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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 46

- 01/05/2017 Authored by Smith
- The bill was read for the first time and referred to the Committee on Civil Law and Data Practices Policy
- 01/17/2017 Adoption of Report: Re-referred to the Committee on Public Safety and Security Policy and Finance
- 01/26/2017 Adoption of Report: Placed on the General Register as Amended
- Read for the Second Time
- 02/02/2017 Calendar for the Day
- Read for the Third Time
- Passed by the House and transmitted to the Senate
- 04/18/2017 Passed by the Senate and returned to the House
- 04/19/2017 Presented to Governor
- 04/21/2017 Governor Approval

1.1 A bill for an act

1.2 relating to real property; making miscellaneous changes to the filing of certificates

1.3 of value, recording, registration, and other provisions affecting real estate; amending

1.4 Minnesota Statutes 2016, sections 272.115, subdivision 1, by adding a subdivision;

1.5 507.0943; 508.06; 508.25; 508.29; 508.421, subdivision 1a; 508.47, subdivision

1.6 7; 508.671; 508.71, subdivision 3; 508.81; 508.82, subdivision 1; 508A.06;

1.7 508A.25; 508A.29; 508A.421, subdivision 1a; 508A.47, subdivision 7; 508A.71,

1.8 subdivision 3; 508A.82, subdivision 1; 559.23.

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

1.10 Section 1. Minnesota Statutes 2016, section 272.115, subdivision 1, is amended to read:

1.11 Subdivision 1. **Requirement.** Except as otherwise provided in subdivision 5 ~~or~~ 6, or 7,

1.12 whenever any real estate is sold for a consideration in excess of \$1,000, whether by warranty

1.13 deed, quitclaim deed, contract for deed or any other method of sale, the grantor, grantee or

1.14 the legal agent of either shall file a certificate of value with the county auditor in the county

1.15 in which the property is located when the deed or other document is presented for recording.

1.16 Contract for deeds are subject to recording under section 507.235, subdivision 1. Value

1.17 shall, in the case of any deed not a gift, be the amount of the full actual consideration thereof,

1.18 paid or to be paid, including the amount of any lien or liens assumed. The items and value

1.19 of personal property transferred with the real property must be listed and deducted from the

1.20 sale price. The certificate of value shall include the classification to which the property

1.21 belongs for the purpose of determining the fair market value of the property, and shall

1.22 include any proposed change in use of the property known to the person filing the certificate

1.23 that could change the classification of the property. The certificate shall include financing

1.24 terms and conditions of the sale which are necessary to determine the actual, present value

1.25 of the sale price for purposes of the sales ratio study. If the property is being acquired as

2.1 part of a like-kind exchange under section 1031 of the Internal Revenue Code of 1986, as
 2.2 amended through December 31, 2006, that must be indicated on the certificate. The
 2.3 commissioner of revenue shall promulgate administrative rules specifying the financing
 2.4 terms and conditions which must be included on the certificate. The certificate of value
 2.5 must include the Social Security number or the federal employer identification number of
 2.6 the grantors and grantees. However, a married person who is not an owner of record and
 2.7 who is signing a conveyance instrument along with the person's spouse solely to release
 2.8 and convey their marital interest, if any, in the real property being conveyed is not a grantor
 2.9 for the purpose of the preceding sentence. A statement in the deed that is substantially in
 2.10 the following form is sufficient to allow the county auditor to accept a certificate for filing
 2.11 without the Social Security number of the named spouse: "(Name) claims no ownership
 2.12 interest in the real property being conveyed and is executing this instrument solely to release
 2.13 and convey a marital interest, if any, in that real property." The identification numbers of
 2.14 the grantors and grantees are private data on individuals or nonpublic data as defined in
 2.15 section 13.02, subdivisions 9 and 12, but, notwithstanding that section, the private or
 2.16 nonpublic data may be disclosed to the commissioner of revenue for purposes of tax
 2.17 administration. The information required to be shown on the certificate of value is limited
 2.18 to the information required as of the date of the acknowledgment on the deed or other
 2.19 document to be recorded.

2.20 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.21 Sec. 2. Minnesota Statutes 2016, section 272.115, is amended by adding a subdivision to
 2.22 read:

2.23 **Subd. 7. Deed in fulfillment of contract for deed.** A certificate of real estate value is
 2.24 not required when the transfer is made by a deed in fulfillment of a contract for deed when
 2.25 the deed refers to a recorded contract for deed by document number or book and page and
 2.26 the consideration paid for the real estate described in the contract for deed.

2.27 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.28 Sec. 3. Minnesota Statutes 2016, section 507.0943, is amended to read:

2.29 **507.0943 VALIDITY AND TIME OF RECORDING OF ELECTRONIC**
 2.30 **DOCUMENTS.**

2.31 (a) If a law requires, as a condition for recording, that a document be an original, on
 2.32 paper or another tangible medium, or in writing, the requirement is satisfied by an electronic
 2.33 document satisfying sections 507.0941 to 507.0948. If a law requires or refers to something

3.1 related to tangible media including, without limitation, book, certificate, floor plan, page,
3.2 volume, or words derived from them, the requirement or reference is satisfied by an electronic
3.3 document satisfying sections 507.0941 to 507.0948.

