

## CHAPTER 508

## REGISTRATION, TORRENS

508.14	Survey in certain counties.	508.55	Registration of mortgage; memorial entered on certificate of title.
508.24	Registration runs with land; withdrawal.	508.56	Assignment and discharge of mortgage.
508.25	Rights of person holding certificate of title.	508.57	Foreclosure; notice.
508.35	Form of certificate.	508.58	Registration after foreclosure; new certificate.
508.36	Certificates and copies as evidence.	508.59	Registration of judgment or final decree.
508.38	Forms of records adopted.	508.61	Trust, other limited deeds; new trustee; corporate dissolution.
508.40	Copy of certificate of title to be furnished to owner.	508.67	Acquiring title by action; new certificate.
508.405	Repealed.	508.68	Death of owner; issuance of new certificates.
508.421	Surrender of duplicate; exchange certificate.	508.71	Alterations; court, examiner's order; new certificates.
508.44	Repealed.	508.76	Registrar's liability.
508.45	Repealed.	508.82	Registrar's fees.
508.47	Registered lands; transfer, surveys.	508.835	Repealed.
508.49	Interest less than fee; noticed by memorial.		
508.51	When owner's duplicate must be presented; exceptions.		
508.52	Conveyance; cancellation of old and issuance of new certificate.		

**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 court administrator 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 the registrar 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 certificate of title of such land and transferred with each subsequent certificate of title affecting such land. In any county in which the county surveyor receives fees in lieu of a salary, the county surveyor shall be paid such compensation for services as the county board may determine; in all other counties, the county surveyor shall receive no other compensation than the salary paid for other county work.

*History: 1999 c 11 art 1 s 13*

**508.24 REGISTRATION RUNS WITH LAND; WITHDRAWAL.**

*[For text of subd 1, see M.S.1998]*

**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 dif-

ferences 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, the land shall be withdrawn from registration and become unregistered property.

**History:** 1999 c 11 art 1 s 14

**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;
- (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; and
- (7) any outstanding mechanics lien rights which may exist under sections 514.01 to 514.17.

No existing or future lien for state taxes arising under the laws of this state for the non-payment of any amounts due under chapter 268 or any tax administered by the commissioner of revenue may encumber title to lands registered under this chapter unless filed under the terms of this chapter.

**History:** 1999 c 11 art 1 s 15

**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 whether the owner is 18 years of age or older and, if under any legal incapacity, the nature of it. It shall also state whether or not the owner is married and, if married, the name of the spouse. 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 ....., .....

REGISTRATION

State of Minnesota )  
 ) ss.  
 County of ..... )

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

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;
- (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/is not) of the age of 18 years or older, is under no legal incapacity except ..... and is (single/married to .....), who (is/is not) of the age of 18 years or older and is under no legal incapacity except .....

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

.....  
 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:** 1999 c 11 art 1 s 16

**508.36 CERTIFICATES AND COPIES AS EVIDENCE.**

The certificate of title in the register of titles, any copy of it duly certified by the registrar, or by a deputy, and authenticated by the registrar's seal shall be received in evidence in all the courts of this state and be conclusive evidence of all matters and things contained in it. 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:** 1999 c 11 art 1 s 17

**508.38 FORMS OF RECORDS ADOPTED.**

Instruments affecting the title to land, filed with the registrar, shall be numbered by the registrar consecutively, to the extent practicable and the registrar shall endorse upon each instrument over the registrar's official signature, OFFICE OF THE REGISTRAR OF TITLES, ... COUNTY, MINNESOTA, CERTIFIED FILED ON, together with the date, hour, and minute when the instrument is filed, the document number thereof, and a reference to the proper certificate of title. Instruments shall be copied or reproduced as provided by section 15.17, as amended. Instruments shall then be returned in person or by mail to the party who presented the instruments for filing or to any other party to whom the registrar is directed to deliver the instruments. When the memorial of any instrument is made upon any certificate, the date, number, and time of filing thereof shall also be endorsed upon the 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 endorsed with the

file number, and other memoranda on the originals, and may be attested and sealed by the registrar, and returned to the person presenting the same. The registrar shall furnish certified copies of the instruments filed and registered in the registrar's office, upon payment of a fee as provided in section 357.18.

