

The plan No homeowner's insurance policy may be nonrenewed based on the insured's loss experience unless the insurer has sent a written notice that any future losses may result in nonrenewal due to loss experience.

Any nonrenewal of a homeowner's insurance policy must, at a minimum, comply with the requirements of subdivision 8 and the rules adopted by the commissioner.

**Sec. 2. EFFECTIVE DATE.**

Section 1 is effective January 1, 1997, and applies to policies issued or renewed on or after that date.

Presented to the governor March 18, 1996

Signed by the governor March 19, 1996, 4:00 p.m.

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**CHAPTER 338—H.F.No. 2155**

*An act relating to civil law; real property and probate; providing conditions for registered property applications and records; providing for the application of certain curative provisions; changing certain probate and trust provisions; providing standards for certain documents; amending Minnesota Statutes 1994, sections 357.18, by adding a subdivision; 501B.57; 508.06; 508.63; 508.66; 508.71, subdivision 3; 508.82; 508A.01, subdivision 3; 508A.06; 508A.63; 508A.66; 508A.71, subdivision 3; 508A.82; 508A.85, subdivision 3; 524.2-403; 524.3-708; 524.3-804; 559.215; and 559.216; Minnesota Statutes 1995 Supplement, sections 524.2-803; and 524.3-914; proposing coding for new law in Minnesota Statutes, chapter 507; repealing Laws 1994, chapter 447, section 2.*

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

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**ARTICLE 1**

Section 1. Minnesota Statutes 1994, section 508.06, is amended to read:

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

The application shall set forth substantially:

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

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(2) Whether the applicant is or is not married and, if married, the full name and ~~residence~~ address of the spouse; it shall state whether the applicant is or is not 18 years of age or older; whether or not the applicant is under any legal disability incapacity, and if so, the nature of the disability incapacity; and whether the applicant has ever been divorced and, if so, when, where, and by what court the divorce was granted;

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

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

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

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

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

(7) Whether the land is subject to any lien or encumbrance, recorded or unrecorded, together with the character and amount of it, and the name and post office address of each holder of it; if recorded, it shall state the place, book, and page of record A description of each lien or interest, recorded or unrecorded, for which the applicant seeks a determination terminating or modifying the interest, together with the reason for the relief requested, and including the nature of the lien or interest, any information about its recording, and the name of the interested party;

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

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

~~(9) (10) When the place of residence of any person whose residence is a required to be given address is unknown to the applicant after due and diligent search, it may be so stated in the application and also that, after due and diligent search, the applicant has been unable to ascertain it;~~

~~(10) (11) If it is desired to fix and establish the boundary lines of the land, the full names and post office addresses of all owners of adjoining lands which are in any manner affected by it shall be fully stated.~~

Any person having or claiming any right, title, interest, or estate in land, or any lien or charge upon or against it, may assent in writing to its registration. The person assenting

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need not be named as a defendant in the registration proceeding or, if already named as a defendant in it, need not be served with the summons in it. The assent shall be executed and acknowledged in the manner required by law for the execution and acknowledgment of a deed and filed with the court administrator.

Sec. 2. Minnesota Statutes 1994, section 508.63, is amended to read:

**508.63 REGISTRATION OF INSTRUMENTS CREATING LIENS; JUDGMENTS.**

No judgment requiring the payment of money shall be a lien upon registered land, except as herein provided. Any person claiming such lien shall file with the registrar a certified copy of the judgment, together with a written statement containing a description of each parcel of land in which the judgment debtor has a registered interest and upon which the lien is claimed, and a proper reference to the certificate or certificates of title to such land. Upon filing such copy and statement, the registrar shall enter a memorial of such judgment upon each certificate designated in such statement, and the judgment shall thereupon be and become a lien upon the judgment debtor's interest in the land described in such certificate or certificates. At any time after filing the certified copy of such judgment, any person claiming the lien may, by filing a written statement, as herein provided, cause a memorial of such judgment to be entered upon any certificate of title to land in which the judgment debtor has a registered interest and not described in any previous statement and the judgment shall thereupon be and become a lien upon the judgment debtor's interest in such land. The judgment shall survive and the lien thereof shall continue for a period of ten years from the date of the judgment and no longer, and the registrar of titles shall not carry forward to a new certificate of title the memorial of the judgment after that period. In every case where an instrument of any description, or a copy of any writ, order, or decree, is required by law to be filed or recorded in order to create or preserve any lien, writ, or attachment upon unregistered land, such instrument or copy, if intended to affect registered land, shall, in lieu of recording, be filed and registered with the registrar. In addition to any facts required by law to be stated in such instruments to entitle them to be filed or recorded, they shall also contain a reference to the number of the certificate of title of the land to be affected, and, if the attachment, charge, or lien is not claimed on all the land described in any certificate of title, such instrument shall contain a description sufficient to identify the land.

