

CHAPTER 508

REGISTRATION, TORRENS

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|--------|--|--------|---|
| 508.08 | Application, land included.                                      | 508.70 | How to claim an unregistered interest after registration. |
| 508.12 | Examiners of titles.   |        |   |
| 508.35 | Form of certificate.   | 508.75 | Investment.   |
| 508.52 | Conveyance; cancellation of old and issuance of new certificate. | 508.77 | Parties defendant; judgment; execution.                   |
| 508.67 | Acquiring title by action; new certificate.                      | 508.82 | Registrar's fees.   |

**508.08 APPLICATION, LAND INCLUDED.**

Subdivision 1. **Separate tracts; common owner.** Any number of tracts of land in the same county owned by the same person may be included in one application.

Subd. 2. **Adjacent land; common title defect.** Owners of separate tracts of land may join in one application to register the title to their individual tracts. The application must list separately all of the information required by section 508.06 for the owner or owners of each of the tracts included in the application.

*History: 2003 c 5 art 1 s 1*

**508.12 EXAMINERS OF TITLES.**

Subdivision 1. **Examiner and deputy examiner.** The judges of the district court shall appoint a competent attorney in each county within their respective districts to be an examiner of titles and legal adviser to the registrar in said county, to which examiner all applications to register title to land are referred without further order, and may appoint attorneys to serve as deputy examiners who shall act in the name of the examiner and under the examiner's supervision and control, and the deputy's acts shall be the acts of the examiners. The examiner of titles and deputy examiners shall hold office subject to the will and discretion of the district court by whom appointed. The examiner's compensation and that of the examiner's deputies shall be fixed and determined by the court and paid in the same manner as the compensation of other county employees is paid except that in all counties having fewer than 75,000 inhabitants, and in Stearns, Dakota, Scott, Wright, and Olmsted counties the fees and compensation of the examiners for services as legal adviser to the registrar shall be determined by the judges of the district court and paid in the same manner as the compensation of other county employees is paid, but in every other instance shall be paid by the person applying to have the person's title registered or for other action or relief which requires the services, certification or approval of the examiner.

*[For text of subd 2, see M.S.2002]*

*History: 2003 c 54 s 1*

**508.35 FORM OF CERTIFICATE.**

The certificate of title shall contain the name and residence of the owner, a description of the land, and of the estate of the owner therein, and shall by memorial contain a description of all encumbrances, liens, and interests in which the estate of the owner is subject. In case the land is held in trust or subject to any condition or limitation, it shall state the nature and character of it. It shall be substantially in the following form:

CERTIFICATE OF TITLE

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

REGISTRATION

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

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

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

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

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

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

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

**History:** 2003 c 5 art 1 s 2

#### **508.52 CONVEYANCE; CANCELLATION OF OLD AND ISSUANCE OF NEW CERTIFICATE.**

An owner of registered land who desires to convey the land, or a portion thereof, in fee, shall execute a deed of conveyance, and file the deed with the registrar. The deed of conveyance shall be filed and endorsed with the number and place of registration of the certificate of title. Before canceling the outstanding certificate of title the registrar shall show by memorial thereon the registration of the deed on the basis of which it is canceled. The encumbrances, claims, or interests adverse to the title of the registered owner shall be stated upon the new certificate, except so far as they may be simultaneously released or discharged. The certificate of title shall be marked "Canceled" by the registrar, who shall enter in the register a new certificate of title to the grantee and prepare and deliver to the grantee a copy of the new certificate of title. If a deed in fee is for a portion of the land described in a certificate of title, the memorial of the deed entered by the registrar shall include the legal description contained in the deed and the registrar shall enter a new certificate of title to the grantee for the portion of the land conveyed and, except as otherwise provided in this section, issue a residue certificate of title to the grantor for the portion of the land not conveyed. The registrar shall prepare and deliver to each of the parties a copy of their respective certificates of title. In lieu of canceling the grantor's certificate of title and issuing a residue certificate to the grantor for the portion of the land not conveyed, the registrar may if the grantor's deed does not divide a parcel of unplatted land, and in the absence of a request to the contrary by the registered owner, mark by the land description on the certificate of title "Part of land conveyed, see memorials." The fee for a residue certificate of title shall be paid to the registrar only when the grantor's

