

CHAPTER 508A

REGISTRATION WITHOUT COURT PROCEEDINGS

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508A.01 REGISTRATION; PURPOSE; DEFINITION.

Subdivision 1. **Procedure.** The procedures for registration under sections 508A.01 to 508A.85 provide an alternative to registration under chapter 508, and are intended for uncontested titles. Upon the written recommendation of the county recorder, the county board of county commissioners of any county, by resolution, may authorize the possessory title to real estate in that county to be registered in accordance with the provisions of and in the manner provided in sections 508A.01 to 508A.85. The resolution of the county board may limit the registration of possessory title to real estate to cases in which the applicant owns a tract of land of which a portion has already been registered pursuant to chapter 508.

Subd. 2. **Purpose.** The purpose of sections 508A.01 to 508A.85 is to provide a voluntary procedure for registration of certain possessory estates in land with certainty, at reasonable cost and speed, and without the necessity for the initial adjudication required by chapter 508, and to provide for initial registration of land under a certificate of possessory title ("CPT"). Upon the expiration of five years from the date the examiner's supplemental directive is filed on the CPT, the registrar of titles shall cancel the CPT and issue a certificate of title as provided in section 508A.85, subdivisions 2 and 3.

Subd. 3. **Definition.** For the purposes of sections 508A.01 to 508A.85, the term "possessory estate in land" means a fee simple estate held by an owner who (1) has been found on examination by the examiner of titles pursuant to section 508A.13 to be the record owner of the land described; and (2) has satisfied the examiner of titles that the owner is in actual or constructive possession of the land described.

History: 1982 c 396 s 1; 1983 c 92 s 23; 1986 c 444; 1996 c 338 art 1 s 5; 1997 c 7 art 1 s 164

508A.02 REGISTERED, UNREGISTERED LAND SUBJECT TO SAME INCIDENTS.

Subdivision 1. **Effect of registration.** Land registered under sections 508A.01 to 508A.85 shall be registered subject to the rights of persons in possession, if any, and rights which would be disclosed by a survey, except that no title in derogation of that of the registered owner shall be acquired by prescription or adverse possession after the date of the first CPT; otherwise, land registered under sections 508A.01 to 508A.85 shall be subject to the same rights, protections, burdens, and incidents which attach by law to lands as provided in section 508.02.

Subd. 2. **District court jurisdiction.** District court jurisdiction for all proceedings subsequent to the initial CPT shall be as provided in chapter 508.

History: 1982 c 396 s 2

508A.03 APPLICATION.

An application for registration of a possessory estate in land under a CPT may be made by any person or persons who may register land initially under section 508.03, provided they have a possessory estate in land as defined in section 508A.01, subdivision 3.

History: 1982 c 396 s 3

508A.04 TITLES WHICH MAY BE REGISTERED.

Subdivision 1. **Applicant's right to changeover.** Any applicant holding a possessory estate in land as defined in section 508A.01, subdivision 3, may apply for registration under sections 508A.01 to 508A.85 and, once qualified, may changeover from a CPT to a certificate of title pursuant to section 508A.85.

Subd. 2. **Application of CPTs.** Except as provided in subdivision 1, section 508.04, subdivision 1, applies with equal force and effect to CPTs under sections 508A.01 to 508A.85.

History: 1982 c 396 s 4

508A.05 APPLICATIONS; HOW SIGNED AND VERIFIED.

The application for a CPT shall be signed and verified as provided in section 508.05.

History: 1982 c 396 s 5

508A.06 CONTENTS OF APPLICATION; CLAIMANTS' RIGHTS, PRIVILEGES.

The application shall set forth substantially:

(1) The full name and address 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 address of the person so acting, and the capacity in which the person acts; if the applicant is not an individual, the application shall include the full legal name and type of entity, the state of organization, and the address of its principal place of business;

(2) Whether the applicant is or is not married and if married, the full name and address of the spouse; whether the applicant is or is not 18 years of age or older; whether or not the applicant is under any legal incapacity, and if so the nature of the incapacity; 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 in it, exclusive of improvements, according to the last official assessment;

(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 the same, and the name and post office address of each holder thereof; 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 a required address is unknown to the applicant after due and diligent search, it shall be so stated;

(10) The facts supporting applicant's claim to a possessory estate in land as defined in section 508A.01, subdivision 3.

History: 1982 c 396 s 6; 1983 c 92 s 24; 1986 c 444; 1996 c 338 art 1 s 6

508A.07 NONRESIDENT APPLICANT; AGENT.

If not a resident of the state, the applicant shall file for record with the county recorder a written agreement, duly executed and acknowledged, appointing an agent residing in the state. The applicant shall state in it the full name and post office address of this agent and agree in it 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 failing so to do, the examiner of titles may dismiss the application. In any subsequent application made, the applicant may refer to the written authority so recorded, provided it is sufficiently comprehensive to include the subsequent application.

History: 1982 c 396 s 7; 1986 c 444

508A.08 LANDS INCLUDED IN APPLICATION.

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 on petition of the applicant or applicants, nonadjoining 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: 1982 c 396 s 8

508A.09 AMENDMENT.

Amendments to the application may be allowed by the examiner of titles 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: 1982 c 396 s 9

508A.10 APPLICATION TO EXAMINER; POWERS OF EXAMINER.

An application for registration for a CPT shall be addressed to the examiner of titles in and for the county in which the land described is situated. The examiner shall have the powers provided in sections 508A.01 to 508A.85 including but not limited to the following:

- (1) To approve all applications prior to filing of record;
- (2) To require an abstract of title with searches and recertifications as desired;
- (3) To require that mailed notice be given to the holders of any interest, when their addresses are known;
- (4) To issue examiner's reports, supplemental reports, initial directives, and supplemental directives to the registrar regarding initial CPTs or memorials upon any CPT pursuant to section 508A.71;
- (5) To require the county surveyor to review the proposed legal description of any CPT or to inspect the real property;
- (6) To suspend any proceeding hereunder upon receipt of any valid written objections by persons claiming an interest in the real property; and
- (7) To require proceedings subsequent to the initial CPT as may be necessary to achieve the purposes of sections 508A.01 to 508A.85, or to certify instruments transferring title pursuant to sections 508A.59, 508A.62, and 508A.69.

History: 1982 c 396 s 10; 1999 c 11 art 1 s 41

508A.11 APPLICATION FILED WITH RECORDER; ABSTRACT TO EXAMINER; FEE.