Sec. 3. Minnesota Statutes 1994, section 508.66, is amended to read:

**508.66 RELEASE OF COURT PROCEEDINGS; COURT ADMINISTRATOR'S CERTIFICATE; NOTICE OF LIS PENDENS.**

A certificate of the court administrator of the court in which any action or proceeding shall have been pending or in which any judgment or decree is of record, that such action has been dismissed or otherwise disposed of, or that the judgment, decree, or order has been assigned, satisfied, released, or reversed, or the certificate of any sheriff, or other officer, that the levy of any execution, attachment, or other process has been released, discharged or otherwise disposed of, being duly filed and noted upon the register, shall be sufficient to authorize the registrar to cancel, or otherwise treat the memorial thereof according to the purport of such certificate.

New language is indicated by underline, deletions by ~~strikeout~~.

The registrar shall not carry forward to a new certificate of title the memorial of a notice of lis pendens which has been of record for ten years, unless another notice of lis pendens in the same action has been filed within the ten years.

Sec. 4. Minnesota Statutes 1994, section 508.71, subdivision 3, is amended to read:

Subd. 3. **DIRECTIVE BY EXAMINER.** At the request of a registered owner or other person in interest, the examiner of titles by a written directive may order (1) the amendment or cancellation of a memorial relating to racial restrictions, rights which are barred by a statute or rights which have expired by the terms of the instrument creating the rights, or (2) upon the submission of evidence satisfactory to the examiner, the correction of the name or designation of a party who is a registered owner or who has an interest registered on a certificate of title. The registrar of titles may register the directives of the examiner of titles upon the certificates of title, and shall give full faith to the directives.

Sec. 5. Minnesota Statutes 1994, section 508A.01, subdivision 3, is amended to read:

Subd. 3. **DEFINITION.** For the purposes of sections 508A.01 to 508A.85, the term "possessory estate in land" means a fee simple estate held by an owner who (1) has been found on examination by the examiner of titles pursuant to section 508A.13 to be the record owner of the land described; (2) has satisfied the examiner of titles that the owner and predecessors in title have had is in actual or constructive possession of the land described for a period of not less than 15 consecutive years prior to the date of entry of the first CPT; and (3) has paid the taxes on the land described for at least five consecutive years during the 15-year period.

Sec. 6. Minnesota Statutes 1994, section 508A.06, is amended to read:

**508A.06 CONTENTS OF APPLICATION; RIGHTS AND PRIVILEGES OF CLAIMANTS.**

The application shall set forth substantially:

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

(2) Whether the applicant is or is not married and if married, the full name and residence address of the spouse; it shall state whether the applicant is or is not 18 years of age or older; whether or not the applicant is under any legal disability incapacity, and if so the nature of the disability incapacity; and whether the applicant has ever been divorced and if so, when, where, and by what court the divorce was granted;

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

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

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

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

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

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

(9) ~~When the place of residence of any person whose residence is a required to be given address is unknown to the applicant after due and diligent search, it shall be so stated in the application and also that, after due and diligent search, the applicant has been unable to ascertain it;~~

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

Sec. 7. Minnesota Statutes 1994, section 508A.63, is amended to read:

**508A.63 REGISTRATION OF INSTRUMENTS CREATING LIENS; JUDGMENTS.**

No judgment requiring the payment of money shall be a lien upon land registered under sections 508A.01 to 508A.85, except as herein provided. Any person claiming a lien shall file with the registrar a certified copy of the judgment, together with a written statement containing a description of each parcel of land in which the judgment debtor has a registered interest and upon which the lien is claimed, and a proper reference to the CPT or CPTs to the land. Upon filing the copy and statement, the registrar shall enter a memorial of the judgment upon each CPT designated in the statement, and the judgment shall then be and become a lien upon the judgment debtor's interest in the land described in CPT or CPTs. At any time after filing the certified copy of the judgment, any person claiming the lien may, by filing a written statement, as herein provided, cause a memorial of the judgment to be entered upon any CPT to land in which the judgment debtor has a registered interest and not described in any previous statement and the judgment shall then be and become a lien upon the judgment debtor's interest in the land. The judgment shall survive and the lien thereof shall continue for a period of ten years from the date of the judgment and no longer; and the registrar shall not carry forward to a new certificate of title the memorial of the judgment after that period. In every case where an instrument of any description, or a copy of any writ, order, or decree, is required by law to be filed or recorded in order to create or preserve any lien, writ, or attachment upon unregistered land, the instrument or copy, if intended to affect registered land, shall, in lieu of recording, be filed and registered with the registrar. In addition to any facts required by law to be stated in the instruments to entitle them to be filed or recorded, they shall also contain a reference to the number of the CPT of the land to be affected. If the attachment, charge, or

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lien is not claimed on all the land described in any CPT, the instrument shall contain a description sufficient to identify the land.

Sec. 8. Minnesota Statutes 1994, section 508A.66, is amended to read:

**508A.66 RELEASE OF COURT PROCEEDINGS; COURT ADMINISTRATOR'S CERTIFICATE; NOTICE OF LIS PENDENS.**

A certificate of the court administrator of the court in which any action or proceeding shall have been pending or in which any judgment or decree is of record, that the action has been dismissed or otherwise disposed of, or that the judgment, decree, or order has been assigned, satisfied, released, or reversed, or the certificate of any sheriff, or other officer, that the levy of any execution, attachment, or other process has been released, discharged or otherwise disposed of, being duly filed and noted upon the register, shall be sufficient to authorize the registrar to cancel, or otherwise treat the memorial of it according to the purport of the certificate.

The registrar shall not carry forward to a new certificate of title the memorial of a notice of lis pendens which has been of record for ten years unless another notice of lis pendens in the same action has been filed within the ten years.

Sec. 9. Minnesota Statutes 1994, section 508A.71, subdivision 3, is amended to read:

Subd. 3. **CANCELLATION OF MEMORIAL.** At the request of a registered owner or other person in interest the examiner of titles by a written directive may order (1) the amendment or cancellation of a memorial relating to racial restrictions, rights which are barred by a statute or rights which have expired by the terms of the instrument creating the rights, or (2) upon the submission of evidence satisfactory to the examiner, the correction of the name or designation of a party who is a registered owner or who has an interest registered on a certificate of title. The registrar of titles shall register the directives of the examiner of titles upon the CPTs, and shall give full faith to the directives.

Sec. 10. Minnesota Statutes 1994, section 508A.85, subdivision 3, is amended to read:

Subd. 3. **CHANGEOVER AT REQUEST OF OWNER.** Subsequent to the expiration of the five year period set forth in section 508A.17, any registered owner of a CPT may file with the registrar of titles a request for a changeover, and upon surrender of the owner's duplicate CPT and payment of the fee for an exchange as specified in section 508A.82, clause (6), the registrar shall issue a certificate of title and cancel the CPT.

Sec. 11. Minnesota Statutes 1994, section 559.215, is amended to read:

**559.215 CONTRACTS OF SALE; VALIDATING TERMINATIONS OF CONTRACT OF SALE.**

Every termination of a contract for the conveyance of real property or an interest in real property ~~where service of notice of default is published for the first time or is served on the purchaser, or the purchaser's personal representative or assigns before the date in section 559.216 is legal and valid after the expiration of the period specified in section 559.216~~ as against the following objections:

(1) that prior to the service of notice of termination, no mortgage registration tax was paid on the contract, or an insufficient registration tax was paid on the contract;

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(2) that the notice:

(i) did not correctly state the amount of attorney fees;

(ii) failed to state or incorrectly stated the names of one or more of the sellers, or the sellers' successors or assigns, or incorrectly described the interest or representative capacity of the person giving the notice;

(iii) was printed or typed in an incorrect type size; or

(iv) incorrectly stated the number of days after service that the contract will terminate, provided that the number of days stated is not less than 30 days; or

(v) did not correctly state the two percent amount required to be paid by section 559.21, subdivision 2a, clause (4);

(3) that the cancellation was commenced by less than all sellers; or

(4) that in the case of a termination by publication the notice was not served on all persons in possession of the real estate, provided it was served on at least one of those persons.