**History:** 1999 c 11 art 1 s 18

#### **508.40 COPY OF CERTIFICATE OF TITLE TO BE FURNISHED TO OWNER.**

When a certificate of title is entered, the registrar shall make a copy of it and deliver the copy to the owner or an authorized agent. The copy need not be presented or surrendered to permit an instrument, voluntary or otherwise, to be filed or a new certificate of title to be entered, or a memorial to be made on a certificate of title.

**History:** 1999 c 11 art 1 s 19

**508.405** [Repealed, 1999 c 11 art 1 s 72]

#### **508.421 SURRENDER OF DUPLICATE; EXCHANGE CERTIFICATE.**

Subdivision 1. [Repealed, 1999 c 11 art 1 s 72]

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 request the registrar to 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 request the registrar to 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.

*[For text of subd 3, see M.S.1998]*

**History:** 1999 c 11 art 1 s 20

**508.44** [Repealed, 1999 c 11 art 1 s 72]

**508.45** [Repealed, 1999 c 11 art 1 s 72]

#### **508.47 REGISTERED LANDS; TRANSFER, SURVEYS.**

*[For text of subs 1 to 3, see M.S.1998]*

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 monuments in the ground at appropriate corners, and all tracts shall be lettered consecutively beginning with the letter "A." A registered land survey which delineates multilevel tracts shall include a map showing the elevation view of the tracts with their upper and lower boundaries defined by elevations referenced to National Geodetic Vertical Datum, 1929 adjustment. 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 either 17 inches by 14 inches or at the registrar's request 20 inches by 30 inches and not less than 2-1/2 inches of the 14 inches or the 20 inches shall be blank for binding purposes, and such survey shall be filed in triplicate with the registrar of titles. Before filing, however, any sur-

vey shall be approved in the manner required for the approval of subdivision plats, which approval shall be endorsed on it or attached to it.

At the time of filing, a certificate from the treasurer that current taxes have been paid must be presented before the survey is accepted by the registrar for filing.

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 duly certify and furnish to any person a copy of said registered land survey, which shall be admissible in evidence.

*[For text of subsds 5 to 7, see M.S.1998]*

**History:** 1999 c 11 art 1 s 21

#### **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. The cancellation of the interests shall be registered in the same manner.

**History:** 1999 c 11 art 1 s 22

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

Subdivision 1. **If voluntary instrument; exception.** When any voluntary instrument made by the registered owner or the registered owner's attorney-in-fact is presented for registration the registrar shall enter a new certificate or make a memorial of registration in accordance with such instrument, and the new certificate of title 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. [Repealed, 1999 c 11 art 1 s 72]

**History:** 1999 c 11 art 1 s 23

#### **508.52 CONVEYANCE; CANCELLATION 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 with the registrar. The registrar shall require an affidavit by the grantee, or some person in the grantee's behalf, which affidavit shall set forth the name and residence of the grantee, whether the grantee is 18 years of age or older, and whether the grantee is or is not under legal incapacity, whether or not married, and, if married, the name of the spouse. The deed of conveyance shall be filed and endorsed with the number and place of registration of the certificate of title. 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 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 copy of the new certificate of title. 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 copy of their

respective certificates of title. In lieu of canceling the grantor's certificate of title and issuing a residue certificate to the grantor for the portion of the land not conveyed, the registrar may 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 the 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 the grantor's certificate of title. When two or more successive conveyances of the same property are filed for registration on the same day the registrar may 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, with the consent of the transferee, may mark "See memorials for new owner(s)" by the names of the registered owners on the 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:** 1999 c. 11, art. 1 s. 24

#### **508.55. REGISTRATION OF MORTGAGE; MEMORIAL ENTERED ON CERTIFICATE OF TITLE.**

The registration of a mortgage made by the registered owner, the registered owner's attorney-in-fact, or by a party having an interest registered on the certificate of title, other than the registered owner or the registered owner's attorney-in-fact, shall be made in the following manner: The mortgage deed or other instrument to be registered shall be presented to the registrar, and the registrar shall enter upon the certificate of title a memorial of the instrument registered, the exact time of filing, and its file number. The registrar shall also note upon the registered instrument the time of filing and a reference to the volume and page where it is registered.