3.4 (b) If a law requires, as a condition for recording, that a document ~~be signed~~ contain
3.5 original signatures, the requirement is satisfied by an electronic signature.

3.6 (c) A requirement that a document or a signature associated with a document be attested,
3.7 acknowledged, verified, witnessed, or made under oath is satisfied if the electronic signature
3.8 of the person authorized to perform that act, and all other information required to be included,
3.9 is attached to or logically associated with the document or signature. A physical or electronic
3.10 image of a stamp, impression, or seal need not accompany an electronic signature.

3.11 (d) Notwithstanding the time of its delivery, an electronic document that is delivered to
3.12 a recorder's office in recordable form is recorded for purposes of this chapter at the earlier
3.13 of (i) the time the electronic document is accepted for recording or (ii) the next close of the
3.14 recorder's office hours following the time of delivery.

3.15 (e) Notwithstanding the time of its delivery, an electronic document is registered as to
3.16 a parcel of registered land for purposes of chapters 508 and 508A when the electronic
3.17 document is memorialized or otherwise noted on the certificate of title for the parcel.

3.18 (f) A law that authorizes or requires any act to be performed with respect to any document
3.19 affecting real property that is to be filed in the office of the recorder or registrar shall be
3.20 deemed satisfied if the act is performed electronically in accordance with the standards
3.21 established by the Electronic Real Estate Recording Commission. By way of illustration,
3.22 the acts referred to in this section include, without limitation, the following words as well
3.23 as words derived from them: affix, apply, attest, bind, certify, conform, contain, copy,
3.24 deliver, draw, duplicate, endorse, enter, file, form, hold, issue, leave, make, mark, mount,
3.25 note, open, present, print, proffer, receive, recite, record, refer, register, seal, send, sign,
3.26 stamp, state, store, subscribe, witness, and write.

3.27 Sec. 4. Minnesota Statutes 2016, section 508.06, is amended to read:

3.28 **508.06 CONTENTS OF APPLICATION; RIGHTS AND PRIVILEGES OF**
3.29 **CLAIMANTS.**

3.30 The application shall set forth substantially:

3.31 (1) the full name and address of the applicant; if the application is made by any person
3.32 acting in behalf of another, the application shall likewise state the full name and address of
3.33 the person so acting, and the capacity in which that person acts; if the applicant is not an

4.1 individual, the application shall include the full legal name and type of entity, the state of
4.2 organization, and the address of its principal place of business;

4.3 (2) whether the applicant is or is not married and, if married, the full name and address
4.4 of the spouse; whether the applicant is or is not 18 years of age or older; whether or not the
4.5 applicant is under any legal incapacity, and if so, the nature of the incapacity; and whether
4.6 the applicant has ever been divorced and, if so, when, where, and by what court the divorce
4.7 was granted;

4.8 (3) a correct description of the land, ~~together with the estimated market value of the fee~~
4.9 ~~simple interest therein, exclusive of improvements, according to the last official assessment;~~
4.10 and the description of an appurtenant easement shall be accompanied by a description of
4.11 the fee simple estate to which it is appurtenant;

4.12 (4) the estate or interest of the applicant in the land, and whether or not it is subject to
4.13 an estate of homestead;

4.14 (5) Whether the land is occupied or unoccupied; if occupied by any other person than
4.15 the applicant, it shall state the full name and address of each occupant and the nature of the
4.16 estate, interest, lien, or charge which the occupant or occupants have, or claim to have, in
4.17 the land;

4.18 (6) a description of each lien or interest, recorded or unrecorded, which the applicant
4.19 recognizes as encumbering the land, including the nature of the lien or interest, any
4.20 information about its recording, and the name of the interested party;

4.21 (7) a description of each lien or interest, recorded or unrecorded, for which the applicant
4.22 seeks a determination terminating or modifying the interest, together with the reason for
4.23 the relief requested, and including the nature of the lien or interest, any information about
4.24 its recording, and the name of the interested party;

4.25 (8) a description of any other defects in the applicant's title and a reason for curing the
4.26 defects;

4.27 (9) if the application is on behalf of a minor, it shall state the age of the minor and that
4.28 a duly certified copy of the letters of guardianship has been recorded with the county recorder
4.29 in the county in which the land is situated;

4.30 (10) when a required address is unknown to the applicant after due and diligent search,
4.31 it may be so stated;

5.1 (11) if it is desired to fix and establish the boundary lines of the land, the full names and
5.2 addresses of all owners of adjoining lands which are in any manner affected by it shall be
5.3 fully stated.

5.4 Any person having or claiming any right, title, interest, or estate in land, or any lien or
5.5 charge upon or against it, may assent in writing to its registration. The person assenting
5.6 need not be named as a defendant in the registration proceeding or, if already named as a
5.7 defendant in it, need not be served with the summons in it. The assent shall be executed and
5.8 acknowledged in the manner required by law for the execution and acknowledgment of a
5.9 deed and filed with the court administrator.

