATION OF BOUNDARIES.

Subdivision 1. Petition. An owner of registered land may apply by a duly verified petition to the court to have all or some of the boundary lines judicially determined. The petition shall contain the full names and post office addresses of all owners of adjoining lands which are in any manner affected by the boundary determination. At the time of the filing of the petition with the clerk, a copy of it, duly certified by him, shall be filed for record with the county recorder. If any of the adjoining lands are registered, the certified copy of the petition also shall be filed with the registrar of titles and entered as a memorial on the certificate of title for those lands. When recorded or filed, the certified copy of the petition shall be notice forever to purchasers and encumbrancers of the pendency of the proceeding and of all matters referred to in the court files and records pertaining to the proceeding. The owner shall have the premises surveyed by a registered land surveyor and shall file in the proceedings a plat of the survey showing the correct location of the boundary line or lines to be determined. There also shall be filed with the clerk a memorandum abstract, satisfactory to the examiner, showing the record owners and encumbrancers of the adjoining lands which are in any manner affected by the boundary line determination. The petition shall be referred to the examiner of titles for examination and report in the manner provided for the reference of initial applications for registration. Notice of the proceeding shall be given to all interested persons by the service of a summons which shall be issued in the form and served in the manner as in initial applications.

Subd. 2. Order. Before the issuance of any final order determining the location of the owner's boundary lines, the court shall fix and establish the boundaries and direct the establishment of judicial landmarks in the manner provided by section 559.25. The final order shall make reference to the boundary lines that have been determined and to the location of the judicial landmarks that mark the boundary lines. A certified copy of the final order shall be filed by the clerk with the registrar of titles. If any of the adjoining lands are registered, the final order also shall be filed upon the certificates of title for these lands and it shall direct the registrar of titles to show by memorial which of the boundary lines of the adjoining lands have been determined in the district court case. Upon the filing of the final order, the registrar shall omit from future certificates the memorial of the petition for registration of the boundary lines.

Subd. 3. **Plat of survey to be filed.** The clerk also shall file with the registrar of titles a certified copy of the plat of the survey which contains a certification by a registered land surveyor that the boundaries as registered have been marked by judicial landmarks set pursuant to the order of the court. The registrar of titles shall enter the certified copy of the plat of the survey as a memorial upon the certificate of title.

History: 1983 c 92 s 20

508.68 DEATH OF OWNER; ISSUANCE OF NEW CERTIFICATES.

When the owner of registered land, or of any estate or interest therein, dies, having devised the same by will, the persons entitled thereto may file with the registrar a certified copy of such will and the personal representative's deed of distribution together with any order of distribution, if there be one, or certified copy of any final decree, if there be one, assigning the same, and the duplicate certificate issued to the testator, and thereupon the registrar shall cancel the duplicate certificate issued to the testator and issue a new duplicate certificate to the persons designated. When the owner of registered land, or of any estate or interest therein, dies, not having devised the same, the persons entitled thereto by law may file with the registrar the personal representative's deed of distribution together with a certified copy of any order of distribution, if there be one, or a certified copy of any final decree of the court assigning the same, together with the duplicate certificate issued to the intestate, and thereupon the registrar shall cancel the duplicate certificate issued to the intestate and issue a new duplicate certificate to the persons entitled thereto. Unless restricted by letters of testamentary or letters of administration, a personal representative may sell, convey, or mortgage registered land in the same manner as if the land were registered in his name. Such personal representative shall first file with the registrar a certified copy of any will of the decedent and a certified copy of his letters.

History: *RL s 3436; 1905 c 305 s 66; 1975 c 347 s 10; 1976 c 161 s 2 (8314)*

508.69 JURISDICTION OF COURT NOT IMPAIRED.

A personal representative may sell, mortgage or lease any real property of the estate as authorized by section 524.3-715. Nothing contained in this chapter shall impair or affect the jurisdiction of the court to license any personal representative, conservator or guardian to sell or mortgage registered land. A purchaser or mortgagee receiving a deed or mortgage executed by a personal representative, conservator or guardian shall be entitled to register his title and to the entry of a new certificate of title or memorial of registration in the same manner as upon any similar voluntary transfer of registered land. No certificate shall be issued pursuant to the provisions of this section or of section 508.68 except upon the written certification of the examiner of titles as to the legal sufficiency of the documents presented for filing for the purpose of issuance of a new certificate or upon the order of the district court directing the issuance thereof.

