

CHAPTER 508

REGISTRATION, TORRENS

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508.09 AMENDMENT.

Amendments to the application, including joinder, substitution, or discontinuance as to parties, may be allowed by the court at any time upon terms that are just and reasonable, but all amendments shall be in writing and signed and verified like the original application. A person who acquires the original applicant's estate in all or part of the land by voluntary instrument from the original applicant may be substituted for the applicant as to the land acquired by executing and filing an amendment without payment of the fees specified in section 357.021, subdivision 2, clause (1).

History: 2001 c 50 s 2

508.16 FORM OF SUMMONS; SERVICE ON VARIOUS PARTIES; PUBLICATION.

Subdivision 1. **Subscribed by administrator; copies.** The summons shall be subscribed by the court administrator, directed to the defendants, and require them to appear and answer the application of the applicant, within 20 days after the service of the summons, exclusive of the day of such service. It shall be served in the manner as provided by law for the service of a summons in civil actions in the district court, except as herein otherwise provided. It shall be served upon the state by delivering a copy thereof to the attorney general, a deputy attorney general or an assistant attorney general. The attorney general shall represent the state in these proceedings. In those cases where the attorney general deems it appropriate, the attorney general may transmit the matter to the county attorney of the county in which the land described therein is situated, and thereupon such county attorney shall appear in such proceeding, and represent the state therein. It shall be served upon a domestic corporation governed by chapter 302A whose charter has terminated by dissolution, expiration, or otherwise, by delivering a copy of it to a person, known to the applicant, who held office in the corporation at the time of dissolution and can be found in the state or, if no officer known to the applicant can be found in the state, by publishing the summons in a newspaper printed and published in the county where the application is filed, once each week for three consecutive weeks. It shall be served upon all persons not personally served who are not residents of the state or who cannot be found therein, and upon domestic corporations not governed by chapter 302A whose charter has terminated by dissolution, expiration, or otherwise more than three years prior to the commencement of the action, and upon unknown successors in interests of such corporations, and upon "all other persons or parties unknown claiming any right, title, estate, lien, or interest in the real estate described in the application herein" by publishing the same in a newspaper printed and published in the county wherein the application is filed, once each week for three consecutive weeks; provided, if the order for summons or a supplemental order of the court, filed before, during or after the publication of the summons, shall so direct, the summons may be personally served without the state upon any one or more of the defendants who are nonresidents of the state or who cannot be found therein, in like manner and with like effect as such service in a summons in a civil action in the district court; and provided further, that any nonresident defendant, natural or corporate, who can be found in the state of Minnesota and can be personally served therein, may be served personally. The court administrator shall also, at least 20 days before the entry of the decree which shall be entered in the matter, send a copy of the summons by mail to all defendants not served personally who are not residents of the state, and whose place of address is known to

applicant or stated in the application, or in the order directing the issuance of the summons. The certificate of the court administrator that the court administrator has mailed the summons, as herein provided, shall be conclusive evidence thereof. Other or further notice of the application for registration may be given in such manner and to such persons as the court or any judge thereof may direct. The summons shall be served at the expense of the applicant and proof of the service shall be made in the same manner as in civil actions. The summons shall be substantially in the following form:

SUMMONS IN APPLICATION FOR REGISTRATION OF LAND

State of Minnesota

ss.

County of

District Court Judicial District.

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

Applicant,

vs

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

Defendants.

THE STATE OF MINNESOTA TO THE ABOVE NAMED DEFENDANTS:

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

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

(Seal)

.....
Court administrator

[For text of subd 2, see M.S.2000]

History: 2001 c 50 s 3

508.351 CONDOMINIUM CERTIFICATE.

Subdivision 1. Declaration. Prior to filing with the registrar of titles of a declaration or bylaws for a condominium, or an amendment to the declaration or bylaws, a determination must be made by an order of court in a proceeding subsequent to initial registration or by a written directive of the examiner of titles that the documents comply with the requirements of the applicable condominium statute.

Subd. 2. Form of common elements certificate of title. Upon the filing of a declaration creating a condominium, the registrar shall issue a certificate of title, designated as a "common elements certificate of title," ("CECT"). It must be in substantially the following form:

COMMON ELEMENTS CERTIFICATE OF TITLE (CECT)

This is the Common Elements Certificate of Title for Condominium CIC No.

State of Minnesota)
)
County of) SS.

This is to certify that the common elements in condominium CIC No. are subject to the encumbrances, liens, and interests noted by the memorials set forth as follows:

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

Subd. 3. **Tract index.** CECTs must be maintained in the same manner as provided for certificates of title and must be indexed in the tract index as provided in section 508.37, subdivision 1a. The names of the owners in the tract index must be "unit owners." The description of the registered land in the tract index must be "common elements" or "CECT."

