

CHAPTER 508A

REGISTRATION WITHOUT COURT PROCEEDINGS

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|---------|--|---------|--|
| 508A.08 | Application; land included.                              | 508A.70 | Subsequent adverse claim, how registered; costs. |
| 508A.22 | Examiner's directive; fees.                              | 508A.77 | Parties defendant; judgment; execution.          |
| 508A.35 | Forms of CPT.  | 508A.82 | Registrar's fees.                                |
| 508A.52 | Conveyance; cancellation of old and issuance of new CPT. |         |  |

508A.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; different owners.** Owners of separate tracts of land in the same county 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 508A.06 for the owner or owners of each of the tracts included in the application.

History: 2003 c 5 art 1 s 9

508A.22 EXAMINER'S DIRECTIVE; FEES.

[For text of subd 1, see M.S.2002]

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 commissioner of finance pursuant to section 508.75.

History: 2003 c 112 art 2 s 50

508A.35 FORMS OF CPT.

The CPT shall contain the name and residence of the owner, a description of the land and of the estate of the owner, and shall by memorial contain a description of all encumbrances, liens, and interests to 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 in substantially the following form:

CERTIFICATE OF POSSESSORY TITLE (CPT)

First Certificate of Possessory Title, pursuant to the Directive of the Examiner of Titles, County of ....., and State of Minnesota, date ....., .....

Registration of Possessory Title

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

This is to certify that ....., whose address is ..... in the ..... of ..... and State of ....., is now the owner of a fee simple estate of and in the following described land situated in the county of ..... and state of Minnesota; ..... Subject to the encumbrances, liens, and interests noted by the memorial underwritten or endorsed hereon; and subject to the following rights or encumbrances subsisting, 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) The rights of any person in possession under deed or contract for deed from the owner of the CPT;
- (6) Any claims that may be made pursuant to section 508A.17 within five years from the date of the first CPT; and
- (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 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:** 2003 c 5 art 1 s 10

**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 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:** 2003 c 5 art 1 s 11

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

**Subdivision 1. Procedure; costs.** (a) Any person claiming any interest in land registered under sections 508A.01 to 508A.85 arising or created after the date of the first CPT, 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 CPT;
- (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 CPT. 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 the claim and enter an 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 costs and damages, including a reasonable attorney's fee, as it may deem just.

**Subd. 2. 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 Possessory Title (CPT) No. ....; hereby demands that ..... (name of claimant) either (1) discharge the claimant's claim of unregistered interest regarding the CPT, or (2) petition the court for a determination of the validity of the claim pursuant to Minnesota Statutes, section 508A.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 CPTs the memorial of any claim that has terminated or has been discharged pursuant to this subdivision.

**Subd. 3. 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 12

### 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 commissioner of finance, in the commissioner'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 commissioner of finance, in the commissioner's official capacity, and the other person shall be joined as defendants in it. In any action where there are defendants other than the commissioner of finance, no execution shall issue against the commissioner 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 commissioner of finance 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 commissioner of finance in all these actions.

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

### 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), (5), (11), (13), (14), 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), and (17), with 50 cents of this surcharge to be retained by the county to cover its administrative costs, 50 cents to 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 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 issuance of a CECT pursuant to section 508A.351, \$15;
- (5) for the entry of each memorial on a CPT, \$15;
- (6) for issuing each residue CPT, \$20;
- (7) for exchange CPTs or combined certificates of title, \$10 for each CPT and certificate of title canceled and \$10 for each new CPT or combined certificate of title issued;
- (8) for each CPT 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 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;
- (11) for filing two copies of any plat in the office of the registrar, \$30;
- (12) for any other service under sections 508A.01 to 508A.85, the fee 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), and issuing a CECT if required, \$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) 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;
- (17) for filing a registered land survey in triplicate in accordance with section 508A.47, subdivision 4, \$30; and
- (18) for furnishing a certified copy of a registered land survey in accordance with section 508A.47, subdivision 4, \$10.

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

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