Subdivision 1. Application filed with county recorder. A certified copy of the application shall be delivered to the examiner of titles. After approval by the examiner of titles, the application for a CPT shall be filed for record in the office of the county recorder, and shall be notice forever to all purchasers and encumbrancers of the pendency of the registration and of all matters referred to in the files and records of the examiner of titles and of the registrar of titles pertaining to the registration.

Subd. 2. Abstract supplied. An abstract of title certified or recertified in a manner satisfactory to the examiner of titles shall be delivered to the examiner. In the event the examiner refuses to direct the issuance of a CPT, the abstract shall be returned. Otherwise, the abstract shall be returned to the applicant only at the time and under the conditions as the examiner shall determine.

Subd. 3. Fees. Before the examiner of titles examines the abstract of title, the applicant shall pay to the registrar of titles the fee provided by section 508A.82, clause (15).

History: 1982 c 396 s 11; 1985 c 281 s 16; 1992 c 463 s 15; 1999 c 11 art 1 s 42

508A.12 EXAMINER OF TITLES; DEPUTIES.

The examiner of titles and deputy examiners shall be those appointed pursuant to the provisions of section 508.12 and shall hold office and be compensated as provided in that section.

History: 1982 c 396 s 12

508A.13 EXAMINER'S REPORTS.

Subdivision 1. Examination of documents. After the filing of the application for a CPT, the examiner of titles shall proceed to prepare a full written report to the applicant or the applicant's attorney based upon the examiner's examination of the application, abstract of title, and the public records.

Subd. 2. Report. The examiner's report shall set forth all rights, titles, estates, liens, and interests in the real property. When in the opinion of the examiner the state has any interest in or lien upon the real property, this shall be fully set forth. The report

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shall be mailed to the applicant or the applicant's attorney and a copy shall be retained by the examiner.

Subd. 3. **Suspension of proceedings.** The proceeding shall be suspended so long as the report of the examiner is adverse to the applicant or so long as valid written objections are still outstanding. The examiner shall mail written notice of the suspension to the applicant or the applicant's attorney.

Subd. 4. **Mailed notice.** The applicant or the applicant's attorney shall furnish the examiner on a prescribed form a list of the names and addresses of the persons listed by the examiner as having any right, title, estate, lien, or interest in the land sought to be registered under sections 508A.01 to 508A.85. If the addresses of any of these persons cannot be ascertained after a due and diligent search, the applicant or the applicant's attorney shall certify that fact.

There also shall be furnished to the examiner stamped envelopes addressed to those parties listed by the examiner whose addresses can be ascertained and a copy of the notice for each of these parties in the form prescribed in subdivision 5. The examiner shall then send by mail a copy of the notice to each of these parties. The certificate of the examiner that the examiner has mailed the notice shall be conclusive proof of mailing and shall be retained as a part of the examiner's files.

Subd. 5. **Form of notice.** The examiner's notice shall be substantially in the following form:

NOTICE OF APPLICATION FOR CERTIFICATE OF POSSESSORY TITLE

NOTICE IS HEREBY GIVEN, That has made application for the issuance of a Certificate of Possessory Title pursuant to sections 508A.01 to 508A.85 for land lying and being in the State of Minnesota, County of , described as follows:

(Description of land)

Subject to:

(List encumbrances)

NOTICE is further given that a Certificate of Possessory Title containing only the encumbrances as described above will be issued to the applicant unless a valid written objection is submitted to the Examiner of Titles within 20 days from , the date of mailing of this notice.

Signed
Examiner of Titles

Address
.....

Subd. 6. **Duty to advise registrar.** The examiner, upon the request of the registrar, shall advise the registrar upon any act or duty pertaining to the conduct of office, and prepare the form of any memorial to be entered by the registrar.

History: 1982 c 396 s 13; 1986 c 444; 1998 c 254 art 1 s 107

508A.14 COUNTY SURVEYOR.

At the request of the examiner of titles, the county surveyor shall perform the functions set forth in section 508.14. All plats of survey made by the county surveyor pursuant to this section shall be filed with the examiner or registrar.

History: 1982 c 396 s 14

508A.17 LIMITATION ON ACTIONS.

Subdivision 1. **Limitation.** As against a title to land registered under a CPT which has been entered and maintained by the registrar under sections 508A.01 to 508A.85,

no action affecting the possession or title to the land shall be commenced by any person, partnership, corporation, state, or political subdivision to enforce any right, title, estate, lien, or interest founded upon any instrument, event, or transaction which was executed or occurred before the entry of the first CPT and which is not set out as a separate memorial on the CPT or covered by section 508A.25, clauses (1) to (5) and (8) unless the action is commenced and a notice of lis pendens of it is registered upon the CPT within a period of five years from the date the examiner's supplemental directive is filed on the CPT.

Subd. 2. **No adverse interest renewed.** Any claimant to any interest adverse to the applicant already barred by some other statute or rule of law shall not acquire any renewed rights or extensions by reason of sections 508A.01 to 508A.85.

History: 1982 c 396 s 15; 1983 c 92 s 25

508A.21 CPT APPLICATION WITHDRAWAL; CONVERSION TO FULL REGISTRATION.

At any time prior to the issuance of the first CPT, the applicant or successor in interest may withdraw the application by filing for record in the office of the county recorder a verified statement of withdrawal, and a duplicate of it shall be delivered to the examiner of titles. The applicant may convert the application to a full registration pursuant to chapter 508, at any time on complying with all of the requirements of it. If any proceeding has been suspended as provided in section 508A.13, subdivision 3, for more than 30 days, the examiner may file in the office of the county recorder a notice of termination of the proceeding.

History: 1982 c 396 s 16; 1986 c 444

508A.22 EXAMINER'S DIRECTIVE; SUPPLEMENTAL DIRECTIVES; FEES.

Subdivision 1. **Directive.** The examiner of titles, upon being satisfied that the applicant is entitled to a CPT, but not earlier than 20 days from the date of mailing of the notice required by section 508A.13, shall issue a written directive to the registrar of titles directing that the first CPT be issued and entered in the name of the applicant, subject only to the following: (a) the exceptions set out in section 508A.25; (b) all outstanding rights, titles, estates, liens, and interests set forth in the examiner's report; and (c) the rights of persons in possession, if any, and any rights which would be disclosed by a survey. The examiner's directive shall contain an accurate description of the land and shall set forth the address of the applicant and, if the applicant be an individual, whether the applicant is 18 years of age or older, and whether married or unmarried, and if married, the name of the spouse; if the applicant is under any legal incapacity, the nature of it shall be stated. From the date of filing the examiner's directive with the registrar of titles, all instruments affecting title to the land which are registered shall be filed in the office of the registrar of titles and be memorialized upon the CPT.