certificate of title is canceled after the conveyance by the grantor of a portion of the land described in the grantor's certificate of title. When two or more successive conveyances of the same property are filed for registration on the same day the registrar may enter a certificate in favor of the grantee or grantees in the last of the successive conveyances, and the memorial of the previous deed or deeds entered on the prior certificate of title shall have the same force and effect as though the prior certificate of title had been entered in favor of the grantee or grantees in the earlier deed or deeds in the successive conveyances. The fees for the registration of the earlier deed or deeds shall be the same as the fees prescribed for the entry of memorials. The registrar of titles, with the consent of the transferee, may mark "See memorials for new owner(s)" by the names of the registered owners on the certificate of title and also add to the memorial of the transferring conveyance a statement that the memorial shall serve in lieu of a new certificate of title in favor of the grantee or grantees therein noted and may refrain from canceling the certificate of title until the time it is canceled by a subsequent transfer, and the memorial showing such transfer of title shall have the same effect as the entry of a new certificate of title for the land described in the certificate of title; the fee for the registration of a conveyance without cancellation of the certificate of title shall be the same as the fee prescribed for the entry of a memorial.

**History:** 2003 c 5 art 1 s 3

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

Subdivision 1. **Court order.** Upon the expiration of the time allowed by law for redemption of registered land, after it has been set off, or sold on execution, or taken or sold for the enforcement of any lien, including a tax lien, or charge of any nature, the person who claims under such execution, or under any certificate, deed, or other instrument made in the course of proceedings to enforce such execution or lien, may apply to the court for an order directing the entry of a new certificate to that person, and upon such notice as the court may require, the petition shall be heard and a proper order rendered therein.

*[For text of subd 2, see M.S.2002]*

**History:** 2003 c 5 art 1 s 4

#### **508.70 HOW TO CLAIM AN UNREGISTERED INTEREST AFTER REGISTRATION.**

Subdivision 1. **Procedure; costs.** (a) Any person claiming any interest in registered land arising or created after the date of the original registration, which does not appear on the certificate of title, may, if there is some impediment to registering the claimed interest, file with the registrar of titles a verified claim of unregistered interest, made by or at the instance of the claimant, stating:

- (1) the alleged interest;
- (2) how or from whom it was acquired;
- (3) the reason the interest cannot be registered;
- (4) the number of the affected certificate of title;
- (5) a description of the affected land;
- (6) a place at which all notices may be served upon the claimant; and

(7) that the claim is not made for the purpose of avoiding the payment of mortgage registry tax under section 287.01 or deed tax under section 287.21, or avoiding obtaining the auditor's statement on an instrument under section 272.12.

(b) If the claimant claims an interest in an unregistered mortgage that is subject to the imposition of mortgage registry tax upon recording, the notice must contain evidence satisfactory to the registrar of titles that the mortgage registry tax has been paid. A copy of the claim must be mailed to the persons whose registered interests are affected by the claim at their addresses shown on the certificate of title. An affidavit

stating the names and addresses of the persons to whom copies of the claim were mailed must be attached to the claim. The claim with attached affidavit regarding mailing shall be entitled to registration, and the court, upon the petition of any party in interest, shall grant a speedy hearing upon the validity of such claim and enter such order as justice and equity may require. If the court determines that the claim is invalid, it shall order the cancellation of the memorial of the claim. The court may, in any case, award such costs and damages, including a reasonable attorney's fee, as it may deem just.

**Subd. 2. Ten-year limit unless new filing.** On and after March 1, 1995, no adverse claim statement, or claim of unregistered interest, shall be notice, either actual or constructive, of any matters referred to in the statement after it has been of record for ten years unless a new statement or claim realleging the facts is filed within the ten-year period upon the affected certificate of title or unless a certified copy of a petition in a subsequent proceeding or a notice of lis pendens to adjudicate the matters alleged in the statement or claim is filed within the ten-year period. The registrar of titles shall not carry forward to new certificates of title the memorial of any statement of adverse claim, or of any claim of unregistered interest, that has terminated as notice pursuant to this subdivision.