Sec. 12. Minnesota Statutes 1994, section 559.216, is amended to read:

**559.216 ~~EFFECTIVE DATES~~ APPLICATION OF CURATIVE PROVISIONS.**

Subdivision 1. EXPIRATION PERIODS. The following dates apply to Upon expiration of the periods specified in this section, the provisions of section 559.215 apply to a termination of a contract for the conveyance of real property or an interest in real property subject to this section:

(1) as to clause (2)(iv) and clause (3), ~~August 1, 1985~~ five years after the last day of the correct reinstatement period of the purchaser or the purchaser's personal representatives or assigns; and

(2) as to the ~~general all other~~ provisions of section 559.215, ~~May 1, 1989~~ one year after the last day of the reinstatement period of the purchaser or the purchaser's personal representatives or assigns.

Subd. 2. PENDING AND NEWLY COMMENCED ACTIONS. Sections 559.215 and 559.216, as enacted by Laws 1990, chapter 575, sections 8 and 9, do not affect any action or proceeding pending on August 1, 1990, or commenced before February 1, 1991, involving the validity of the termination or conveyance.

The amendments to sections 559.215 and 559.216 by this article shall not affect any action pending on August 1, 1996, or that is commenced before February 1, 1997, involving the validity of the termination or conveyance.

Sec. 13. **REPEALER.**

Laws 1994, chapter 447, section 2, is repealed. This section takes effect the day after final enactment.

New language is indicated by underline, deletions by ~~strikeout~~.

ARTICLE 2

Section 1. Minnesota Statutes 1994, section 501B.57, is amended to read:

501B.57 AFFIDAVIT OF TRUSTEE IN REAL PROPERTY TRANSACTIONS.

Subdivision 1. FORM OF AFFIDAVIT FOR INTER VIVOS TRUST. An affidavit of a trustee or of trustees of an inter vivos trust in support of a real property transaction may be substantially in the following form:

STATE OF MINNESOTA ) AFFIDAVIT OF TRUSTEE
)ss.
COUNTY OF )

....., being first duly sworn on oath says that:

1. Affiant is the trustee (one of the trustees) named in that certain Certificate of Trust (or Trust Instrument) dated ....., 19.., and filed for record ....., 19.., as Document No. .... (or in Book ..... of ....., Page .....) in the Office of the County Recorder (Registrar of Titles) of ..... County, Minnesota, executed by Affiant or another trustee or the grantor of the Trust described in the Certificate of Trust (or set forth in the Trust Instrument), and which relates to real property in ..... County, Minnesota legally described as follows:

.....
.....
.....
.....

(If more space is needed, continue on back or on attachment.)

2. The name(s) and address(es) of the trustee(s) empowered by the Trust Instrument to act at the time of the execution of this Affidavit are as follows:

.....
.....
.....

3. The trustee(s) who have executed that certain instrument relating to the real property described above between ....., as trustee(s) and ....., dated ....., 19.:

(a) are empowered by the provisions of the trust to sell, convey, pledge, mortgage, lease, or transfer title to any interest in real property held in trust; and

(b) are the requisite number of trustees required by the provisions of the trust to execute and deliver such an instrument.

4. The Trust has not terminated and has not been revoked.

- OR -

New language is indicated by underline, deletions by strikeout.



4. The Trust has terminated (or has been revoked). The execution and delivery of the instrument described in paragraph 3 has been made pursuant to the provisions of the Trust.

5. There has been no amendment to the Trust which limits the power of trustee(s) to execute and deliver the instrument described in paragraph 3.

6. The Trust is not supervised by any court.

- OR -

6. The Trust is supervised by the ..... Court of ..... County, ..... All necessary approval has been obtained from the court for the trustee(s) to execute and deliver the instrument described in paragraph 3.

7. Affiant does not have actual knowledge of any facts indicating that the Trust is invalid.

.....  
), Affiant

Subscribed and sworn to before me  
this .....day of ....., 19 ....

Notary Stamp or Seal

.....  
Signature of Notary Public or  
Other Official

This instrument was drafted by:  
.....  
.....