Subd. 2. **Supplemental directive.** When the directive has been issued pursuant to subdivision 1, the abstract of title shall be continued through the date the directive was filed with the registrar of titles and then delivered to the examiner. On determining that the applicant is the record owner after an examination of the continued abstract and the public records, the examiner shall issue a supplemental directive to the registrar of titles directing the registrar to show by memorial that the five year statute of limitations provided by section 508A.17 will begin on the date the supplemental directive is filed on the CPT, to show as memorials any additional liens, encumbrances, or other interests affecting the land, and to delete the memorials of any liens, encumbrances or other interests which were satisfied, released or discharged prior to the issuance of the CPT. The supplemental directive of the examiner shall then be filed as a memorial upon the CPT. Each additional lien, encumbrance, or other interest noted in the supplemental directive shall be shown as a separate memorial on the CPT in addition to the memorial of the supplemental directive. The abstract of title shall be delivered to the registrar of titles who shall retain it, but it shall not be entered as a

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memorial on the CPT. Until the abstract of title has been delivered to the registrar of titles, the registrar shall not accept for filing any instrument executed by the registered owner.

Subd. 3. **Fees.** Upon the filing with the registrar of titles of the examiner's directive pursuant to subdivision 1, there shall be paid to the registrar: (1) the fee provided by section 508A.82, clause (2), for registering a first CPT, and (2) the fee provided by section 508.74, which shall be paid to the state treasurer pursuant to section 508.75. Upon filing with the registrar of titles the supplemental directive of the examiner, there shall be paid to the registrar of titles the fee for the entry of a memorial pursuant to section 508A.82, clause (4).

History: 1982 c 396 s 17; 1986 c 444; 1994 c 388 art 3 s 4; 1999 c 11 art 1 s 43,44

508A.24 REGISTRATION RUNS WITH LAND.

The receiving of a CPT shall be deemed to be an agreement running with the land and binding upon the applicant and successors in the possessory title to the effect that the land shall be and forever remain registered land, subject to the provisions of sections 508A.01 to 508A.85. All dealings with the land, or any estate or interest in it, after the land has been registered shall be expressly subject to the terms and provisions of sections 508A.01 to 508A.85.

History: 1982 c 396 s 18; 1986 c 444

508A.25 RIGHTS OF PERSON HOLDING CPT.

Every person holding a CPT issued pursuant to sections 508A.01 to 508A.85 who has acquired title in good faith and for a valuable consideration shall hold the same free from all encumbrances and adverse claims, excepting only estates, mortgages, liens, charges, and interests as may be noted by separate memorials in the latest CPT in the office of the registrar, and also excepting the memorial provided in section 508A.351 and any of the following rights or encumbrances subsisting against the same, 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 under it;
- (4) all rights in public highways upon the land;
- (5) the rights of any person in possession under deed or contract for deed from the owner of the CPT;
- (6) any liens, encumbrances, and other interests that may be contained in the examiner's supplemental directive issued pursuant to section 508A.22, subdivision 2;
- (7) any claims that may be made pursuant to section 508A.17 within five years from the date the examiner's supplemental directive is filed on the CPT; and
- (8) 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 nonpayment 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: 1982 c 396 s 19; 1983 c 92 s 26; 1991 c 291 art 18 s 15; 1992 c 511 art 9 s 21; 1999 c 11 art 1 s 45

508A.27 TITLE ACQUIRED PENDING EXAMINER'S SUPPLEMENTAL DIRECTIVE.

If, after the issuance of a CPT in favor of the applicant, the records disclose that the applicant's estate in the land has been transferred to another person prior to the

issuance of the CPT, the examiner shall not issue a supplemental directive until an application by the transferee has been filed in the manner provided in sections 508A.01 to 508A.85. Upon the filing of the application and being satisfied that the transferee is entitled to a CPT, the examiner shall issue a supplemental directive pursuant to section 508A.22, subdivision 2, which shall further direct the registrar to cancel the outstanding CPT and issue a new CPT to the transferee.

History: 1982 c 396 s 20; 1986 c 444

508A.29 APPEALS.

An appeal may be taken to the court of appeals from any order of the district court relating to land registered under sections 508A.01 to 508A.85 within 90 days after the entry of the order. The appeal shall be as in other civil cases.

History: 1982 c 396 s 21; 1983 c 247 s 185

508A.30 REGISTRAR OF TITLES.

County recorders are the registrars of titles in their respective counties.

History: 1982 c 396 s 22

508A.31 REGISTRAR'S BOND.

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

History: 1982 c 396 s 23; 1986 c 444

508A.32 UNDER CONTROL OF COURT; AFFIXING SEAL.

The registrar of titles shall be at all times under the control of the district court, which may adopt rules governing the conduct of office as it may deem wise. Every registrar of titles shall have an official seal and affix it to all documents requiring the registrar's official signature. Provided, however, that instead of affixing the registrar's official seal to CPTs, the registrar may use a printed facsimile of it at all points in the CPT where the official seal is required.

History: 1982 c 396 s 24; 1986 c 444

508A.321 APPEAL FROM REGISTRAR'S DECISIONS.

If the registrar rejects a document for filing, a party in interest may refer the matter to the examiner of titles for review. The examiner of titles may approve the document for filing by endorsing the words "Approved for Filing" on the document. Upon approval, the registrar shall accept the document for filing.

History: 1994 c 388 art 3 s 6

508A.33 DEPUTIES.

The registrar of titles may appoint one or more deputy registrars of titles, who may also be deputy county recorders, to act in the registrar's stead. Deputy registrars shall act in the name of the registrar and their acts shall be the registrar's acts. The registrar shall be liable for any neglect or omission of a deputy to the same extent as for the registrar's own neglect or omission. The registrar may, with the consent of the county board, employ clerks as may be required to properly perform the duties of 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: 1982 c 396 s 25; 1986 c 444

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

CPTs shall be indexed and maintained in the same manner as provided for certificates of title under chapter 508.