5.10 Sec. 5. Minnesota Statutes 2016, section 508.25, is amended to read:

5.11 **508.25 RIGHTS OF PERSON HOLDING CERTIFICATE OF TITLE.**

5.12 Every person receiving a certificate of title pursuant to a decree of registration and every
5.13 subsequent purchaser of registered land who receives a certificate of title in good faith and
5.14 for a valuable consideration shall hold it free from all encumbrances and adverse claims,
5.15 excepting only the estates, mortgages, liens, charges, and interests as may be noted in the
5.16 last certificate of title in the office of the registrar, and also excepting any of the following
5.17 rights or encumbrances subsisting against it, if any:

5.18 (1) liens, claims, or rights arising or existing under the laws or the Constitution of the
5.19 United States, which this state cannot require to appear of record;

5.20 (2) the lien of any real property tax or special assessment;

5.21 (3) any lease for a period not exceeding three years when there is actual occupation of
5.22 the premises thereunder;

5.23 (4) all rights in public highways upon the land;

5.24 (5) the right of appeal, or right to appear and contest the application, petition, or other
5.25 proceeding affecting the title, as is allowed by this chapter;

5.26 (6) the rights of any person in possession under deed or contract for deed from the owner
5.27 of the certificate of title; and

5.28 (7) any outstanding mechanics lien rights which may exist under sections 514.01 to
5.29 514.17.

5.30 No existing or future lien for state taxes arising under the laws of this state for the
5.31 nonpayment of any amounts due under chapter 268 or any tax administered by the

6.1 commissioner of revenue may encumber title to lands registered under this chapter unless
6.2 filed under the terms of this chapter.

6.3 Sec. 6. Minnesota Statutes 2016, section 508.29, is amended to read:

6.4 **508.29 APPEALS.**

6.5 An appeal may be taken to the Court of Appeals from any order or judgment of the
6.6 district court under this chapter as follows:

6.7 (1) from any final decree, within 90 days from its date except that the appeal period for
6.8 those parties who were not personally served shall be six months from the date of the final
6.9 decree; upon appeal from the decree, the Court of Appeals may review any intermediate
6.10 order involving the merits or necessarily affecting the decree;

6.11 (2) from any order granting or denying an application to open, vacate, or set aside the
6.12 decree, within 30 days from the date of the filing of the order;

6.13 (3) from any order granting or refusing a new trial, or from any order involving the
6.14 merits of the proceeding, or some part of them, within 30 days from the filing of the order;

6.15 (4) from any order relating to registered land after its original registration, within ~~90~~ 60
6.16 days ~~after~~ from the ~~entry~~ filing of the order.

6.17 All appeals from any order or decree in any proceeding under this chapter shall be as in
6.18 other civil cases.

6.19 Sec. 7. Minnesota Statutes 2016, section 508.421, subdivision 1a, is amended to read:

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

6.23 Sec. 8. Minnesota Statutes 2016, section 508.47, subdivision 7, is amended to read:

6.24 Subd. 7. **Transfers of lot, block parts.** The provisions of this section shall also be
6.25 applied to the transfer of parts of lots, outlots and unlotted blocks, when the language
6.26 necessary to describe the parts ~~in~~ is other than by simple fractional or quantity parts thereof.

6.27 Sec. 9. Minnesota Statutes 2016, section 508.671, is amended to read:

6.28 **508.671 DETERMINATION OF BOUNDARIES.**

7.1 Subdivision 1. **Petition.** An owner of registered land ~~having one or more common~~
7.2 ~~boundaries with registered or unregistered land or an owner of unregistered land having~~
7.3 ~~one or more common boundaries with registered land~~ may apply by a duly verified petition
7.4 to the court to have all or some of the ~~common~~ boundary lines judicially determined. An
7.5 owner of unregistered land may apply by a duly verified petition to the court to have all or
7.6 some of the boundary lines of the unregistered parcel judicially determined under this
7.7 section, provided the relief requested affects one or more adjoining parcels of registered
7.8 land. The petition shall contain the full names and post office addresses of all owners of
7.9 adjoining lands and the legal description of the adjoining lands which are in any manner
7.10 affected by the boundary determination. At the time of the filing of the petition with the
7.11 court administrator, a copy of it, duly certified by the court administrator, shall be ~~filed for~~
7.12 ~~record~~ recorded with the registrar of titles and entered as a memorial on the petitioner's
7.13 certificate of title, if applicable, and on the certificates of title for any affected adjoining
7.14 registered lands, and recorded with the county recorder if the petitioner's land or any affected
7.15 parcels are unregistered lands, and entered in the tract index for the affected lands. ~~If any~~
7.16 ~~of the adjoining lands are registered, the certified copy of the petition also shall be filed~~
7.17 ~~with the registrar of titles and entered as a memorial on the certificate of title for those lands.~~
7.18 When recorded or filed, the certified copy of the petition shall be notice forever to purchasers
7.19 and encumbrancers of the pendency of the proceeding and of all matters referred to in the
7.20 court files and records pertaining to the proceeding. The owner shall have the premises
7.21 surveyed by a licensed land surveyor and shall file in the proceedings a plat of the survey
7.22 showing the correct location of the boundary line or lines to be determined. There also shall
7.23 be filed with the court administrator a memorandum abstract, satisfactory to the examiner,
7.24 showing the record owners and encumbrancers of the adjoining lands which are in any
7.25 manner affected by the boundary line determination. The petition shall be referred to the
7.26 examiner of titles for examination and report in the manner provided for the reference of
7.27 initial applications for registration. Notice of the proceeding shall be given to all interested
7.28 persons by the service of a summons which shall be issued in the form and served in the
7.29 manner as in initial applications.