**History:** 1999 c. 11 art. 1 s. 25

#### **508.56 ASSIGNMENT AND DISCHARGE OF MORTGAGE.**

When a mortgage is assigned, extended, or otherwise dealt with, a memorial of the instrument shall be made upon the certificate of title. 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.

**History:** 1999 c. 11 art. 1 s. 26

#### **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 certificate of title before the first date of publication of the foreclosure notice but not sooner than six months before the first date of publication. 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 and shall satisfy the requirements of section 580.032, subdivision 3, with respect to registered land. In all such foreclosures all certificates and affidavits permitted or required by law to be recorded with the county recorder shall be filed with and registered by the registrar.

**History:** 1999 c 11 art 1 s 27

### 508.58 REGISTRATION AFTER FORECLOSURE; NEW CERTIFICATE.

Subdivision 1. **Court order.** 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 the title registered. Except as provided in subdivision 2, the owner 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 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 petitioner is entitled as in the case of a voluntary conveyance.

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

At the request of a registered owner or other person in interest, the examiner of titles by a written directive may direct the registrar of titles to show by memorial on the certificate of title that a contract for the conveyance of a time share interest, as defined in section 515B.1-103(32), has been terminated in accordance with chapter 559. The directive also must specify the instruments the registrar shall omit from the next certificate of title because of the cancellation.

**History:** 1999 c 11 art 1 s 28

### 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 certificate of title. When the registered owner of such land is by such judgment or decree divested of an 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 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:** 1999 c 11 art 1 s 29

### 508.61 TRUST, OTHER LIMITED DEEDS; NEW TRUSTEE; CORPORATE DISSOLUTION.

[For text of subd .1, see M.S.1998]

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

Subd. 3. **Voluntary dissolution.** Where a corporate owner did adopt a resolution for voluntary dissolution pursuant to chapter 301, the registrar of titles shall enter a new certifi-

cate of title in the name of the trustee in dissolution upon 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 the secretary's office.

*[For text of subd 4, see M.S.1998]*

**History:** 1999 c 11 art 1 s 30,31

#### **508.67 ACQUIRING TITLE BY ACTION; NEW CERTIFICATE.**

Subdivision 1. **Court order.** 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 that person, and upon such notice as the court may require, the petition shall be heard and a proper order rendered therein. In case the claim of title is based upon a tax certificate, tax or assessment deed, the petition shall be filed with the court administrator, who shall docket the same in the land registration docket. The petition 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. The petition shall be heard by the court and the petitioner shall be required to show affirmatively that all the requirements of the statute to entitle the petitioner to register the title have been complied with. The order shall show the condition of the title to such land and who is the owner thereof. It shall provide, if the petitioner is found to be the owner, for the cancellation of the outstanding certificate of title and the registrar shall issue a new certificate of title for the land in lieu and in place of the outstanding certificate upon presentation to the registrar of a duly certified copy of such order, according to its terms.

Subd. 2. **Examiner of titles directive.** Any person holding title to registered land pursuant to forfeiture evidenced by a county auditor's certificate of forfeiture, or auditor's certificate of sale or state assignment certificate that has been memorialized upon a certificate of title for at least ten years is entitled to a new certificate of title for the land, or so much of the land as may be described in the forfeiture documents. The registrar shall enter the new certificate of title only pursuant to court order or upon the written directive of the examiner of titles as to the legal sufficiency of the forfeiture. The directive of the examiner of titles also must specify the instruments the registrar shall omit from the new certificate of title by virtue of the forfeiture.

**History:** 1999 c 11 art 1 s 32

#### **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 thereupon the registrar shall cancel the certificate of title issued to the testator and issue a new certificate of title 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, and thereupon the registrar shall cancel the certificate of title issued to the intestate and issue a new certificate of title to the persons entitled thereto. Unless restricted by letters 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 the representative's name. Such personal representative shall first file with the registrar a certified copy of any will of the decedent and a certified copy of the representative's letters.

**History:** 1999 c 11 art 1 s 33



**508.71 ALTERATIONS; COURT, EXAMINER'S ORDER; NEW CERTIFICATES.**

*[For text of subd 1, see M.S.1998]*

**Subd. 1a. Corrections of registrar's clerical errors.** The registrar may correct clerical errors or omissions made by the registrar's staff in producing certificates of title. An error shall not be erased or obliterated. The registrar may sign and file a correction document and memorialize it upon the affected certificate of title, or may make a correction memorial without a correction document. The memorial shall show the date, time of entry, the nature of the error or omission, and the correct information. If the error or omission may adversely affect the interest of a party, the registrar shall refer the correction to the examiner of titles. The registrar shall prepare subsequent certificates correctly and omit the memorial of the correction.