History: *RL s 3437; 1905 c 305 s 67; 1965 c 15 s 1; 1975 c 347 s 11 (8315)*

508.70 SUBSEQUENT ADVERSE CLAIM, HOW REGISTERED; COSTS.

Any person claiming any right, title, or interest in registered land adverse to the registered owner thereof arising subsequent to the date of the original registration, may, if no other provision is made in this chapter for registering the same, file with the registrar his verified statement in writing setting forth fully his alleged right or interest, and how or from whom it was acquired, and a reference to the volume and

page of the certificate of title of the registered owner, together with a description of the land, the adverse claimant's residence, and designating a place at which all notices may be served upon him. Such statement shall be entitled to registration as an adverse claim, and the court, upon the petition of any party in interest, shall grant a speedy hearing upon the validity of such adverse claim and enter such decision and decree therein as justice and equity may require. If the adverse claim is adjudged to be invalid, the registration thereof shall be canceled. The court may, in any case, award such costs and damages, including a reasonable attorney's fee, as it may deem just.

History: *RL s 3438; 1905 c 305 s 68 (8316)*

508.71 ALTERATIONS ON REGISTER; ORDER OF COURT; DIRECTIVE OF EXAMINER; NEW CERTIFICATES.

Subdivision 1. **Alterations.** No erasure, alteration, or amendment shall be made upon the register of titles after the entry of a certificate of title or of any memorial on it, and the attestation of the same by the registrar, except by order of the court or as otherwise provided in this chapter.

Subd. 2. **Court order.** A registered owner or other person in interest may, at any time, apply by petition to the court, upon the ground that (1) registered interests of any description, whether vested, contingent, expectant, or inchoate, have terminated and ceased; (2) new interests have arisen or been created which do not appear upon the certificate; (3) any error or omission was made in entering a certificate or any memorial thereon, or on any duplicate certificate; (4) the name of any person on the certificate has been changed; (5) the registered owner has married, or, if registered as married, that the marriage has been terminated; (6) a corporation which owned registered land and has been dissolved has not conveyed it within three years after its dissolution; or (7), upon any reasonable ground, that any other alteration or adjudication should be made. The court may hear and determine the petition after notice given to all parties in interest, as determined by the examiner of titles, by a summons issued in the form and served in the manner as in initial applications or by an order to show cause, as the court may deem appropriate. After notice has been given as ordered, the court may order the entry of a new certificate, the entry, amendment, or cancellation of a memorial upon a certificate, or grant any other relief upon the terms, requiring security if necessary, as it may consider proper. The provisions of this section shall not give the court authority to open the original decree of registration, and nothing shall be done or ordered by the court which shall impair the title or other interest of a purchaser who holds a certificate for value and in good faith, or of his heirs or assigns without his or their written consent. A certified copy of the petition may be filed as a memorial on any appropriate certificate of title which shall be notice forever to purchasers and encumbrancers of the pendency of the proceeding and all matters referred to in the court files and records pertaining to the proceeding.

Subd. 3. **Directive by examiner.** At the request of a registered owner or other person in interest, the examiner of titles by a written directive may order the amendment or cancellation of a memorial relating to racial restrictions, rights which are barred by a statute or rights which have expired by the terms of the instrument creating the rights. The registrar of titles may register the directives of the examiner of titles upon the certificates of title, and he shall give full faith to the directives.

Subd. 4. **Registration of memorials.** Without order of court or directive of the examiner, the registrar of titles may receive and register as memorials upon any certificate of title to which they pertain, the following instruments: receipt or certificate of county treasurer showing redemption from any tax sale or payment of any tax described in a certificate of title, a certified copy of a marriage certificate

showing the subsequent marriage of any owner shown by a certificate of title to be unmarried, a certified copy of a final decree of divorce or dissolution of a marriage entered in the state of Minnesota, or in any state, territory or possession of the United States, or the District of Columbia to establish the dissolution of a marriage relationship of any party shown on the certificate to be married, and a certified copy of the death certificate of party listed in any certificate of title as being the spouse of the registered owner when accompanied by an affidavit satisfactory to the registrar identifying the decedent with the spouse. In all subsequent dealings with the land covered by the certificates, the registrar shall give full faith to these memorials.

Subd. 5. Survivorship. In case of a certificate of title outstanding to two or more owners as joint tenants, upon the filing for registration of a certificate of death of one of the joint tenants and an affidavit of survivorship, and, for deaths occurring prior to January 1, 1980, an affidavit of survivorship duly certified by the commissioner of revenue, or an affidavit of survivorship for exempt homestead property in compliance with the provisions of section 291.14, subdivision 2, clause (4), and upon the surrender of the owner's duplicate certificate of title, the registrar without the order or directive shall issue a new certificate of title for the premises to the survivor in severalty or to the survivors in joint tenancy as the case may be.