History: 1982 c 396 s 27; 1983 c 92 s 27; 1986 c 444; 1994 c 388 art 3 s 8; 1998 c 254 art 1 s 107; 1999 c 11 art 1 s 46

508A.351 REQUIRED MEMORIAL ON CPT.

Subdivision 1. **Memorials.** In addition to memorials of all rights, titles, estates, liens, and interests set forth in the examiner's directives issued pursuant to section 508A.22, each CPT shall contain a memorial which shall contain substantially the following language: "The above described land is subject to the rights of persons in possession, if any, and any rights which would be disclosed by a survey, except as such rights are limited by section 508A.02, subdivision 1."

Subd. 2. **Removal.** The registrar of titles shall carry forward the memorial set forth in subdivision 1 until directed to remove it by a court order as provided for in section 508A.71.

History: 1982 c 396 s 28

508A.36 CERTIFICATES AND COPIES AS EVIDENCE.

The first CPT and all subsequent ones shall have the same evidentiary force as provided for certificates of title in section 508.36.

History: 1982 c 396 s 29

508A.37 TRACT INDEXES; RECEPTION BOOKS; FORMS OF RECORDS.

The registrar shall keep tract indexes, reception books, and forms of records for CPTs, and shall perform the duties relating to it in the same manner that is required of the registrar under sections 508.37 and 508A.38.

History: 1982 c 396 s 30

508A.38 FORMS OF RECORDS ADOPTED.

Instruments affecting the title to land, filed with the registrar pursuant to sections 508A.01 to 508A.85, shall be numbered consecutively by the registrar 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 AND FILED ON, together with the date, hour, and minute when the instrument is filed, the document number thereof, and a reference to the proper CPT. 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 CPT, the date, number, and time of filing of it shall also be endorsed upon the CPT. All records and papers relating to registered land in the office of the registrar shall be open to the inspection of the public at the times and under the 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 them. 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: 1982 c 396 s 31; 1986 c 444; 1994 c 388 art 3 s 11; 1998 c 314 s 11; 1999 c 11 art 1 s 47

508A.381 OFFICIAL RECORDS; COMPILATION, MAINTENANCE, AND STORAGE OF INFORMATION.

The registrar of titles may select and use alternative methods for the compilation, maintenance, and storage of the information contained in the official records listed in sections 508A.34 and 508A.37, subject to the following conditions:

- (1) the methods selected must provide for access to the information contained in the records by those authorized by law to have access to that information; and
- (2) the methods selected must provide for the preservation of the information contained in the records to the extent specified by law.

History: 1998 c 314 s 10

508A.39 NOTICES AFTER REGISTRATION; SERVICE.

All notices required by sections 508A.01 to 508A.85, 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 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 the person at the person's post office address, as stated in the CPT or in any registered instrument on file with the registrar. The certificate of the registrar or court administrator that any notice has been mailed as required shall be conclusive proof of the service of the notice, but the court may, in any case, order different or other service of it by publication or otherwise.

History: 1982 c 396 s 32; 1986 c 444; 1Sp1986 c 3 art 1 s 82

508A.40 COPY OF CPT TO BE FURNISHED TO OWNER.

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

History: 1982 c 396 s 33; 1986 c 444; 1999 c 11 art 1 s 48

508A.41 [Repealed, 1983 c 92 s 38]

508A.42 [Repealed, 1983 c 92 s 38]

508A.421 EXCHANGE CPT.

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 CPT for two or more parcels of land or (2) one CPT for undivided interests in one or more parcels of land may request the registrar to issue separate CPTs 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 508A.47. When the registrar of titles has issued more than one CPT to one or more owners for one or more parcels of land, the owner or owners may request the registrar to issue a single CPT for all of the land to the owner or owners of the land, or the registrar may issue two or more CPTs 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 508A.47.

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

History: 1983 c 92 s 28; 1999 c 11 art 1 s 49

508A.43 EFFECTIVE DATE OF CPT.

When entered in the register, the first CPT shall relate back to and take effect as of the date the examiner's of titles directive is filed with the registrar of titles pursuant to section 508A.22, subdivision 1.

History: 1982 c 396 s 36

508A.44 [Repealed, 1999 c 11 art 1 s 72]

508A.45 [Repealed, 1999 c 11 art 1 s 72]

508A.46 PLATS OF REGISTERED LAND.

The owner of land registered under sections 508A.01 to 508A.85 may plat it and subdivide it into lots and blocks in like manner as in the 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 of it shall be filed with the registrar.

History: 1982 c 396 s 39; 1983 c 216 art 1 s 72

508A.47 REGISTERED LANDS; TRANSFER, SURVEYS.

Subdivision 1. **Conveyances.** An owner of land registered under sections 508A.01 to 508A.85 may convey, mortgage, lease, charge, or otherwise deal with the same as fully as if it had not been registered. The owner 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 the 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.** The registrar of titles may require that the owner of a parcel of unplatted registered land, who conveys any part of it 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 a drawing in triplicate of said parcel of unplatted land, showing the tract or tracts being or to be conveyed. The drawing shall be known as a "registered land survey."

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: 20 acres; 200 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 the 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 the tracts to be shown by angles or bearings or other relationship to the outside lines of the 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 the tracts or parts of them may be dedicated to the public by the 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 the 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. The survey shall be filed in triplicate with the registrar of titles. Before filing, however, any survey shall be approved in the manner required for the approval of subdivision plats, which approval shall be endorsed on it or attached to it.

A certificate from the treasurer stating that current taxes have been paid shall be presented at the time of filing 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 the registered land survey. The copy 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 the registrar's office and made available to the public, and one copy delivered to the county auditor who may thereafter refer to it in connection with the tax descriptions when convenient. Thereafter the tracts in each registered land survey shall be known as Tract, registered land survey No., 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 on it or attached to it.

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 the transfer of it. 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: 1982 c 396 s 40; 1983 c 92 s 29; 1985 c 16 s 6,7; 1985 c 281 s 17; 1986 c 444; 1994 c 388 art 3 s 15; 1999 c 11 art 1 s 50

508A.48 FILED INSTRUMENT AFFECTING TITLE IS 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 land registered under sections 508A.01 to 508A.85 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 the 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: 1982 c 396 s 41; 1983 c 92 s 30

508A.49 INTEREST LESS THAN FEE; NOTICED BY MEMORIAL.