*[For text of subd 3, see M.S.2002]*

**Subd. 4. Demand for discharge.** A person whose registered interest is affected by a statement of adverse claim filed before August 1, 2003, or by a claim of unregistered interest, or the person's agent, may file a demand for discharge of the claim of unregistered interest. A copy of the demand must be mailed to the claimant at the address stated on the claim. An affidavit stating the name and address of the person to whom a copy of the demand was mailed must be attached to the demand. The demand must be substantially in the following form:

**"DEMAND FOR DISCHARGE OF CLAIM OF UNREGISTERED INTEREST**

Date: .....

....., having a registered interest in (name of person having a registered interest)

certificate of title No. ...., hereby demands that .....

(name of claimant)

either (1) discharge the claimant's claim of unregistered interest regarding the certificate of title, or (2) petition the court for a determination of the validity of the claim pursuant to Minnesota Statutes, section 508.70, subdivision 1. If the claimant fails to do so the claim will terminate and be of no effect 90 days after this demand for discharge is filed with the registrar of titles of ..... county, Minnesota.

.....  
(signature of person having registered interest or agent)"

Unless the claimant has petitioned the court as provided in subdivision 1 and filed with the registrar of titles a certified copy of the petition, the claim shall terminate and be of no effect 90 days after the filing of a demand for discharge with attached affidavit regarding mailing. The registrar of titles shall not carry forward to new certificates of title the memorial of any claim that has terminated or has been discharged pursuant to this subdivision.

**Subd. 5. Priority of claim.** The registration of a claim of unregistered interest has the same effect as to priority as the registration of any instrument under this chapter. If the instrument, under which the claim is made, is filed before the claim has been terminated or discharged, the instrument shall have the same priority as the claim and the registrar of titles shall include in the memorial of the instrument a reference to the document number of the claim.

**History:** 2003 c 5 art 1 s 5-8

**508.75 INVESTMENT.**

All money received by the registrar under the provisions of sections 508.74 and 508.82, clause (1), shall be paid quarterly by the registrar or the county treasurer to the commissioner of finance and placed in the general fund. There is annually appropriated to the commissioner of finance from the general fund sums sufficient to pay claims ordered by a district court under sections 508.77 and 508A.77.

**History:** 2003 c 112 art 2 s 50

**508.77 PARTIES DEFENDANT; JUDGMENT; EXECUTION.**

If such action is brought to recover any loss or damage occasioned solely by the registration of such land, or solely by the registration of any other person as the owner thereof, or if such action be brought for the recovery of any loss or damage occasioned solely by the omission, mistake or misfeasance of the registrar or the registrar's deputy, or of any examiner or of any court administrator, or a deputy of the court administrator or examiner, in the performance of their respective duties, the commissioner of finance, in the commissioner's official capacity, shall be the sole defendant. If such action be brought to recover for any loss or damage occasioned either wholly, or in part, by the fraud or wrongful act of some person other than the officers herein named, or to recover for any loss or damage caused jointly by the fraud or wrongful act, and by the omission, mistake or misfeasance of the officers above named, or any of them, and of some other person, the commissioner of finance, in the commissioner's official capacity, and such other person shall be joined as defendants therein. In any action where there are defendants other than the commissioner of finance, no execution shall issue against such commissioner of finance until execution against all other defendants against whom judgment has been recovered has been returned unsatisfied, either in whole or in part. An officer returning such execution shall certify thereon that the amount still due upon the execution cannot be collected from them. Thereupon the court, being satisfied as to the truth of the return, shall order the commissioner of finance to pay the amount due upon such 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 commissioner of finance in all such actions.

**History:** 2003 c 112 art 2 s 50

**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 commissioner of finance and credited to the general fund; plus a \$5 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, 50 cents must be deposited in the state treasury to provide an additional funding source for the appropriations in Laws 2001, First Special Session chapter 10, article 2, sections 98 and 99, to the Legislative Coordinating Commission for the Real Estate Task Force established under Laws 2000, chapter 391, 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; and

(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.2002]*

**History:** 2003 c 112 art 2 s 50