Subd. 6. Recorded instruments. When instruments affecting registered land have been recorded in the office of any county recorder in this state, a certified copy thereof may be filed for registration and registered with like effect as the original instrument without the order or directive. The owner's, mortgagee's, or lessee's duplicate certificate of title shall be presented to the registrar, together with the certified copy, whenever the presentation is required by statute for registration of the original instrument.

History: *RL s 3439; 1905 c 305 s 69; 1933 c 160 s 1; 1967 c 850 s 3; 1969 c 228 s 1; 1973 c 14 s 5; 1973 c 582 s 3; 1976 c 181 s 2; 1983 c 92 s 21 (8317)*

508.72 AGENCY; POWER TO BE REGISTERED.

Any act which may legally be done or performed by any person under this chapter may be done and performed by his agent when duly authorized in writing. The instrument or power of attorney shall be filed with the registrar and registered by him if it is executed and acknowledged as required by law in the case of a deed. Any instrument revoking the power of attorney may be filed and registered if it is executed and acknowledged in the same way. A written instrument of revocation of an unregistered power of attorney, executed and acknowledged by a person having a registered interest in land, may be filed for registration as a memorial upon the certificate of title.

History: *RL s 3440; 1905 c 305 s 70; 1984 c 603 s 1 (8318)*

508.73 EMINENT DOMAIN; REVERSION.

If the land of a registered owner, or any right, title, interest, or estate therein is taken by eminent domain, the state or body politic, or other authority which exercises such right, shall file for registration a written instrument containing a description of the land so taken, together with the name of each owner thereof, and referring to each certificate of title by its number and place of registration in the register of titles, and stating what estate or interest in the land is taken, and for what purpose. A memorial of the right, title, interest, or estate thus taken shall be made upon each certificate of title by the registrar, and if the fee is taken, a new certificate shall be entered in the name of the owner for the land remaining to him after such taking. If the owner has a lien upon the land thus taken for his damages, this fact shall be stated in the memorial of registration. All fees on account of any memorial

of registration or entry of new certificates for land thus taken shall be paid by the state or body politic or other authority which takes the land. If land which was taken for public use reverts, by operation of law, to the owner or to his heirs or assigns, the district court, upon the application of the person entitled to the benefit of such reversion, and after due notice and hearing, may order the entry of a new certificate of title to the person entitled thereto.

History: *RL s 3441; 1905 c 305 s 71 (8319)*

508.74 CHARGES ON REGISTRATION.

Subdivision 1. Upon the original registration of fee title to land there shall be paid to the registrar one-fifteenth of one percent of the estimated market value of the land, exclusive of improvements, as determined by the last official assessment for general taxation, or five dollars, whichever is the greater.

Subd. 2. In the second and fourth judicial districts the required fee shall be one-tenth of one percent of one-third of the estimated market value of the land, exclusive of improvements, or one dollar, whichever is the greater.

Subd. 3. For the issuance and registration of the first certificate of title there shall be paid to the registrar the sum of two dollars, in addition to any other sum prescribed by law.

Subd. 4. Upon the original registration of an appurtenant easement over unregistered land there shall be paid to the registrar the sum of five dollars.

History: *RL s 3442; 1905 c 305 s 72; 1961 c 603 s 1; 1971 c 660 s 1; 1974 c 256 s 1; 1974 c 322 s 9; 1977 c 21 s 8 (8320)*

508.75 ASSURANCE FUND; INVESTMENT.

All money received by the registrar under the provisions of sections 508.74 and 508.82, clause (1) shall be paid quarterly by him or the county treasurer to the state treasurer and placed in the real estate assurance account as an assurance fund. There is annually appropriated to the state treasurer from the real estate assurance account sums sufficient to pay claims ordered by a district court.

History: *RL s 3443; 1905 c 305 s 73; 1971 c 245 s 1; 1976 c 145 s 1; 1980 c 543 s 4 (8321)*

508.76 DAMAGES THROUGH ERRONEOUS REGISTRATION; ACTION.

Any person who, without negligence on his part, sustains any loss or damage by reason of any omission, mistake or misfeasance of the registrar or his deputy, or of any examiner or of any clerk of court, or of his deputy, in the performance of their respective duties under this law, and any person who, without negligence on his part, is wrongfully deprived of any land or of any interest therein by the registration thereof, or by reason of the registration of any other person, as the owner of such land, or by reason of any mistake, omission, or misdescription in any certificate of title, or in any entry or memorial, or by any cancelation, in the register of titles, and who, by the provisions of this law, is precluded from bringing an action for the recovery of such land, or of any interest therein, or from enforcing any claim or lien upon the same, may institute an action in the district court to recover compensation out of the assurance fund for such loss or damage.