No new CPT shall be issued upon any transfer of land registered under sections 508A.01 to 508A.85 which does not divest the title in fee simple of the land, or some part of it. All interests in the 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 CPT. The cancellation of interests shall be registered in the same manner.

History: 1982 c 396 s 42; 1983 c 92 s 31; 1999 c 11 art 1 s 51

508A.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 CPT. Any change in the post office address of the person shall be memorialized on the CPT upon the filing of an affidavit from the person of the change.

History: 1982 c 396 s 43; 1983 c 92 s 32

508A.51 VOLUNTARY INSTRUMENT.

Subdivision 1. **New CPT or memorial of registration.** 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 CPT or make a memorial of registration in accordance with the instrument, and the new CPT 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 the fraud, without prejudice to the rights of any innocent holder for value of a CPT.

Subd. 2. [Repealed, 1999 c 11 art 1 s 72]

History: 1982 c 396 s 44; 1986 c 444; 1994 c 388 art 3 s 17; 1995 c 92 s 3; 1999 c 11 art 1 s 52

508A.52 CONVEYANCE; CANCELLATION OF OLD AND ISSUANCE OF NEW CPT.

An owner of land registered under sections 508A.01 to 508A.85 who desires to convey the land, or a portion of it, 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 CPT. Before canceling the outstanding CPT, the registrar shall show by memorial on it 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 CPT, except so far as they may be simultaneously released or discharged. The CPT shall be marked "Canceled" by the registrar, who shall enter in the register a new CPT to the grantee, and prepare and deliver to the grantee a copy of the new CPT. If a deed in fee is for a portion of the land described in a CPT, 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 CPT to the grantee for the portion of the land conveyed and, except as otherwise

provided in this section, issue a residue CPT 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 CPTs. In lieu of canceling the grantor's CPT and issuing a residue CPT 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 CPT "Part of land conveyed, see memorials." The fee for a residue CPT shall be paid to the registrar only when the grantor's CPT is canceled after the conveyance by the grantor of a portion of the land described in the grantor's CPT. When two or more successive conveyances of the same property are filed for registration on the same day the registrar may enter a CPT 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 CPT shall have the same force and effect as though the prior CPT 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 CPT and also add to the memorial of the transferring conveyance a statement that the memorial shall serve in lieu of a new CPT in favor of the grantee or grantees noted in it and may refrain from canceling the CPT until the time it is canceled by a subsequent transfer, and the memorial showing the transfer of title shall have the same effect as the entry of a new CPT for the land described in the CPT. The fee for the registration of a conveyance without cancellation of the CPT shall be the same as the fee prescribed for the entry of a memorial.

History: 1982 c 396 s 45; 1986 c 444; 1994 c 388 art 3 s 19; 1999 c 11 art 1 s 53

508A.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 land registered under sections 508A.01 to 508A.85, and all laws shall be complied with before any deed, plat, or other instrument affecting the registered land shall be filed with the registrar.

History: 1982 c 396 s 46

508A.54 MORTGAGE.

The owner of land registered under sections 508A.01 to 508A.85 may mortgage it by deed or other instrument sufficient in law for that purpose and the 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. The 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: 1982 c 396 s 47

508A.55 REGISTRATION OF MORTGAGE; MEMORIAL ENTERED ON CPT.

The registration of a mortgage made by the registered owner, the registered owner's attorney-in-fact, or by a party who has an interest registered on the CPT 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 CPT 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: 1982 c 396 s 48; 1983 c 92 s 33; 1986 c 444; 1992 c 463 s 18; 1994 c 388 art 3 s 21; 1999 c 11 art 1 s 54

508A.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 CPT. In case only a part of the mortgage upon the land is intended to be released or discharged, a memorial of the partial release shall be entered.

History: 1982 c 396 s 49; 1992 c 463 s 19; 1999 c 11 art 1 s 55

508A.57 FORECLOSURE; NOTICE.

Mortgages upon land registered under sections 508A.01 to 508A.85 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 of it by advertisement, if the mortgage and all assignments of it have been registered, and a memorial of it duly entered upon the CPT. When a mortgage upon the 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 land registered under sections 508A.01 to 508A.85, 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 of it entered on the CPT 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 of it and satisfies the requirements of section 580.032, subdivision 3, with respect to registered land. In all foreclosures, all certificates and affidavits permitted or required by law to be recorded with the county recorder shall be filed with the registrar who shall register them.

History: 1982 c 396 s 50; 1986 c 444; 1992 c 463 s 20; 1999 c 11 art 1 s 56

508A.58 REGISTRATION AFTER FORECLOSURE; NEW CPT.

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 land registered under sections 508A.01 to 508A.85, become the owner in fee of the land, or any part of it, may have the title registered. Except as provided in subdivision 2, the person shall apply by duly verified petition to the court for a new CPT to the land, and the court shall then, after due notice to all parties in interest and upon the hearing as the court may direct, make an order for the issuance of a new CPT to the person entitled thereto, and the registrar shall then enter a new CPT to the land, or of the part of it 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 land registered under sections 508A.01 to 508A.85, or any part of the land, pursuant to a mortgage foreclosure by action under chapter 581 is entitled to a new CPT for the land described in the sheriff's certificate of sale or so much of the land as may be described in the CPT, after the redemption period expires. The registrar shall enter a new CPT 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 CPT by virtue of the foreclosure.

History: 1982 c 396 s 51; 1986 c 444; 1992 c 463 s 21; 1999 c 11 art 1 s 57

508A.59 REGISTRATION OF JUDGMENT OR FINAL DECREE.

A judgment or decree affecting land registered under sections 508A.01 to 508A.85 shall be registered upon the presentation of a certified copy of it to the registrar, who shall enter a memorial of it upon the CPT. When the registered owner of the land is by the judgment or decree divested of an estate in fee in it, or of any part of it, the prevailing party shall be entitled to a new CPT for the land, or so much of it as is described in the judgment and decree. The registrar shall enter the new CPT as in the case of a voluntary conveyance. No new CPT 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 CPT or upon the order of the district court directing the issuance of it.

History: 1982 c 396 s 52; 1986 c 444; 1992 c 463 s 22; 1999 c 11 art 1 s 58

508A.60 LEASES.

Leases of land registered under sections 508A.01 to 508A.85 for a term of three years or more shall be registered in lieu of recording it. All the provisions of sections 508A.01 to 508A.85 relating to the registration of mortgages shall apply to the registration of leases so far as the same are applicable to it.