**Subd. 1a. FORM OF AFFIDAVIT FOR TESTAMENTARY TRUST.** An affidavit of a trustee or of trustees of a testamentary trust in support of a real property transaction may be substantially in the following form:

STATE OF MINNESOTA ) AFFIDAVIT OF TRUSTEE  
 )  
 )ss.  
COUNTY OF )

....., being first duly sworn on oath says that:

1. The ..... Trust was created by the Last Will and Testament of ....., Decedent, dated ....., 19... Decedent died on ....., 19... Affiant, as trustee of the Trust, acquired by instrument or decree dated ....., 19..., filed in the office of the County Recorder/Registrar of Titles, ..... County, Minnesota, as Document No. ...., an interest in real property in ..... County, Minnesota, legally described as follows:

.....  
.....  
.....  
.....

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(If more space is needed, continue on back or on an attachment.)

2. The name(s) and address(es) of the trustee(s) empowered by the terms of decedent's will to act at the time of the execution of this Affidavit are as follows:

.....  
.....  
.....

3. The trustee(s) who have executed that certain instrument relating to the real property described above between ....., as trustee(s) and ....., dated ....., 19..:

(a) are empowered by the provisions of the trust under decedent's will to sell, convey, pledge, mortgage, lease, or transfer title to any interest in real property held in trust; and

(b) are the requisite number of trustees required by the provisions of the will to execute and deliver such an instrument.

4. The Trust has not terminated and has not been revoked.

- OR -

4. The Trust has terminated (or has been revoked). The execution and delivery of the instrument described in paragraph 3 has been made pursuant to the provisions of the Trust.

5. There has been no amendment to the Trust which limits the powers of the trustee(s) to execute and deliver the instrument described in paragraph 3.

6. The Trust is not supervised by any court.

- OR -

6. The Trust is supervised by the ..... Court of ..... County, ..... All necessary approval has been obtained from the court for the trustee(s) to execute and deliver the instrument described in paragraph 3.

7. Affiant does not have actual knowledge of any facts indicating that the Trust is invalid.

.....  
....., Affiant

Subscribed and sworn to before me  
this ..... day of ....., 19 .....

.....  
Signature of Notary Public or  
Other Official

Notary Stamp or Seal

This instrument was drafted by:

.....  
.....  
.....

Subd. 2. **EFFECT.** An affidavit by the trustee or trustees under subdivision 1 or 1a is proof that:

**New language is indicated by underline, deletions by strikeout.**

- (i) the trust described in the affidavit is a valid trust;
- (ii) either the trust has not terminated or been revoked or, if the trust has terminated or been revoked, the conveyance described in the affidavit is made pursuant to the provisions of the trust;
- (iii) the powers granted the trustee or trustees extend to the real property described in the affidavit or attachment to the affidavit;
- (iv) no amendment to the trust has been made limiting the power of the trustee or trustees to sell, convey, pledge, mortgage, lease, or transfer title to the real property described in the affidavit or attachment to the affidavit, if any;
- (v) the requisite number of trustees have executed and delivered the instrument of conveyance described in the affidavit; and
- (vi) any necessary court approval of the transaction has been obtained.

The proof is conclusive as to any party relying on the affidavit, except a party dealing directly with the trustee or trustees who has actual knowledge of facts to the contrary.

Sec. 2. Minnesota Statutes 1994, section 524.2-403, is amended to read:

**524.2-403 EXEMPT PROPERTY.**

(a) If there is a surviving spouse, then, in addition to the homestead and family allowance, the surviving spouse is entitled from the estate to:

(1) property not exceeding \$10,000 in value in excess of any security interests therein, in household furniture, furnishings, appliances, and personal effects, subject to an award of sentimental value property under section 525.152; and

(2) one automobile, if any, without regard to value.

(b) If there is no surviving spouse, the decedent's children are entitled jointly to the same property as provided in paragraph (a).

(c) If encumbered chattels are selected and the value in excess of security interests, plus that of other exempt property, is less than \$10,000, or if there is not \$10,000 worth of exempt property in the estate, the surviving spouse or children are entitled to other personal property of the estate, if any, to the extent necessary to make up the \$10,000 value.

(d) Rights to exempt property and assets needed to make up a deficiency of exempt property have priority over all claims against the estate, but the right to any assets to make up a deficiency of exempt property abates as necessary to permit earlier payment of the family allowance.

(e) The rights granted by this section are in addition to any benefit or share passing to the surviving spouse or children by the decedent's will, unless otherwise provided, by intestate succession or by way of elective share.

Sec. 3. Minnesota Statutes 1995 Supplement, section 524.2-803, is amended to read:

**524.2-803 EFFECT OF HOMICIDE ON INTESTATE SUCCESSION, WILLS, JOINT ASSETS, LIFE INSURANCE AND BENEFICIARY DESIGNATIONS.**

New language is indicated by underline, deletions by ~~strikeout~~.