7.30 Subd. 2. **Order.** Before the issuance of any final order determining the location of the
7.31 owner's boundary lines, the court shall fix and establish the boundaries and direct the
7.32 establishment of judicial landmarks in the manner provided by section 559.25. The final
7.33 order shall make reference to the boundary lines that have been determined and to the
7.34 location of the judicial landmarks that mark the boundary lines. The final order shall refer
7.35 to the affected registered lands by certificate of title number, and shall refer to the affected
7.36 abstract lands by legal description. A certified copy of the final order shall be filed by the

8.1 court administrator with the registrar of titles. ~~If any of the adjoining lands are registered,~~
 8.2 ~~the final order also shall be filed upon the certificates of title for these lands and it shall~~
 8.3 ~~direct the registrar of titles to show by memorial~~ and county recorder, if applicable, and
 8.4 entered as a memorial on all affected certificates of title. The memorial shall state which of
 8.5 the boundary lines of the adjoining lands have been ~~were~~ determined in the district court
 8.6 case. Upon the filing of the final order, the registrar shall omit from future certificates the
 8.7 memorial of the petition for registration of the boundary lines. The county recorder shall
 8.8 enter the certified copy of the final order in the tract index for the affected abstract land.
 8.9 Recording fees under this section shall be paid by the petitioner or prevailing party.

8.10 Subd. 3. **Plat of survey to be filed.** The court administrator ~~also~~ shall file with the
 8.11 registrar of titles and the county recorder, if boundaries on unregistered land are affected,
 8.12 a certified copy of the plat of the survey which contains a certification by a licensed land
 8.13 surveyor that the boundaries as registered have been marked by judicial landmarks set
 8.14 pursuant to the order of the court. The registrar of titles shall enter the certified copy of the
 8.15 plat of the survey as a memorial upon the certificate of title. The county recorder shall enter
 8.16 the certified copy of the plat of survey in the tract index for the affected unregistered lands.

8.17 Sec. 10. Minnesota Statutes 2016, section 508.71, subdivision 3, is amended to read:

8.18 Subd. 3. **Directive by examiner.** At the request of a registered owner or other person
 8.19 in interest, the examiner of titles by a written directive may order (1) the amendment or
 8.20 cancellation of a memorial relating to racial restrictions, rights which are barred by a statute
 8.21 or rights which have expired by the terms of the instrument creating the rights, ~~or~~ (2) upon
 8.22 the submission of evidence satisfactory to the examiner, the correction of the name or
 8.23 designation of a party who is a registered owner or who has an interest registered on a
 8.24 certificate of title, or (3) the deletion of easements or other nonfee interests which are
 8.25 terminated by their own terms or by written instrument satisfactory to the examiner. The
 8.26 registrar of titles may register the directives of the examiner of titles upon the certificates
 8.27 of title, and shall give full faith to the directives.

8.28 Sec. 11. Minnesota Statutes 2016, section 508.81, is amended to read:

8.29 **508.81 COURT ADMINISTRATOR'S FEES; NOTICES PUBLICATION AND**
 8.30 **SERVICE COSTS.**

8.31 ~~In counties having a population of less than 600,000 and containing a city of the first~~
 8.32 ~~class, on the filing of any application for registration, the applicant shall pay the court~~
 8.33 ~~administrator the sum of \$3, which shall be in full of all court administrator's fees and~~

9.1 ~~charges in such proceedings on the applicant's behalf. Any defendant on entering an~~
 9.2 ~~appearance shall pay a like sum, which shall be in full of all court administrator's fees on~~
 9.3 ~~the defendant's behalf. When any number of defendants enter their appearance jointly but~~
 9.4 ~~one fee shall be paid. Every publication in a newspaper required by this law shall be paid~~
 9.5 ~~for by the party on whose application the publication is made. The party at whose request~~
 9.6 ~~any notice is issued shall pay for the service of the same, except when sent by mail by the~~
 9.7 ~~court administrator or by the registrar. In all other counties the fees of the court administrator~~
 9.8 ~~of the district court for services performed in connection with duties in proceedings for the~~
 9.9 ~~registration of a land title shall be governed by the provisions of section 357.021. The fees~~
 9.10 ~~of the court administrator of the district court for services performed in connection with~~
 9.11 ~~duties in proceedings under this chapter and chapter 508A shall be governed by the provisions~~
 9.12 ~~of section 357.021. Service of process, including publication, is at the expense of the applicant~~
 9.13 ~~or requesting party. If the court administrator is required by statute or court order to mail a~~
 9.14 ~~copy of the summons or order to show cause to any person, the applicant or requesting party~~
 9.15 ~~shall furnish the court administrator with an addressed envelope with postage prepaid for~~
 9.16 ~~each person.~~

9.17 Sec. 12. Minnesota Statutes 2016, section 508.82, subdivision 1, is amended to read:

9.18 Subdivision 1. **Standard documents.** The fees to be charged by the registrar of titles
 9.19 shall be and not exceed the following:

9.20 (1) of the fees provided herein, \$1.50 of the fees collected under clauses (2), (3), (4),
 9.21 (11), (13), (15), (17), and (18) for filing or memorializing shall be paid to the state treasury
 9.22 pursuant to section 508.75 and credited to the general fund;