History: 1982 c 396 s 53

508A.61 TRUST, OTHER LIMITED DEEDS; NEW TRUSTEE; CORPORATE DISSOLUTION.

Subdivision 1. **Trust deeds.** If a deed or other instrument is filed with the registrar for the purpose of transferring land registered under sections 508A.01 to 508A.85 in trust, or upon any equitable condition or limitation expressed in it, or for the purpose of creating or declaring a trust or other equitable interest in it without the transfer of it, the particulars of the trust, condition, limitation, or other equitable interest need not be entered upon the CPT, but a memorial of it 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. **New trustee.** When a new trustee of land registered under sections 508A.01 to 508A.85 is appointed, a new CPT 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 CPT in the name of the trustee in dissolution upon 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 the certificate of dissolution has been filed for record in the secretary's office.

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

History: 1982 c 396 s 54; 1985 c 16 s 8; 1986 c 444; 1999 c 11 art 1 s 59,60

508A.62 TRUSTEE'S CONVEYANCE.

No instrument executed by an owner, whose fee title to land is registered under sections 508A.01 to 508A.85 and is held in trust, which transfers or plats 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 evidenced in a certificate of trust authorized by section 501B.56, or is authorized by

law, or upon the order of the district court directing the registration of it. The examiner shall not certify any instrument unless:

(1) the trust is supervised by the court; or

(2) an affidavit of trustee authorized by section 501B.57 and the document creating the trust, a certified copy of it, or a certificate of trust authorized by section 501B.56 is registered as a memorial upon the CPT. 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 the certificate of dissolution has been filed for record in the secretary's office shall be deemed the document creating the trust.

History: 1982 c 396 s 55; 1983 c 92 s 34; 1985 c 16 s 9; 1986 c 444; 1992 c 548 s 5

508A.63 REGISTRATION OF INSTRUMENTS CREATING LIENS; JUDGMENTS.

No judgment requiring the payment of money shall be a lien upon land registered under sections 508A.01 to 508A.85, except as herein provided. Any person claiming a 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 CPT or CPTs to the land. Upon filing the copy and statement, the registrar shall enter a memorial of the judgment upon each CPT designated in the statement, and the judgment shall then be and become a lien upon the judgment debtor's interest in the land described in CPT or CPTs. At any time after filing the certified copy of the judgment, any person claiming the lien may, by filing a written statement, as herein provided, cause a memorial of the judgment to be entered upon any CPT to land in which the judgment debtor has a registered interest and not described in any previous statement and the judgment shall then be and become a lien upon the judgment debtor's interest in the land. The public authority for child support enforcement may present for filing a notice of judgment lien under section 548.091 with identifying information for a parcel of real property. Upon receipt of the notice of judgment lien, the registrar shall enter a memorial of it upon each certificate of possessory title which reasonably can be identified as owned by the judgment debtor on the basis of the information provided. 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; and the registrar shall not carry forward to a new certificate of title the memorial of the judgment after that period. 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, the 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 the instruments to entitle them to be filed or recorded, they shall also contain a reference to the number of the CPT of the land to be affected. If the attachment, charge, or lien is not claimed on all the land described in any CPT, the instrument shall contain a description sufficient to identify the land.

History: 1982 c 396 s 56; 1996 c 338 art 1 s 7; 1997 c 203 art 6 s 33

508A.64 ATTACHMENTS; LIENS.

Attachments and liens of every description upon land registered under sections 508A.01 to 508A.85 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 it, shall, in the case of like liens upon land registered under sections 508A.01 to 508A.85 be filed with the registrar.

History: 1982 c 396 s 57

508A.65 PLAINTIFF'S ATTORNEY; NAME AND ADDRESS ENDORSED; NOTICE.

The name and address of the attorney for the party giving the notice shall in all cases be endorsed upon the instrument which is registered pursuant to section 508A.64. The attorney shall be deemed to be the attorney for that party until the party files a written notice as a memorial upon the CPT stating that the designated attorney has ceased to be the party's attorney.

History: 1982 c 396 s 58; 1983 c 92 s 35; 1986 c 444

508A.66 OFFICER'S CERTIFICATE FOR REGISTRAR TO CANCEL; LIS PENDENS.

A certificate of the court administrator of the court in which any action or proceeding shall have been pending or in which any judgment or decree is of record, that the 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 of it according to the purport of the certificate.

The registrar shall not carry forward to a new certificate of title the memorial of a notice of lis pendens which has been of record for ten years unless another notice of lis pendens in the same action has been filed within the ten years.

History: 1982 c 396 s 59; 1Sp1986 c 3 art 1 s 82; 1996 c 338 art 1 s 8

508A.67 ACQUIRING TITLE BY ACTION; NEW CPT.

Upon the expiration of the time allowed by law for redemption of land registered under sections 508A.01 to 508A.85, 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 the execution, or under any certificate, deed, or other instrument made in the course of proceedings to enforce the execution or lien, may apply to the court for an order directing the entry of a new CPT to the person, and upon the notice the court may require, the petition shall be heard and a proper order or decree rendered therein.

History: 1982 c 396 s 60; 1986 c 444

508A.68 DEATH OF OWNER; ISSUANCE OF NEW CPTS.

When the owner of land registered under sections 508A.01 to 508A.85, or of any estate or interest in it, dies, having devised the same by will, the persons entitled to it may file with the registrar a certified copy of the will and the personal representative's deed of distribution together with any order of distribution, if there is one, or certified copy of any final decree, if there is one, assigning it. The registrar shall then cancel the CPT issued to the testator and issue a new CPT to the persons designated. When the owner of land registered under sections 508A.01 to 508A.85, or of any estate or interest therein, dies, not having devised it, the persons entitled to it 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 it. The registrar shall then cancel the CPT issued to the intestate and issue a new CPT to the persons entitled to it. Unless restricted by letters of testamentary or letters of administration, a personal representative may sell, convey, or mortgage land registered under sections 508A.01 to 508A.85 in the same manner as if the land were registered in the representative's name. The 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: 1982 c 396 s 61; 1986 c 444; 1994 c 388 art 3 s 23

508A.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 sections 508A.01 to 508A.85 shall impair or affect the jurisdiction of the court to license any personal representative, conservator or guardian to sell or mortgage land registered under sections 508A.01 to 508A.85. A purchaser or mortgagee receiving a deed or mortgage executed by a personal representative, conservator or guardian shall be entitled to register the title and to the entry of a new CPT or memorial of registration in the same manner as upon any similar voluntary transfer of registered land. No CPT shall be issued pursuant to the provisions of this section or of section 508A.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 CPT or upon the order of the district court directing its issuance.