(a) A surviving spouse, heir or devisee who feloniously and intentionally kills the decedent is not entitled to any benefits under the will or under this article, including an intestate share, an elective share, an omitted spouse's or child's share, homestead, exempt property, and a family allowance, and the estate of decedent passes as if the killer had predeceased the decedent. Property appointed by the will of the decedent to or for the benefit of the killer passes as if the killer had predeceased the decedent.

(b) Any joint tenant who feloniously and intentionally kills another joint tenant thereby effects a severance of the interest of the decedent so that the share of the decedent passes as the decedent's property and the killer has no rights by survivorship. This provision applies to joint tenancies in real and personal property, joint accounts in banks, savings associations, credit unions and other institutions, and any other form of coownership with survivorship incidents.

(c) A named beneficiary of a bond or other contractual arrangement who feloniously and intentionally kills the principal obligee is not entitled to any benefit under the bond or other contractual arrangement and it becomes payable as though the killer had predeceased the decedent.

(d) A named beneficiary of a life insurance policy who feloniously and intentionally kills the person upon whose life the policy is issued is not entitled to any benefit under the policy and the proceeds of the policy shall be paid and distributed by order of the court as hereinafter provided. If a person who feloniously and intentionally kills a person upon whose life a life insurance policy is issued is a beneficial owner as shareholder, partner or beneficiary of a corporation, partnership, trust or association which is the named beneficiary of the life insurance policy, to the extent of the killer's beneficial ownership of the corporation, partnership, trust or association, the proceeds of the policy shall be paid and distributed by order of the court as hereinafter provided.

Upon receipt of written notice by the insurance company at its home office that the insured may have been intentionally and feloniously killed by one or more named beneficiaries or that the insured may have been intentionally and feloniously killed by one or more persons who have a beneficial ownership in a corporation, partnership, trust or association, which is the named beneficiary of the life insurance policy, the insurance company shall, pending court order, withhold payment of the policy proceeds to all beneficiaries. In the event that the notice has not been received by the insurance company before payment of the policy proceeds, the insurance company shall be fully and finally discharged and released from any and all responsibility under the policy to the extent that the policy proceeds have been paid.

The named beneficiary, the insurance company or any other party claiming an interest in the policy proceeds may commence an action in the district court to compel payment of the policy proceeds. The court may order the insurance company to pay the policy proceeds to any person equitably entitled thereto, including the deceased insured's spouse, children, issue, parents, creditors or estate, and may order the insurance company to pay the proceeds of the policy to the court pending the final determination of distribution of the proceeds by the court. The insurance company, upon receipt of a court order, judgment or decree ordering payment of the policy proceeds, shall pay the policy proceeds according to the terms of the order, and upon payment of such proceeds according to the terms of the court order, shall be fully and completely discharged and released from any and all responsibility for payment under the policy.

New language is indicated by underline, deletions by ~~strikeout~~.

(e) Any other acquisition of property or interest by the killer shall be treated in accordance with the principles of this section.

(f) A final judgment of conviction of felonious and intentional killing is conclusive for purposes of this section. In the absence of a conviction of felonious and intentional killing the court may determine by a preponderance of evidence whether the killing was felonious and intentional for purposes of this section.

(g) This section does not affect the rights of any person who, before rights under this section have been adjudicated, purchases from the killer for value and without notice property which the killer would have acquired except for this section, but the killer is liable for the amount of the proceeds or the value of the property. Any insurance company, bank, or other obligor making payment according to the terms of its policy or obligation is not liable by reason of this section unless prior to payment it has received at its home office or principal address written notice of a claim under this section.

Sec. 4. Minnesota Statutes 1994, section 524.3-708, is amended to read:

**524.3-708 DUTY OF PERSONAL REPRESENTATIVE; SUPPLEMENTARY INVENTORY.**

If any property not included in the original inventory comes to the knowledge of a personal representative or if the personal representative learns that the value or description indicated in the original inventory for any item is erroneous or misleading, the personal representative shall make a supplementary inventory or appraisal showing the market value as of the date of the decedent's death of the new item or the revised market value or descriptions, and the appraisers or other data relied upon, if any, and file it with the court if the original inventory was filed, or furnish copies thereof or information thereof to persons interested in the new information, and file it with the court if the original inventory was filed.