9.23 (2) for registering a first certificate of title, including issuing a copy of it, \$46. Pursuant
 9.24 to clause (1), distribution of this fee is as follows:

9.25 (i) \$10.50 shall be paid to the state treasury and credited to the general fund;

9.26 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18, subdivision
 9.27 4; and

9.28 (iii) \$25.50 shall be deposited in the county general fund;

9.29 (3) for registering each instrument transferring the fee simple title for which a new
 9.30 certificate of title is issued and for the registration of the new certificate of title, including
 9.31 a copy of it, \$46. Pursuant to clause (1), distribution of this fee is as follows:

9.32 (i) \$12 shall be paid to the state treasury and credited to the general fund;

10.1 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18, subdivision
10.2 4; and

10.3 (iii) \$24 shall be deposited in the county general fund;

10.4 (4) for the entry of each memorial on a certificate, \$46. For multiple certificate entries,
10.5 \$20 thereafter. Pursuant to clause (1), distribution of this fee is as follows:

10.6 (i) \$12 shall be paid to the state treasury and credited to the general fund;

10.7 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18, subdivision
10.8 4;

10.9 (iii) \$24 shall be deposited in the county general fund; and

10.10 (iv) \$20 shall be deposited in the county general fund for each multiple entry used;

10.11 (5) for issuing each residue certificate and each additional new certificate, \$40;

10.12 (6) for exchange certificates, \$20 for each certificate canceled and \$20 for each new
10.13 certificate issued;

10.14 (7) for ~~each certificate showing condition of the register, \$50~~ any certified copy of a
10.15 certificate of title that states the date it is verified through, \$10;

10.16 (8) for any certified copy of any instrument or writing on file or recorded in the registrar
10.17 of titles' office, \$10;

10.18 (9) for a noncertified copy of any certificate of title, other than the copies issued under
10.19 clauses (2) and (3), any instrument or writing on file or recorded in the office of the registrar
10.20 of titles, or any specified page or part of it, an amount as determined by the county board
10.21 for each page or fraction of a page specified. If computer or microfilm printers are used to
10.22 reproduce the instrument or writing, a like amount per image;

10.23 (10) for a noncertified copy of any document submitted for recording, if the original
10.24 document is accompanied by a copy or duplicate original, \$2. Upon receipt of the copy or
10.25 duplicate original and payment of the fee, a registrar of titles shall return it marked "copy"
10.26 or "duplicate," showing the recording date and, if available, the document number assigned
10.27 to the original;

10.28 (11) for filing two copies of any plat, other than a CIC plat complying with section
10.29 515B.2-110, paragraph (c), in the office of the registrar, \$56. Pursuant to clause (1),
10.30 distribution of this fee is as follows:

10.31 (i) \$12 shall be paid to the state treasury and credited to the general fund;

11.1 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18, subdivision
11.2 4; and

11.3 (iii) \$34 shall be deposited in the county general fund;

11.4 (12) for any other service under this chapter, such fee as the court shall determine;

11.5 (13) for filing any document affecting two or more units in a condominium governed
11.6 by chapter 515, \$46 for the first certificate upon which the document is registered, and for
11.7 multiple certificate entries, \$20 for each additional certificate upon which the document is
11.8 registered. For purposes of this paragraph, an amendment to the declaration of a condominium
11.9 governed by chapter 515 and a related amendment to the condominium floor plans shall be
11.10 considered a single document, and the filing fee shall be \$56 for the first certificate upon
11.11 which the document is registered, and for multiple certificate entries, \$20 for each additional
11.12 certificate upon which the document is registered. Pursuant to clause (1), distribution of
11.13 this fee is as follows:

11.14 (i) \$12 shall be paid to the state treasury and credited to the general fund;

11.15 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18, subdivision
11.16 4;

11.17 (iii) \$24 shall be deposited in the county general fund for amendment to a declaration;

11.18 (iv) \$20 shall be deposited in the county general fund for each multiple entry used; and

11.19 (v) \$34 shall be deposited in the county general fund for an amended floor plan;

11.20 (14) for issuance of a CICCT pursuant to section 508.351, \$40;

11.21 (15) for filing a common interest community declaration and a CIC plat complying with
11.22 section 515B.2-110, paragraph (c); an amendment to a common interest community
11.23 declaration and a related amendment to a CIC plat complying with section 515B.2-110,
11.24 paragraph (c); or a supplemental declaration and a related supplemental CIC plat complying
11.25 with section 515B.2-110, paragraph (c), each of which related documents shall be considered
11.26 a single document, the filing fee shall be \$56 for the first certificate upon which the document
11.27 is registered, and for multiple certificate entries, \$20 for each additional certificate upon
11.28 which the document is registered. For filing any other document affecting two or more units
11.29 in a common interest community, the filing fee shall be \$46 for the first certificate upon
11.30 which the document is registered, and for multiple certificate entries, \$20 for each additional
11.31 certificate upon which the document is registered. The same fees shall apply to filing any
11.32 document affecting two or more units or other parcels subject to a master declaration.
11.33 Pursuant to clause (1), distribution of this fee is as follows:

- 12.1 (i) \$12 shall be paid to the state treasury and credited to the general fund;
- 12.2 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18, subdivision
12.3 4;
- 12.4 (iii) \$24 shall be deposited in the county general fund for the filing of an amendment
12.5 complying with section 515B.2-110, subsection (c);
- 12.6 (iv) \$20 shall be deposited in the county general fund for each multiple entry used; and
- 12.7 (v) \$34 shall be deposited in the county general fund for the filing of a condominium or
12.8 CIC plat or amendment;
- 12.9 (16) for a copy of a condominium floor plan filed in accordance with chapter 515, or a
12.10 copy of a common interest community plat complying with section 515B.2-110, subsection
12.11 (c), the fee shall be \$1 for each page of the floor plan or common interest community plat
12.12 with a minimum fee of \$10;
- 12.13 (17) for the filing of a certified copy of a plat of the survey pursuant to section 508.23
12.14 or 508.671, \$46. Pursuant to clause (1), distribution of this fee is as follows:
- 12.15 (i) \$12 shall be paid to the state treasury and credited to the general fund;
- 12.16 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18, subdivision
12.17 4; and
- 12.18 (iii) \$24 shall be deposited in the county general fund;
- 12.19 (18) for filing a registered land survey in triplicate in accordance with section 508.47,
12.20 subdivision 4, \$56. Pursuant to clause (1), distribution of this fee is as follows:
- 12.21 (i) \$12 shall be paid to the state treasury and credited to the general fund;
- 12.22 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18, subdivision
12.23 4; and
- 12.24 (iii) \$34 shall be deposited in the county general fund; and
- 12.25 (19) for furnishing a certified copy of a registered land survey in accordance with section
12.26 508.47, subdivision 4, \$15.

12.27 Sec. 13. Minnesota Statutes 2016, section 508A.06, is amended to read:

12.28 **508A.06 CONTENTS OF APPLICATION; CLAIMANTS' RIGHTS, PRIVILEGES.**

12.29 The application shall set forth substantially:

13.1 (1) the full name and address of the applicant; if the application is made by any person
13.2 acting in behalf of another, the application shall likewise state the full name and address of
13.3 the person so acting, and the capacity in which the person acts; if the applicant is not an
13.4 individual, the application shall include the full legal name and type of entity, the state of
13.5 organization, and the address of its principal place of business;

13.6 (2) whether the applicant is or is not married and if married, the full name and address
13.7 of the spouse; whether the applicant is or is not 18 years of age or older; whether or not the
13.8 applicant is under any legal incapacity, and if so the nature of the incapacity; and whether
13.9 the applicant has ever been divorced and if so, when, where, and by what court the divorce
13.10 was granted;

13.11 (3) a correct description of the land, ~~together with the estimated market value of the fee~~
13.12 ~~simple interest in it, exclusive of improvements, according to the last official assessment;~~

13.13 (4) the estate or interest of the applicant in the land, and whether or not it is subject to
13.14 an estate of homestead;

13.15 (5) the names of all persons or parties, except the applicant, who appear of record, or
13.16 who are known to the applicant to have or to claim any right, title, estate, lien, or interest
13.17 in the land and the nature and character of it;

13.18 (6) whether the land is occupied or unoccupied; if occupied by any other person than
13.19 the applicant, it shall state the full name and address of each occupant and the nature of the
13.20 estate, interest, lien, or charge which the occupant or occupants have, or claim to have, in
13.21 the land;

13.22 (7) whether the land is subject to any lien or encumbrance, recorded or unrecorded,
13.23 together with the character and amount of the same, and the name and post office address
13.24 of each holder thereof; if recorded, it shall state the place, book, and page of record;

13.25 (8) if the application is on behalf of a minor, it shall state the age of the minor and that
13.26 a duly certified copy of the letters of guardianship has been recorded with the county recorder
13.27 in the county in which the land is situated;

13.28 (9) when a required address is unknown to the applicant after due and diligent search,
13.29 it shall be so stated;

13.30 (10) the facts supporting applicant's claim to a possessory estate in land as defined in
13.31 section 508A.01, subdivision 3.

14.1 Sec. 14. Minnesota Statutes 2016, section 508A.25, is amended to read:

14.2 **508A.25 RIGHTS OF PERSON HOLDING CPT.**

14.3 Every person holding a CPT issued pursuant to sections 508A.01 to 508A.85 who has
 14.4 acquired title in good faith and for a valuable consideration shall hold the same free from
 14.5 all encumbrances and adverse claims, excepting only estates, mortgages, liens, charges, and
 14.6 interests as may be noted by separate memorials in the latest CPT in the office of the registrar,
 14.7 and also excepting any of the following rights or encumbrances subsisting against the same,
 14.8 if any:

14.9 (1) liens, claims, or rights arising or existing under the laws or the Constitution of the
 14.10 United States, which this state cannot require to appear of record;

14.11 (2) the lien of any real property tax or special assessment;

14.12 (3) any lease for a period not exceeding three years when there is actual occupation of
 14.13 the premises under it;

14.14 (4) all rights in public highways upon the land;

14.15 (5) the rights of any person in possession under deed or contract for deed from the owner
 14.16 of the CPT;

14.17 (6) any claims that may be made pursuant to section 508A.17 within five years from the
 14.18 date of the first CPT; ~~and~~

14.19 (7) the right of appeal, or right to appear and contest the petition, or other proceeding
 14.20 affecting the title, as is allowed by this chapter or chapter 508; and

14.21 ~~(7)~~ (8) any outstanding mechanics lien rights which may exist under sections 514.01 to
 14.22 514.17.