History: 1982 c 396 s 62; 1986 c 444

508A.70 SUBSEQUENT ADVERSE CLAIM, HOW REGISTERED; COSTS.

Any person claiming any right, title, or interest in land registered under sections 508A.01 to 508A.85 adverse to the registered owner of it arising subsequent to the date of the CPT, may, if no other provision is made in sections 508A.01 to 508A.85 for registering the same, file with the registrar a verified statement in writing setting forth fully the alleged right or interest, and how or from whom it was acquired, and a reference to the volume and page of the CPT 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 the adverse claimant. The 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 the adverse claim and enter a decision and decree therein as justice and equity may require. If the adverse claim is adjudged to be invalid, the registration of it shall be canceled. The court may, in any case, award costs and damages, including a reasonable attorney's fee, as it may deem just.

History: 1982 c 396 s 63; 1986 c 444

508A.71 ALTERATIONS; COURT, EXAMINER'S ORDER; NEW CERTIFICATE.

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

Subd. 1a. **Corrections of registrar's clerical errors.** The registrar may correct clerical errors or omissions made by the registrar's staff in producing CPTs. An error shall not be erased or obliterated. The registrar may sign and file a correction document and memorialize it upon the affected CPT 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. Where the error or omission may adversely affect the interest of any party, the registrar shall refer the correction to the examiner of titles. The registrar shall prepare subsequent CPTs correctly and omit the memorial of the correction.

Subd. 2. **Court orders.** 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 CPT; (3) any error or omission was made in entering a CPT or any memorial on it; (4) the name of any person on the CPT 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 land registered under sections 508A.01 to 508A.85 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 pursuant to chapter 508 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 CPT, the entry, amendment, or cancellation of a memorial upon a CPT, or grant any other relief upon terms, requiring security if necessary, as it may consider proper. A certified copy of the petition may be filed as a memorial on any appropriate CPT 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. Cancellation of memorial. At the request of a registered owner or other person in interest the examiner of titles by a written directive may order (1) 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, or (2) upon the submission of evidence satisfactory to the examiner, the correction of the name or designation of a party who is a registered owner or who has an interest registered on a certificate of title. The registrar of titles shall register the directives of the examiner of titles upon the CPT, and shall give full faith to the directives.

Subd. 4. Powers of registrar. Without order of court or directive of the examiner the registrar of titles may receive and register as memorials upon any CPT 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 CPT, a certified copy of a marriage certificate showing the subsequent marriage of any party shown by a CPT 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, a certified copy of the death certificate of party listed in any CPT 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 CPTs the registrar shall give full faith to these memorials.

Subd. 5. Joint tenants; survival. In case of a CPT 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 an order or directive shall issue a new CPT for the premises to the survivor in severalty or to the survivors in joint tenancy as the case may be.

Subd. 6. Certified copies of instruments; filing. When instruments affecting land registered under sections 508A.01 to 508A.85 have been recorded in the office of any county recorder in this state, a certified copy of it may be filed for registration and registered with like effect as the original instrument without an order or directive.

History: 1982 c 396 s 64; 1983 c 92 s 36; 1985 c 16 s 10; 1986 c 444; 1992 c 463 s 23; 1994 c 388 art 3 s 26; 1996 c 338 art 1 s 9; 1999 c 11 art 1 s 61-65

508A.72 AGENCY; POWER TO BE REGISTERED.

Any act which may legally be done or performed by any person under sections 508A.01 to 508A.85 may be done and performed by an agent when duly authorized in writing. The instrument or power of attorney shall be filed with and registered by the registrar 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 CPT.

History: 1982 c 396 s 65; 1984 c 603 s 2; 1986 c 444; 1999 c 11 art 1 s 66

508A.73 EMINENT DOMAIN; REVERSION; VACATION.

Subdivision 1. **Registration filing; new CPT; memorials; reversion.** If the land of a registered owner, or any right, title, interest, or estate in it is taken by eminent domain, the state or body politic, or other authority which exercises the right, shall file for registration a certified copy of a final certificate or a certified copy of a court order transferring title pursuant to section 117.042 together with an instrument containing a description of the land taken, together with the name of each owner of it, and referring to each CPT 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 CPT by the registrar. If the fee is taken, a new CPT shall be entered in the name of the owner for the land remaining to the owner after the taking. A new CPT may not be entered except by order of the district court or upon the written certification of the examiner of titles as to the legal sufficiency of the final certificate or court order pursuant to section 117.042 and other instruments presented for filing for the purpose of issuance of a new CPT. If the owner has a lien for damages upon the land thus taken, this fact shall be stated in the memorial of registration. All fees on account of any memorial of registration or entry of new CPTs 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 heirs or assigns, the district court, upon the application of the person entitled to the benefit of the reversion, and after due notice and hearing, may order the entry of a new CPT to the person entitled to it.

Subd. 2. **Vacation of street or alley; legal description.** Upon the filing of a certified copy of a resolution or ordinance by a city vacating an adjoining street or alley that was dedicated to the public in a plat, a registered owner is entitled to have added to the legal description on the CPT that part of the vacated street or alley that accrues to it, provided the vacation occurred after the land was originally registered. The vacated street or alley may be added to the CPT by order of the district court or by a written directive from the examiner of titles.

History: 1982 c 396 s 66; 1986 c 444; 1992 c 463 s 24

508A.76 REGISTRAR'S LIABILITY.

Subdivision 1. **Damages through erroneous registration.** 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 sections 508A.01 to 508A.85, and any person who, without negligence on that person's part, is wrongfully deprived of any land or of any interest in it by the registration of it, or by reason of the registration of any other person, as the owner of the land, or by reason of any mistake, omission, or misdescription in any CPT, or in any entry or memorial, or by any cancellation, in the register of titles, and who, by the provisions of sections 508A.01 to 508A.85, is precluded from bringing an action for the recovery of the land, or of any interest in it, 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 the 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 requesting 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 CPT.