Sec. 5. Minnesota Statutes 1994, section 524.3-804, is amended to read:

**524.3-804 MANNER OF PRESENTATION OF CLAIMS.**

Claims against a decedent's estate may be presented as follows:

(1) The claimant may deliver or mail to the personal representative a written statement of the claim indicating its basis, the name and address of the claimant, and the amount claimed, or may file a written statement of the claim, in the form prescribed by rule, with the court administrator. The claim is deemed presented on the first to occur of receipt of the written statement of claim by the personal representative, or the filing of the claim with the court. If a claim is not yet due, the date when it will become due shall be stated. If the claim is contingent or unliquidated, the nature of the uncertainty shall be stated. If the claim is secured, the security shall be described. Failure to describe correctly the security, the nature of any uncertainty, and the due date of a claim not yet due does not invalidate the presentation made.

(2) The claimant may commence a proceeding against the personal representative in any court where the personal representative may be subjected to jurisdiction, to obtain payment of the claim against the estate, but the commencement of the proceeding must occur within the time limited for presenting the claim. No presentation of claim is required in regard to matters claimed in proceedings against the decedent which were pending at the time of death.

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(3) If a claim is presented under subsection (1), no proceeding thereon may be commenced more than two months after the personal representative has mailed a notice of disallowance; but, in the case of a claim which is not presently due or which is contingent or unliquidated, the personal representative may consent to an extension of the two month period, or in any case, to avoid injustice the court, on petition, may order an extension of the two month period, but in no event shall the extension run beyond the applicable statute of limitations.

Sec. 6. Minnesota Statutes 1995 Supplement, section 524.3-914, is amended to read:

#### 524.3-914 UNCLAIMED ASSETS.

If any asset of the estate has not been distributed because the person entitled thereto cannot be found or refuses to accept the same, or for any other good and sufficient reason the same has not been paid over, the court may direct the personal representative to deposit the same with the county treasurer, taking duplicate receipts therefor, one of which the personal representative shall file with the county auditor and the other in the court. If the money on hand exceeds the sum of \$5,000, the court may direct the county treasurer to invest the funds, and the county treasurer shall collect the interest on these investments as it becomes due, and the money so collected or deposited shall be credited to the county revenue fund. Upon ~~application~~ petition to the court within 21 years after such deposit, and upon notice to the county attorney and county treasurer, the court may direct the county auditor to issue to the person entitled thereto the county auditor's warrant for the amount of the money so on deposit including the interest collected. No interest shall be allowed or paid thereon, except as herein provided, and if not claimed within such time no recovery thereof shall be had. The county treasurer, with the approval of the court, may make necessary sales, exchanges, substitutions, and transfers of investments and may present the same for redemption and invest the proceeds.

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### ARTICLE 3

#### Section 1. **[507.093] STANDARDS FOR DOCUMENTS TO BE RECORDED OR FILED.**

(a) The following standards are imposed on documents to be recorded with the county recorder or filed with the registrar of titles:

(1) The document shall consist of one or more individual sheets measuring no larger than 8.5 inches by 14 inches.

(2) The form of the document shall be printed, typewritten, or computer generated in black ink and the form of the document shall not be smaller than 8-point type.

(3) The document shall be on white paper of not less than 20-pound weight with no background color, images, or writing and shall have a clear border of approximately one-half inch on the top, bottom, and each side.

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(4) The first page of the document shall contain a blank space at the top measuring three inches, as measured from the top of the page. The right half to be used by the county recorder for recording information or registrar of titles for filing information and the left half to be used by the county auditor or treasurer for certification.

(5) The title of the document shall be prominently displayed at the top of the first page below the blank space referred to in clause (4).

(6) No additional sheet shall be attached or affixed to a page that covers up any information or printed part of the form.

(7) A document presented for recording or filing must be sufficiently legible to reproduce a readable copy using the county recorder's or registrar of title's current method of reproduction.

(b) The recording or filing fee for a document that does not conform to the standards in paragraph (a) shall be increased as provided in sections 2, 3, and 4.

(c) The recorder or registrar shall refund the recording or filing fee to the applicant if the real estate documents are not filed or registered within 30 days after receipt.

