

HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2763

03/12/2012 Authored by Westrom and LeMieur

The bill was read for the first time and referred to the Committee on Civil Law

03/20/2012 Adoption of Report: Pass as Amended and Read Second Time

1.1 A bill for an act
1.2 relating to real property; registered land; providing for registration for time share
1.3 interests; amending Minnesota Statutes 2010, sections 508.58, subdivision 2,
1.4 by adding subdivisions.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2010, section 508.58, subdivision 2, is amended to read:

1.7 Subd. 2. **Examiner of titles directive; foreclosure by action.** Any person who
1.8 has become the owner in fee of registered land, or any part of the land, pursuant to a
1.9 mortgage foreclosure by action under chapter 581 is entitled to a new certificate of title
1.10 for the land described in the sheriff's certificate of sale or so much of the land as may be
1.11 described in the certificate of title, after the redemption period expires. The registrar shall
1.12 enter the new certificate of title only pursuant to the court order provided in subdivision
1.13 1 or upon the written directive of the examiner of titles as to the legal sufficiency of
1.14 the mortgage foreclosure proceeding. The directive of the examiner of titles also must
1.15 specify the instruments the registrar shall omit from the new certificate of title by virtue
1.16 of the foreclosure.

1.17 ~~At the request of a registered owner or other person in interest, the examiner of~~
1.18 ~~titles by a written directive may direct the registrar of titles to show by memorial on the~~
1.19 ~~certificate of title that a contract for the conveyance of a time share interest, as defined~~
1.20 ~~in section 515B.1-103(32), has been terminated in accordance with chapter 559. The~~
1.21 ~~directive also must specify the instruments the registrar shall omit from the next certificate~~
1.22 ~~of title because of the cancellation.~~

2.1 Sec. 2. Minnesota Statutes 2010, section 508.58, is amended by adding a subdivision
2.2 to read:

2.3 Subd. 3. **Examiner of titles directive; cancellation of contract for conveyance**
2.4 **of time share interest.** At the request of a registered owner or other person in interest,
2.5 the examiner of titles by a written directive may direct the registrar of titles to show by
2.6 memorial on the certificate of title that a contract for the conveyance of a time share
2.7 interest, as defined in section 515B.1-103(34), has been terminated in accordance with
2.8 chapter 559. The directive also must specify the instruments the registrar shall omit from
2.9 the next certificate of title because of the cancellation.

2.10 Sec. 3. Minnesota Statutes 2010, section 508.58, is amended by adding a subdivision
2.11 to read:

2.12 Subd. 4. **Examiner of titles directive; foreclosure of time share interest.** (a) The
2.13 procedures under this subdivision are limited to a time share interest in fee title that:

2.14 (1) consists of not more than seven days in length in any year; and

2.15 (2) is located within a county in which, upon the written recommendation of the
2.16 county registrar of titles, the county board of commissioners has authorized, by resolution,
2.17 the examiner of titles to issue directives for entry of a new certificate of title to a time share
2.18 interest in the manner provided in paragraphs (b) and (c).

2.19 (b) Upon expiration of the time allowed for redemption, any person who has become
2.20 the owner in fee of a time share interest, as defined in paragraph (a), or a portion thereof,
2.21 by a foreclosure of a mortgage or lien upon the time share interest, or any part thereof,
2.22 may apply to the examiner of titles, for an examiner's directive directing the entry of a
2.23 new certificate of title in the time share interest, or portion thereof.

2.24 (c) Upon evidence submitted by the applicant, as the examiner may require and
2.25 deem appropriate, the examiner shall determine the legal sufficiency of the foreclosure. If,
2.26 in the opinion of the examiner, the evidence submitted is legally sufficient for foreclosure,
2.27 the examiner shall issue a directive to the registrar to issue a new certificate of title for
2.28 the interest. The directive of the examiner also must specify the instruments the registrar
2.29 shall omit from the new certificate of title by virtue of the foreclosure. If the examiner
2.30 of titles will not issue a directive pursuant to an application under this subdivision, the
2.31 person may proceed under subdivision 1.