

CHAPTER 386

COUNTY RECORDER; ABSTRACTER

386.03	Reception index.	386.26	Some unrecorded records: transcribe old; record new.
386.04	Numerical register and reception index.	386.29	Transcribing abstract records.
386.05	Tract index books.	386.31	Consecutive numbering.
386.13	Transcribing records of state lands.	386.32	Consecutive index.
386.16	County recorder to supervise; compensation.	6.36	Farm names recorded.
386.19	Record books, indexes.	386.37	Abstracts of title.
386.20	Certificates of discharge from U.S. service.	386.45	Bankruptcy documents may be recorded, used as evidence.
386.23	Pre-1862 sheriff's certificates, transcribing.		

386.03 RECEPTION INDEX.

Every county recorder shall keep an index, to be denominated as a grantor's and grantee's reception index, which shall contain the following information: date of reception, year, month, day, hour and minute, grantor and grantee, where situated, to whom delivered after recording, fees received, instrument number, and kind of instrument.

The recorder shall enter in the index, in the order and manner aforesaid, as soon as the same are received, all deeds and other instruments left, and all copies left, as cautions or notices of liens, authorized by law to be recorded. The reception index shall be maintained in alphabetical order, and every entry made therein shall be made in the reception index under the grantor's surname, and under the grantee's surname, and all such entries shall appear therein consecutively and in the order as to time in which the instruments were received. The recorder shall make an entry in the record immediately for each instrument recorded specifying the time of the day, month, and year when the same was recorded.

History: 2005 c 4 s 73

386.04 NUMERICAL REGISTER AND RECEPTION INDEX.

The board of county commissioners of any county in this state wherein the recorder's office keeps a deed index and mortgage index are hereby authorized to combine the reception index required by section 386.03 and the consecutive index required by section 386.32, the record book to be designated the Numerical Register and Reception Indexes, or designated the Numerical Register and Reception Indexes for use with electronic media. The record shall include the date of reception; number of instrument; grantor; grantee; where the land is situated; the month, day, year, and hour and whether a.m. or p.m.; to whom it will be delivered; where it is recorded; kind of instrument; and fees received.

The recorder shall make the entries in this book or index in accordance with the requirements of sections 386.03 and 386.32 either by manual or electronic means.

History: 2005 c 4 s 74

386.05 TRACT INDEX BOOKS.

Every county board shall procure at the expense of its county, and keep in the office of the county recorder suitable books or electronic media so as to allow information to be arranged or retrieved by the description of each section of land or sectional lot, and town or city lot and block arranged in numerical order, give appropriate initial or abbreviation for the type of instrument, and recite the book and page or the recorded document number by which every record affecting the title to the whole or any part thereof may be found. Such tract index shall be kept as one of the records in the office of the county recorder, and such recorder shall note therein the date, time, and minute of every instrument affecting the title to any land filed for record, to be made opposite to each parcel of land the title to which may be affected by such instrument. Instead of causing a tract index to be made, the board may purchase

any existing tract index or abstracts; and thereafter the recorder shall make the appropriate entries therein. In either case, the recorder may make abstracts for persons demanding the same.

History: 2005 c 4 s 75

386.13 TRANSCRIBING RECORDS OF STATE LANDS.

The county commissioners of any county in this state are hereby authorized to direct the county recorder of any county containing any lands heretofore granted to the state from the United States government (except sections 16 and 36), and including all lands so granted in lieu of lands in sections 16 or 36, to transcribe from the records of the commissioner of finance lists of all such lands including reference to the laws granting the same and by all patents issued thereunder to the state, which transcripts after due examination thereof shall be certified to without charge by the commissioner of finance as being true and correct transcripts, and thereupon such transcripts, shall be recorded by the county recorder in whose county such land is situate, which recording shall be done as provided therefor by the county. Such county recorder shall receive the same fees allowed by law for recording original instruments in the office, which fees shall be paid by the county auditor upon the approval of the county commissioners of said county.

History: 2005 c 4 s 76

386.16 COUNTY RECORDER TO SUPERVISE; COMPENSATION.

The work provided for in section 386.15 shall be performed by the county recorder of the county. The county recorder, for performing the work, shall receive as compensation therefor such sum as may be fixed by the board of county commissioners.

History: 2005 c 4 s 77

386.183 [Repealed, 2005 c 4 s 153]

386.19 RECORD BOOKS, INDEXES.

The county recorder shall keep suitable word for word records of all instruments left with the recorder for record keeping. The recorder shall keep an alphabetical index either by manual or electronic means, to record, under the proper letter of the alphabet, the name of each grantor and grantee of any instrument left for record.

History: 2005 c 4 s 78

386.20 CERTIFICATES OF DISCHARGE FROM U.S. SERVICE.

Subdivision 1. **Recordation.** (a) Certificates of discharge from the United States Army, the United States Navy, and the United States Marine Corps and releases or transfers from active duty therein may be recorded in the office of the county recorder of any county in this state by the person to whom such discharge, release or transfer was issued without the payment of any fee to the county recorder for recording the same. Upon the request of the person having such instrument recorded, the county recorder shall not stamp, mark, or make any endorsement upon any such certificate of discharge, release or transfer, but after the recording thereof has been completed the recorder shall return the certificate of discharge, release, or transfer in the condition received.

(b) The release of any information pertaining to military certificates of discharge is governed by section 196.08.

[For text of subd 2, see M.S.2004]

Subd. 3. **Record books.** The county recorder of any county is hereby authorized and empowered to procure at the expense of the county proper record books or electronic media for recording such certificates of discharge with sufficient indexes thereto.