14.23 No existing or future lien for state taxes arising under the laws of this state for the
 14.24 nonpayment of any amounts due under chapter 268 or any tax administered by the
 14.25 commissioner of revenue may encumber title to lands registered under this chapter unless
 14.26 filed under the terms of this chapter.

14.27 Sec. 15. Minnesota Statutes 2016, section 508A.29, is amended to read:

14.28 **508A.29 APPEALS.**

14.29 An appeal may be taken to the Court of Appeals from any order of the district court
 14.30 relating to land registered under sections 508A.01 to 508A.85 within ~~90~~ 60 days ~~after~~ from
 14.31 the entry filing of the order. The appeal shall be as in other civil cases.

15.1 Sec. 16. Minnesota Statutes 2016, section 508A.421, subdivision 1a, is amended to read:

15.2 Subd. 1a. **Reissuance.** The owner or agent of the owner of registered land may request
15.3 the registrar of titles to issue a new CPT free from the memorials of all interests which have
15.4 terminated.

15.5 Sec. 17. Minnesota Statutes 2016, section 508A.47, subdivision 7, is amended to read:

15.6 Subd. 7. **Applies to transfers of parts of lots.** The provisions of this section shall also
15.7 be applied to the transfer of parts of lots, outlots₂ and unlotted blocks, when the language
15.8 necessary to describe the parts ~~in~~ is other than by simple fractional or quantity parts thereof.

15.9 Sec. 18. Minnesota Statutes 2016, section 508A.71, subdivision 3, is amended to read:

15.10 Subd. 3. ~~Cancellation of memorial~~ **Directive by examiner.** At the request of a registered
15.11 owner or other person in interest the examiner of titles by a written directive may order (1)
15.12 the amendment or cancellation of a memorial relating to racial restrictions, rights which are
15.13 barred by a statute or rights which have expired by the terms of the instrument creating the
15.14 rights, ~~or~~ (2) upon the submission of evidence satisfactory to the examiner, the correction
15.15 of the name or designation of a party who is a registered owner or who has an interest
15.16 registered on a certificate of title, or (3) the deletion of easements or other nonfee interests
15.17 that are terminated by their own terms or by a written instrument satisfactory to the examiner.
15.18 The registrar of titles shall register the directives of the examiner of titles upon the CPT,
15.19 and shall give full faith to the directives.

15.20 Sec. 19. Minnesota Statutes 2016, section 508A.82, subdivision 1, is amended to read:

15.21 Subdivision 1. **Standard documents.** The fees to be charged by the registrar of titles
15.22 shall be and not exceed the following:

15.23 (1) of the fees provided herein, \$1.50 of the fees collected under clauses (2), (3), (5),
15.24 (12), (14), (16), and (19) for filing or memorializing shall be paid to the state treasury
15.25 pursuant to section 508.75 and credited to the general fund;

15.26 (2) for registering a first CPT, including issuing a copy of it, \$46. Pursuant to clause (1),
15.27 distribution of the fee is as follows:

15.28 (i) \$10.50 shall be paid to the state treasury and credited to the general fund;

15.29 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18, subdivision
15.30 4; and

15.31 (iii) \$25.50 shall be deposited in the county general fund;

16.1 (3) for registering each instrument transferring the fee simple title for which a new CPT
16.2 is issued and for the registration of the new CPT, including a copy of it, \$46. Pursuant to
16.3 clause (1), distribution of the fee is as follows:

16.4 (i) \$12 shall be paid to the state treasury and credited to the general fund;

16.5 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18, subdivision
16.6 4; and

16.7 (iii) \$24 shall be deposited in the county general fund;

16.8 (4) for issuance of a CICCT pursuant to section 508A.351, \$40;

16.9 (5) for the entry of each memorial on a CPT, \$46; for multiple certificate entries, \$20
16.10 thereafter. Pursuant to clause (1), distribution of the fee is as follows:

16.11 (i) \$12 shall be paid to the state treasury and credited to the general fund;

16.12 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18, subdivision
16.13 4;

16.14 (iii) \$24 shall be deposited in the county general fund; and

16.15 (iv) \$20 shall be deposited in the county general fund for each multiple entry used;

16.16 (6) for issuing each residue CPT, \$40;

16.17 (7) for exchange CPTs or combined certificates of title, \$20 for each CPT and certificate
16.18 of title canceled and \$20 for each new CPT or combined certificate of title issued;

16.19 (8) for ~~each CPT showing condition of the register, \$50~~ any certified copy of a CPT that
16.20 states the date it is verified through, \$10;

16.21 (9) for any certified copy of any instrument or writing on file or recorded in the registrar
16.22 of titles' office, \$10;

16.23 (10) for a noncertified copy of any CPT, other than the copies issued under clauses (2)
16.24 and (3), any instrument or writing on file or recorded in the office of the registrar of titles,
16.25 or any specified page or part of it, an amount as determined by the county board for each
16.26 page or fraction of a page specified. If computer or microfilm printers are used to reproduce
16.27 the instrument or writing, a like amount per image;