**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 of title; (3) any error or omission was made in entering a certificate of title or any memorial thereon; (4) the name of any person on the certificate of title 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 of title, the entry, amendment, or cancellation of a memorial upon a certificate of title, 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 of title for value and in good faith, or of the purchaser's heirs or assigns without written consent of the purchaser or heirs or assigns. 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.

*[For text of subd 3, see M.S.1998]*

**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 state deed issued to purchaser of tax-forfeited land, a certified copy of a marriage certificate showing the subsequent marriage of any party 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 of title 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 of title, 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, 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.

[For text of subd 7, see M.S.1998]

**History:** 1999 c 11 art 1 s 34-38

### 508.76 REGISTRAR'S LIABILITY.

Subdivision 1. **Compensation for loss or damage.** Any person who, without negligence on that person's part, sustains any loss or damage by reason of any omission, mistake or misfeasance of the registrar or the registrar's deputy, or of any examiner or of any court administrator, or of a deputy of the court administrator or examiner, in the performance of their respective duties under this law, and any person who, without negligence on that person's 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 cancellation, 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 general fund for such loss or damage.

Subd. 2. **Documents misfiled.** The registrar may reasonably rely on the affirmative representation of the party presenting instruments for filing as to whether the land described in the instruments or any part of it is registered or unregistered. A party who requests that misfiled instruments be refiled with the registrar is responsible for paying any additional fees required to properly file any instrument misfiled because of an incorrect representation and, if applicable, to enter a new certificate of title.

**History:** 1999 c 11 art 1 s 39

### 508.82 REGISTRAR'S FEES.

Subdivision 1. **Standard documents.** The fees to be paid to the registrar shall be as follows:

(1) of the fees provided herein, five percent of the fees collected under clauses (3), (4), (10), (12), (14), (15), and (16), for filing or memorializing shall be paid to the state treasurer and credited to the general fund; plus a \$4.50 surcharge shall be charged and collected in addition to the total fees charged for each transaction under clauses (2) to (5), (10), (12), and (16), with 50 cents of this surcharge to be retained by the county to cover its administrative costs and \$4 to be paid to the state treasury and credited to the general fund;

(2) for registering a first certificate of title, including issuing a copy of it, \$30;

(3) for registering each instrument transferring the fee simple title for which a new certificate of title is issued and for the registration of the new certificate of title, including a copy of it, \$30;

(4) for the entry of each memorial on a certificate, \$15;

(5) for issuing each residue certificate, \$20;

(6) for exchange certificates, \$10 for each certificate canceled and \$10 for each new certificate issued;

(7) for each certificate showing condition of the register, \$10;

(8) for any certified copy of any instrument or writing on file in the registrar's office, the same fees allowed by law to county recorders for like services;

(9) for a noncertified copy of any certificate of title, other than the copies issued under clauses (2) and (3), 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;

(10) for filing two copies of any plat in the office of the registrar, \$30;

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

(12) for filing an amendment to a declaration in accordance with chapter 515, \$10 for each certificate upon which the document is registered and \$30 for an amended floor plan filed in accordance with chapter 515;

(13) for filing an amendment to a condominium declaration or plat in accordance with chapter 515A, or a common interest community declaration and plat or amendment complying with section 515B.2-110, subsection (c), \$10 for each certificate upon which the document is registered and \$30 for the filing of the condominium or common interest community plat or amendment;

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

(15) for the filing of a certified copy of a plat of the survey pursuant to section 508.23 or 508.671, \$10;

(16) for filing a registered land survey in triplicate in accordance with section 508.47, subdivision 4, \$30;

(17) for furnishing a certified copy of a registered land survey in accordance with section 508.47, subdivision 4, \$10.

*[For text of subd 2, see M.S.1998]*

**History:** 1999 c 11 art 1 s 40; art 3 s 20

**508.835** [Repealed, 1999 c 11 art 1 s 72]