History: 1982 c 396 s 67; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 1Sp1989 c 1 art 11 s 10; 1999 c 11 art 1 s 67

508A.77 PARTIES DEFENDANT; JUDGMENT; EXECUTION.

If an action is brought to recover any loss or damage occasioned solely by the registration of the land, or solely by the registration of any other person as the owner thereof, or if the action be brought for the recovery of any loss or damage occasioned solely by the 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, the state treasurer, in the treasurer's official capacity, shall be the sole defendant. If the action is 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 the treasurer's official capacity, and the other person shall be joined as defendants in it. In any action where there are defendants other than the state treasurer, no execution shall issue against the 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 the execution shall certify on it that the amount still due upon the execution cannot be collected from them. The court, being satisfied as to the truth of the return, shall then order the state treasurer to pay the amount due upon the execution out of the general 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 these actions.

History: 1982 c 396 s 68; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 1Sp1989 c 1 art 11 s 11

508A.78 LIABILITY OF FUND.

No person shall recover from the general 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 general fund any greater sum than the fair market value of the real estate at the time of the last payment into that fund, on account thereof.

History: 1982 c 396 s 69; 1Sp1989 c 1 art 11 s 12

508A.79 LIMITATION OF ACTION.

Any action or proceeding pursuant to section 508A.76 to recover damages out of the general 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 the 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, the person, or anyone claiming under the person, may commence the action or proceeding within two years after the disability is removed.

History: 1982 c 396 s 70; 1986 c 444; 1Sp1989 c 1 art 11 s 13

508A.80 FRAUDULENT INSTRUMENT OR ENTRY; PENALTY.

Whoever fraudulently procures, or assists in fraudulently procuring, or is privy to the fraudulent procurement of any CPT or other instrument or of any entry in the register of titles, CPT, 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 sections 508A.01 to 508A.85; or knowingly defrauds, or is privy to defrauding, any person by means of a false or fraudulent instrument, certificate, statement, or affidavit affecting land registered under sections 508A.01 to 508A.85 is guilty of a felony punishable by a fine not exceeding \$10,000, or by imprisonment not exceeding five years, or by both.

History: 1982 c 396 s 71; 1984 c 628 art 3 s 11

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508A.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), 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 CPT, including issuing a copy of it, \$30;

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

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

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

(6) for exchange CPTs, \$10 for each CPT canceled and \$10 for each new CPT issued;

(7) for each CPT 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 CPT, 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 sections 508A.01 to 508A.85, the fee 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) in counties in which the compensation of the examiner of titles is paid in the same manner as the compensation of other county employees, for each parcel of land contained in the application for a CPT, as the number of parcels is determined by the examiner, a fee which is reasonable and which reflects the actual cost to the county, established by the board of county commissioners of the county in which the land is located;

(16) for filing a registered land survey in triplicate in accordance with section 508A.47, subdivision 4, \$30; and

(17) for furnishing a certified copy of a registered land survey in accordance with section 508A.47, subdivision 4, \$10.

Subd. 2. **Variance from standards.** A document that does not conform to the standards in section 507.093, paragraph (a), shall not be filed except upon payment of an additional fee of \$10 per document. This subdivision applies only to documents dated after July 31, 1997, and does not apply to Minnesota uniform conveyancing blanks contained in the book of forms in the office of the commissioner of commerce provided for under section 507.09, certified copies, or any other form provided for under Minnesota Statutes.

History: 1982 c 396 s 72; 1983 c 92 s 37; 1985 c 281 s 18; 1986 c 342 s 3; 1986 c 444; 1Sp1989 c 1 art 11 s 14; 1990 c 575 s 5; 1991 c 226 s 3; 1992 c 463 s 25; 1992 c 513 art 4 s 47; 1993 c 192 s 100; 1996 c 338 art 3 s 4; 1999 c 11 art 1 s 68; art 3 s 21

508A.835 [Repealed, 1999 c 11 art 1 s 72]

508A.836 DISPOSAL OF CERTAIN AFFIDAVITS.

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

History: 1982 c 396 s 74

508A.84 INSTRUMENTS OF ENCUMBRANCE; DISPOSAL.

The registrar of titles is 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 of them. When the discharge of an encumbrance is by virtue of a judicial or statutory sale, the instruments evidencing the encumbrance of the foreclosure of it, shall not be destroyed until six months after entry of an unappealed order for issuance of a new CPT to the purchaser at the sale or to the purchaser's assignee. Nothing herein contained shall relieve the registrar from maintaining the books and index records required under sections 508A.34 and 508A.37.

History: 1982 c 396 s 75; 1986 c 444

508A.85 CHANGEOVER FROM CPT TO CERTIFICATE OF TITLE.

Subdivision 1. **Owner's election.** The owner of an outstanding CPT, at the owner's election, may apply to the district court at any time to commence a registration in accordance with the provisions of chapter 508.

Subd. 2. **Registrar to issue certificate of title.** Subsequent to the expiration of the five year period set forth in section 508A.17, upon the filing of any instrument transferring title from the registered owner of the CPT to another, the registrar of titles shall issue a certificate of title and cancel the CPT.

Subd. 3. **Changeover at request of owner.** Subsequent to the expiration of the five year period set forth in section 508A.17, any registered owner of a CPT may request a changeover, and upon payment of the fee for an exchange as specified in section 508A.82, clause (6), the registrar shall issue a certificate of title and cancel the CPT.

Subd. 4. **Changeover, memorials on certificate of title.** Any certificate of title issued pursuant to this section shall carry forward all memorials which still affect the land, except for the memorial of the examiner's supplemental directive issued pursuant to section 508A.22, subdivision 2. It shall be made subject to all statutory exceptions and be issued in the same form as provided in section 508.35, except that, in lieu of reciting that the certificate of title was issued pursuant to the order of the district court, the certificate of title shall recite that it was issued pursuant to the provisions of this section and recite the date the certificate of title was issued for the land involved. The memorial on the CPT pursuant to section 508A.351 shall not be removed without an order of the district court.

Subd. 5. **Integration.** A certificate of title issued pursuant to subdivisions 2 and 3 shall be integrated by the registrar of titles with the certificates of title created by an adjudication pursuant to chapter 508, and shall be subject to all provisions of chapter 508.

History: 1982 c 396 s 76; 1986 c 444; 1992 c 463 s 27; 1996 c 338 art 1 s 10; 1999 c 11 art 1 s 69,70