16.28 (11) for a noncertified copy of any document submitted for recording, if the original
16.29 document is accompanied by a copy or duplicate original, \$2. Upon receipt of the copy or
16.30 duplicate original and payment of the fee, a registrar of titles shall return it marked "copy"

17.1 or "duplicate," showing the recording date and, if available, the document number assigned
17.2 to the original;

17.3 (12) for filing two copies of any plat in the office of the registrar, \$56. Pursuant to clause
17.4 (1), distribution of the fee is as follows:

17.5 (i) \$12 shall be paid to the state treasury and credited to the general fund;

17.6 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18, subdivision
17.7 4; and

17.8 (iii) \$34 shall be deposited in the county general fund;

17.9 (13) for any other service under sections 508A.01 to 508A.85, the fee the court shall
17.10 determine;

17.11 (14) for filing an amendment to a declaration in accordance with chapter 515, \$46 for
17.12 each certificate upon which the document is registered and for multiple certificate entries,
17.13 \$20 thereafter; \$56 for an amended floor plan filed in accordance with chapter 515. Pursuant
17.14 to clause (1), distribution of the fee is as follows:

17.15 (i) \$12 shall be paid to the state treasury and credited to the general fund;

17.16 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18, subdivision
17.17 4;

17.18 (iii) \$24 shall be deposited in the county general fund for amendment to a declaration;

17.19 (iv) \$20 shall be deposited in the county general fund for each multiple entry used; and

17.20 (v) \$34 shall be deposited in the county general fund for an amended floor plan;

17.21 (15) for issuance of a CICCT pursuant to section 508.351, \$40;

17.22 (16) for filing an amendment to a common interest community declaration, including a
17.23 supplemental declaration, and plat or amendment complying with section 515B.2-110,
17.24 subsection (c), and issuing a CICCT if required, \$46 for each certificate upon which the
17.25 document is registered and for multiple certificate entries, \$20 thereafter; \$56 for the filing
17.26 of the condominium or common interest community plat or amendment. See section
17.27 515B.1-116 for special requirement relating to a common interest community. Pursuant to
17.28 clause (1), distribution of the fee is as follows:

17.29 (i) \$12 shall be paid to the state treasury and credited to the general fund;

17.30 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18, subdivision
17.31 4;

18.1 (iii) \$24 shall be deposited in the county general fund for the filing of an amendment
18.2 complying with section 515B.2-110, subsection (c);

18.3 (iv) \$20 shall be deposited in the county general fund for each multiple entry used; and

18.4 (v) \$34 shall be deposited in the county general fund for the filing of a condominium or
18.5 CIC plat or amendment;

18.6 (17) for a copy of a condominium floor plan filed in accordance with chapter 515, or a
18.7 copy of a common interest community plat complying with section 515B.2-110, subsection
18.8 (c), the fee shall be \$1 for each page of the floor plan, or common interest community plat
18.9 with a minimum fee of \$10;

18.10 (18) in counties in which the compensation of the examiner of titles is paid in the same
18.11 manner as the compensation of other county employees, for each parcel of land contained
18.12 in the application for a CPT, as the number of parcels is determined by the examiner, a fee
18.13 which is reasonable and which reflects the actual cost to the county, established by the board
18.14 of county commissioners of the county in which the land is located;

18.15 (19) for filing a registered land survey in triplicate in accordance with section 508A.47,
18.16 subdivision 4, \$56. Pursuant to clause (1), distribution of the fee is as follows:

18.17 (i) \$12 shall be paid to the state treasury and credited to the general fund;

18.18 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18, subdivision
18.19 4; and

18.20 (iii) \$34 shall be deposited in the county general fund; and

18.21 (20) for furnishing a certified copy of a registered land survey in accordance with section
18.22 508A.47, subdivision 4, \$15.

18.23 Sec. 20. Minnesota Statutes 2016, section 559.23, is amended to read:

18.24 **559.23 ACTION TO DETERMINE BOUNDARY LINES.**

18.25 An action may be brought by any person owning land or any interest therein against the
18.26 owner, or persons interested in adjoining land, to have the boundary lines established; and
18.27 when the boundary lines of two or more tracts depend upon any common point, line, or
18.28 landmark, an action may be brought by the owner or any person interested in any of such
18.29 tracts, against the owners or persons interested in the other tracts, to have all the boundary
18.30 lines established. If a boundary line is in common with registered land, the determination
18.31 of the boundary must be made pursuant to section 508.671. The court shall determine any
18.32 adverse claims in respect to any portion of the land involved which it may be necessary to

19.1 determine for a complete settlement of the boundary lines, and shall make such order
19.2 respecting costs and disbursements as it shall deem just. The decree of the court shall be
19.3 filed with the court administrator, and a certified copy thereof shall be recorded in the office
19.4 of the county recorder ~~or in the office of registrar of titles or both, if necessary~~; provided
19.5 that such decree shall not be accepted for such recording or filing until it shall be presented
19.6 to the county auditor who shall enter the same in the transfer record and note upon the
19.7 instrument over the auditor's official signature the words "ENTERED IN THE TRANSFER
19.8 RECORD."