History: *RL s 3444; 1905 c 305 s 74 (8322)*

508.77 PARTIES DEFENDANT; JUDGMENT; EXECUTION.

If such action is brought to recover any loss or damage occasioned solely by the registration of such land, or solely by the registration of any other person as the owner thereof, or if such action be brought for the recovery of any loss or damage occasioned solely by the omission, mistake or misfeasance of the registrar or his deputy, or of any examiner or of any clerk of court, or his deputy, in the performance of their respective duties, the state treasurer, in his official capacity, shall be the sole defendant. If such action be brought to recover for any loss or damage occasioned either wholly, or in part, by the fraud or wrongful act of some person other than the officers herein named, or to recover for any loss or damage caused jointly by the fraud or wrongful act, and by the omission, mistake or misfeasance of the officers above named, or any of them, and of some other person, the state treasurer, in his official capacity, and such other person shall be joined as defendants therein. In any action where there are defendants other than the state treasurer, no execution shall issue against such treasurer until execution against all other defendants against whom judgment has been recovered has been returned unsatisfied, either in whole or in part. An officer returning such execution shall certify thereon that the amount still due upon the execution cannot be collected from them. Thereupon the court, being satisfied as to the truth of the return, shall order the state treasurer to pay the amount due upon such execution out of the assurance fund. If the assurance fund is insufficient to pay the amount of any judgment in full, the unpaid balance thereof shall bear interest at the legal rate and be paid out of the first moneys coming into the assurance fund. The attorney general or, at the request of either the attorney general or the board of county commissioners of the county in which the land or a major part of it lies, the county attorney of that county shall defend the state treasurer in all such actions.

History: RL s 3445; 1905 c 305 s 75; 1980 c 543 s 5 (8323)

508.78 LIABILITY OF ASSURANCE FUND.

No person shall recover from the assurance fund any sum by reason of any loss, damage, or deprivation occasioned solely by a breach of trust on the part of any registered owner who is trustee, or by the improper exercise of any power of sale in a mortgage, nor shall any person recover from the assurance fund any greater sum than the fair market value of the real estate at the time of the last payment into such fund, on account thereof.

History: RL s 3446; 1905 c 305 s 76 (8324)

508.79 LIMITATION OF ACTION.

Any action or proceeding pursuant to section 508.76 to recover damages out of the assurance fund, shall be commenced within six years from the time when the right to commence the same accrued, and not afterwards. If at the time the right accrued or thereafter within the six year period, the person entitled to bring such action or proceeding is a minor, or insane, or imprisoned, or absent from the United States in its service or the service of the state, such person, or anyone claiming under him, may commence such action or proceeding within two years after such disability is removed.

History: RL s 3447; 1905 c 305 s 77; 1974 c 384 s 1; 1980 c 543 s 6 (8325)

508.80 FRAUDULENT INSTRUMENT OR ENTRY; PENALTY.

Whoever fraudulently procures, or assists in fraudulently procuring, or is privy to the fraudulent procurement of, any certificate of title or other instrument or of

any entry in the register of titles, or other book kept in the office of any registrar, or of any erasure or alteration in any entry in any of these books, or in any instrument authorized by this chapter, or knowingly defrauds, or is privy to defrauding, any person by means of a false or fraudulent instrument, certificate, statement, or affidavit affecting registered land, shall be guilty of a felony punishable by a fine not exceeding \$10,000, or by imprisonment not exceeding five years, or by both.

History: *RL s 3448; 1905 c 305 s 78; 1984 c 628 art 3 s 11 (8326)*

508.81 CLERK'S FEES; NOTICES.

In counties having a population of less than 600,000 and containing a city of the first class, on the filing of any application for registration, the applicant shall pay the clerk of the court the sum of \$3, which shall be in full of all clerk's fees and charges in such proceedings on his behalf. Any defendant on entering his appearance shall pay a like sum, which shall be in full of all clerk's fees on his behalf. When any number of defendants enter their appearance jointly but one fee shall be paid. Every publication in a newspaper required by this law shall be paid for by the party on whose application the publication is made. The party at whose request any notice is issued shall pay for the service of the same, except when sent by mail by the clerk or by the registrar. In all other counties the fees of the clerk of the district court for services performed in connection with his duties in proceedings for the registration of a land title shall be governed by the provisions of section 357.021.

