

CHAPTER 508

REGISTRATION, TORRENS

508.51 When owner's duplicate must be presented; exceptions.

508.51 WHEN OWNER'S DUPLICATE MUST BE PRESENTED; EXCEPTIONS.

Subdivision 1. If voluntary instrument; exception: court order. Except as provided in subdivision 2, 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 instrument made by the registered owner or the registered owner's attorney-in-fact, unless the owner's duplicate is presented therewith, except 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. The registrar shall require that the owner's duplicate be presented only when an instrument is submitted for filing that is executed by the registered owner or the registered owner's attorney-in-fact. When any voluntary instrument made by the registered owner or the registered owner's attorney-in-fact 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 the registered owner 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 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.

Subd. 2. Exception: instrument for government agency. A deed or other voluntary instrument, made by the registered owner or the registered owner's attorney-in-fact, in favor of the United States of America, this state, or any political subdivision, agency, or instrumentality of the United States of America or this state must be accepted for registration regardless of whether the owner's duplicate is presented with it. The execution of a deed or other voluntary instrument by the registered owner or the registered owner's attorney-in-fact authorizes the registrar to enter a new certificate or to make a memorial of registration in accordance with the instrument, and the new certificate or memorial is binding upon the registered owner and upon all persons claiming under the registered owner in favor of every purchaser for value and in good faith. In all cases of registration that are procured by fraud, the owner may pursue all legal and equitable remedies against the parties to the fraud, without prejudice to the rights of any innocent holder for value of a certificate of title.

History: 1995 c 92 s 2