Subd. 4. **Unit certificates.** Certificates of title issued for the units described in the declaration must contain, immediately following the description of the unit, a statement in substantially the following form: "subject to encumbrances, liens, and interests noted on CECT No."

Subd. 5. **Memorials.** The condominium declaration, bylaws, any amendment to the declaration or bylaws; any lien against the common elements pursuant to chapter 514; any fixture filing pursuant to section 336.9-314 where the financing statement describes the common elements; any easement on the common elements pursuant to section 515B.3-102, subsection (a)(9); any instrument evidencing the transfer of a special declarant right pursuant to section 515B.3-104; and any conveyance or encumbrance of the common elements pursuant to section 515B.3-112 must be entered as memorials on the CECT only.

Subd. 6. **Preexisting condominiums.** In the case of a condominium existing prior to August 1, 2001, on registered land, for which no CECT has been issued, upon the filing of a document of the kind specified in subdivision 5, the registrar shall issue a CECT, but documents filed prior to the issuance of the CECT need not be entered as memorials on the CECT. The registrar for no additional fee shall mark by the land description on the certificate of title for each of the units in the condominium a statement in substantially the following form: "subject to encumbrances, liens, and interests noted in CECT No." and in future certificates for each unit in the condominium, insert immediately following the description of the unit, a statement in substantially the following form: "subject to encumbrances, liens, and interests noted on CECT No."

History: 2001 c 50 s 4

508.421 EXCHANGE CERTIFICATE.

Subd. 1a. **Reissuance.** The owner of registered land may request the registrar of titles to issue a new certificate of title free from the memorials of all interests which have terminated.

[For text of subs 2 and 3, see M.S.2000]

History: 2001 c 50 s 5,38

508.491 TRANSFER STATEMENT FOR CONTRACT FOR DEED.

Subdivision 1. **Definition.** In this section, "transfer statement for a contract for deed" means a document that:

- (1) is a transfer statement made in compliance with section 336.9-619(a); and
- (2) transfers a seller's interest in an executory contract for the sale of land or of an interest in land that entitles the purchaser to possession of the land;

Subd. 2. **Registration of statement.** A transferee under a transfer statement for a contract for deed is entitled to have the statement recorded as provided in section 336.9-619(b). The registrar shall enter a memorial of the statement on the certificate of title for the land in which the debtor has a registered interest.

Subd. 3. **New certificate of title.** If a transferee under a transfer statement for a contract for deed has become the owner in fee of the land, or any part of it, the transferee may have the title registered. To do so, the transferee must petition the court for a new certificate of title to the land. On receiving the petition, the court shall notify the parties in interest and order a new certificate issued to the petitioner. The registrar shall issue a new certificate of title to the land, or the part of the land, the petitioner owns, as in the case of a voluntary conveyance.

Subd. 4. **Financing statements.** A financing statement that is filed pursuant to section 336.9-502(b) need not contain: (1) the signatures of the debtor or the secured party; or (2) an acknowledgment, and must be filed with the registrar, and shown as a memorial on the certificate of title.

History: 2001 c 195 art 1 s 21

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

[For text of subs 1 to 3, see M.S.2000]

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 record 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 record 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.

[For text of subd 6, see M.S.2000]

Subd. 7. [Repealed, 2001 c 50 s 37]

History: 1Sp2001 c 9 art 15 s 32

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), (5), (11), (13), (14), (16), and (17), 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), (3), (5), (11), (13), (14), (16), and (17), 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 issuance of a CECT pursuant to section 508.351, \$15;
- (5) for the entry of each memorial on a certificate, \$15;
- (6) for issuing each residue certificate, \$20;
- (7) for exchange certificates, \$10 for each certificate canceled and \$10 for each new certificate issued;
- (8) for each certificate showing condition of the register, \$10;
- (9) 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;
- (10) 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;
- (11) for filing two copies of any plat in the office of the registrar, \$30;
- (12) for any other service under this chapter, such fee as the court shall determine;
- (13) 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;
- (14) for filing an amendment to 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;
- (15) for a copy of a condominium floor plan filed in accordance with chapter 515, 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 or common interest community plat with a minimum fee of \$10;
- (16) for the filing of a certified copy of a plat of the survey pursuant to section 508.23 or 508.671, \$10;
- (17) for filing a registered land survey in triplicate in accordance with section 508.47, subdivision 4, \$30;
- (18) 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.2000]

History: 2001 c 50 s 6