History: 2005 c 4 s 79,80

386.23 PRE-1862 SHERIFF'S CERTIFICATES, TRANSCRIBING.

Subdivision 1. **Must be transcribed.** The county recorder in any county is hereby authorized and directed to transcribe, in appropriate records or electronic media to be provided for such purpose, all certificates now on file in the recorder's office, which were filed prior to May 10, 1862, made by sheriffs upon sales of real estate on mortgage foreclosures, judgments, and executions.

Subd. 2. **Compensation.** The county recorder shall receive compensation for transcribing each of such certificates, and for comparing and certifying all such certificates, filed prior to May 10, 1862, and not heretofore compared and certified, to be paid out of the county funds, and shall be allowed by the board of county commissioners of such county upon the completion of the work.

[For text of subd 3, see M.S.2004]

History: 2005 c 4 s 81,82

386.26 SOME UNRECORDED RECORDS: TRANSCRIBE OLD; RECORD NEW.

[For text of subds 1 and 2, see M.S.2004]

Subd. 3. **In future; record at length.** It is hereby made the duty of the county recorder in any such county to record at length in suitable books or by electronic media to be provided by the county for such purpose all instruments hereafter received either for filing or recording. The recorder shall receive the same fees therefor as are allowed for the recording of other like instruments.

[For text of subd 4, see M.S.2004]

History: 2005 c 4 s 83

386.29 TRANSCRIBING ABSTRACT RECORDS.

The board of county commissioners of any county that has undertaken to have the abstract records in the office of the county recorder transcribed under any law fixing a maximum limit that may be expended for such purpose but is unable to complete such work on account of such limit having been reached may authorize the county recorder or employ any other competent person to complete the same under the supervision and direction of the county recorder at such salary or upon such basis of compensation as may be agreed upon.

History: 2005 c 4 s 84

386.30 [Repealed, 2005 c 136 art 14 s 21]**386.31 CONSECUTIVE NUMBERING.**

Each county recorder shall endorse plainly upon each instrument received for record as soon as received a number consecutive, to the extent practicable, to the number affixed to the instrument next previously received and enter such number as a part of the entry relating to such instrument in all the indexes kept in the office and on the margin of the record of the instrument, and such number shall be prima facie evidence of priority of registration. If more than one instrument shall be received at the same time, by mail or other like enclosure, the recorder shall affix such number in the order directed by the sender; if no direction be given, then in the order in which the instruments actually come to the recorder's hand in opening the enclosures.

History: 2005 c 4 s 85

386.32 CONSECUTIVE INDEX.

Each county recorder shall keep an index of all records kept in the office showing the number of the instrument consecutively, the kind, the time of its reception, and where the same is recorded.

Such entries shall be made as soon as the instrument is received, excepting only the place of record, which shall be filled in as soon as such instrument is recorded.

History: 2005 c 4 s 86

386.34 [Repealed, 2005 c 4 s 153]

386.36 FARM NAMES RECORDED.

The owner of farm lands in the state may designate a specific name of the farm lands and this name, together with a description of the farm lands according to the government survey thereof, may be recorded with the county recorder of the county wherein the lands, or a part thereof, are situated, and this name, together with the description of the lands, shall be recorded by the county recorder, upon payment of a fee as prescribed in section 357.18, but no two names so designated and recorded shall be alike in the same county.

History: 2005 c 4 s 87

386.37 ABSTRACTS OF TITLE.

In a county in which the county recorder performs abstract services, the county recorder, upon being paid lawful fees therefor, shall make out, under the recorder's certificate and seal, as the same appears of record or on file in the office, and deliver to any person requesting the same:

(1) a full and perfect abstract of title to any real estate together with all encumbrances, liens and instruments in any manner affecting such title;

(2) a continuation of any abstract of title, to any real estate that has been certified to by an official abstracter of the county within a reasonable amount of time after such request;

(3) an abstract of title to any real estate, together with all encumbrances, liens, and instruments in any manner affecting such title, from a certain date to a given date, within a reasonable amount of time after such request; or

(4) an abstract of title to any real estate covering encumbrances and liens, only, affecting such title between any two given dates, within a reasonable amount of time after such request.

History: 2005 c 4 s 88

386.45 BANKRUPTCY DOCUMENTS MAY BE RECORDED, USED AS EVIDENCE.

(a) When a petition for bankruptcy, or a decree of adjudication, or an order approving the trustee's bond is made, pursuant to the Federal Bankruptcy Act of 1898, as amended by the Bankruptcy Act of 1938, chapter 575, Statutes at Large, volume 52, page 840, section 21 g, or a petition is made pursuant to the Bankruptcy Reform Act of 1978, hereinafter referred to as the "Bankruptcy Code," the bankrupt, debtor, trustee, receiver, custodian, referee, or any creditor may record a certified copy of the petition, decree, order, or a certificate of a clerk of the United States Bankruptcy Court relating to any matter involving the status of or disposition of the proceedings or pleadings, property of the estate or property of the debtor or documents or orders recorded in the proceeding, all pursuant to the Bankruptcy Code, in the office of the county recorder the instruments in the office of the registrar of titles of any county in this state.

(b) Any certificate so recorded, or a certified copy thereof, is admissible as evidence in any action involving any instrument to which it relates or involving the title to the real estate affected by the certificate and is prima facie evidence of the facts stated therein.

History: 2005 c 4 s 89

386.53 [Repealed, 2005 c 4 s 153]