History: *RL s 3449; 1905 c 305 s 79; 1949 c 151 s 1; 1957 c 294 s 1; 1959 c 250 s 5 (8327)*

508.82 REGISTRAR'S FEES.

The fees to be paid to the registrar shall be as follows;

(1) In addition to other fees provided herein, for the entry of each memorial upon a certificate of title, fifty cents, which shall be paid to the state treasurer and credited to the real estate assurance account;

(2) For registering each original certificate of title, and issuing a duplicate of it, \$10;

(3) For registering each transfer, including the filing of all instruments connected with it, and the issuance and registration of the new certificate of title, \$10;

(4) For the entry of each memorial on the register, or the cancellation thereof, including the filing of all instruments and papers connected with it and endorsements upon duplicate certificates, \$5;

(5) For issuing each mortgagee's or lessee's duplicate, \$5;

(6) For issuing each residue certificate, \$10;

(7) For exchange certificates, \$5 for each certificate canceled and \$5 for each new certificate issued;

(8) For each certificate showing condition of the register, \$5;

(9) For any certified copy of any instrument or writing on file in his office, the same fees allowed by law to county recorders for like services;

(10) For a noncertified copy of any instrument or writing on file in the office of the registrar of titles, 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;

(11) For filing two copies of any plat in the office of the registrar, \$15;

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

(13) For issuing a duplicate certificate of title pursuant to the directive of the examiner of titles in counties in which the compensation of the examiner is paid in the same manner as the compensation of other county employees, \$50, plus \$5 to memorialize;

(14) For issuing a duplicate certificate of title pursuant to the directive of the examiner of titles in counties in which the compensation of the examiner is not paid by the county or pursuant to an order of the court, \$5;

(15) For filing a condominium floor plan or an amendment to it in accordance with chapter 515, \$15;

(16) For a copy of a condominium floor plan filed pursuant to chapters 515 and 515A, the fee shall be \$1 for each page of the floor plan with a minimum fee of \$10;

(17) For filing a condominium declaration and floor plans or an amendment to it in accordance with chapter 515A, \$5 for each certificate upon which the document is registered and \$15 for the filing of the floor plans or an amendment thereto;

(18) For the filing of a certified copy of a plat of the survey pursuant to section 508.23 or 508.671, \$10.

History: *RL s 3450; 1905 c 305 s 80; 1911 c 349 s 1; 1951 c 407 s 1; 1955 c 804 s 1; 1957 c 680 s 1; 1974 c 493 s 3; 1976 c 77 s 2; 1976 c 145 s 2; 1976 c 181 s 2; 1980 c 543 s 7; 1980 c 560 s 3; 1982 c 382 s 1; 1983 c 92 s 22 (8328)*

508.83 [Repealed, 1980 c 543 s 12]

508.835 DISPOSAL OF CANCELED DUPLICATE CERTIFICATES AND RECEIPT CARDS.

The registrar of titles is hereby authorized to destroy owner's duplicate certificates marked "canceled," upon the entry of a new owner's duplicate certificate, mortgagee's duplicate certificates marked "canceled" and the receipt cards for such "canceled" certificates.

History: *1955 c 260 s 1; 1957 c 2 s 1; 1971 c 533 s 1*

508.836 DISPOSAL OF CERTAIN AFFIDAVITS.

The registrar of titles is hereby authorized to destroy affidavits of grantees and purchasers or of the person acting on their behalf, which are more than five years old.

History: *1955 c 273 s 1; 1971 c 533 s 2*

508.84 INSTRUMENTS OF ENCUMBRANCE; DISPOSAL.

The registrar of titles is hereby authorized to destroy instruments of encumbrance which have been satisfied of record or extinguished by operation of law for a period of five years together with the assignments and satisfactions thereof. When the discharge of an encumbrance is by virtue of a judicial or statutory sale, the instruments evidencing the encumbrance of the foreclosure thereof, shall not be destroyed until six months after entry of an unappealed order for issuance of a new certificate of title to the purchaser at such sale or to his assignee. Nothing herein contained shall relieve such registrar from maintaining the books and index records required under sections 508.34 and 508.37.

History: *1955 c 286 s 1; 1971 c 533 s 3*