Sec. 2. Minnesota Statutes 1994, section 357.18, is amended by adding a subdivision to read:

Subd. 5. VARIANCE FROM STANDARDS. A document that does not conform to the standards in section 1, paragraph (a), shall not be recorded except upon payment of an additional fee of \$10 per document. This subdivision applies only to documents dated after July 31, 1997, and does not apply to Minnesota uniform conveyancing blanks contained in the book of forms in the office of the commissioner of commerce provided for under section 507.09, certified copies, or any other form provided for under Minnesota Statutes.

Sec. 3. Minnesota Statutes 1994, section 508.82, is amended to read:

**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), (4), (10), (12), (13), (14), (16), (17), and (18), for filing or memorializing shall be paid to the state treasurer and credited to the general fund; plus a \$4.50 surcharge shall be charged and collected in addition to the total fees charged for each transaction under clauses (2) to (5), (10), (12), (14), and (18), with 50 cents of this surcharge to be retained by the county to cover its administrative costs and \$4 to be paid to the state treasury and credited to the general fund;

(2) for registering each original certificate of title, and issuing a duplicate 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 issuance and registration of the new certificate of title, \$30;

(4) for the entry of each memorial on a certificate and endorsements upon duplicate certificates, \$15;

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(5) for issuing each residue certificate, \$20;

(6) for exchange certificates, \$10 for each certificate canceled and \$10 for each new certificate issued;

(7) for each certificate showing condition of the register, \$10;

(8) 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;

(9) for a noncertified copy of 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;

(10) for filing two copies of any plat in the office of the registrar, \$30;

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

(12) for issuing a duplicate certificate of title pursuant to the directive of the examiner of titles in counties in which the compensation of the examiner is paid in the same manner as the compensation of other county employees, \$50, plus \$10 to memorialize;

(13) for issuing a duplicate certificate of title pursuant to the directive of the examiner of titles in counties in which the compensation of the examiner is not paid by the county or pursuant to an order of the court, \$10;

(14) for filing a condominium plat or an amendment to it in accordance with chapter 515, \$30;

(15) for a copy of a condominium plat filed pursuant to chapters 515 and 515A, the fee shall be \$1 for each page of the condominium plat with a minimum fee of \$10;

(16) for filing a condominium declaration and plat or an amendment to it in accordance with chapter 515A, \$10 for each certificate upon which the document is registered and \$30 for the filing of the condominium plat or an amendment thereto;

(17) for the filing of a certified copy of a plat of the survey pursuant to section 508.23 or 508.671, \$10;

(18) for filing a registered land survey in triplicate in accordance with section 508.47, subdivision 4, \$30;

(19) for furnishing a certified copy of a registered land survey in accordance with section 508.47, subdivision 4, \$10.

**Subd. 2. VARIANCE FROM STANDARDS.** A document that does not conform to the standards in section 1, paragraph (a), shall not be filed except upon payment of an additional fee of \$10 per document. This subdivision applies only to documents dated after July 31, 1997, and does not apply to Minnesota uniform conveyancing blanks contained in the book of forms in the office of the commissioner of commerce provided for under section 507.09, certified copies, or any other form provided for under Minnesota Statutes.

Sec. 4. Minnesota Statutes 1994, section 508A.82, is amended to read:

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**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), (4), (10), (12), (13), (14), (16), and (18), for filing or memorializing shall be paid to the state treasurer and credited to the general fund; plus a \$4.50 surcharge shall be charged and collected in addition to the total fees charged for each transaction under clauses (2) to (5), (10), (12), (14), and (18), with 50 cents of this surcharge to be retained by the county to cover its administrative costs and \$4 to be paid to the state treasury and credited to the general fund;

(2) for registering each original CPT, and issuing a duplicate of it, \$30;

(3) for registering each instrument transferring the fee simple title for which a new CPT is issued and for the issuance and registration of the new CPT, \$30;

(4) for the entry of each memorial on a certificate and endorsements upon duplicate CPTs, \$15;

(5) for issuing each residue CPT, \$20;

(6) for exchange CPTs, \$10 for each CPT canceled and \$10 for each new CPT issued;

(7) for each certificate showing condition of the register, \$10;

(8) 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;

(9) for a noncertified copy of 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;

(10) for filing two copies of any plat in the office of the registrar, \$30;

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

(12) for issuing a duplicate CPT pursuant to the directive of the examiner of titles in counties in which the compensation of the examiner is paid in the same manner as the compensation of other county employees, \$50, plus \$10 to memorialize;

(13) for issuing a duplicate CPT pursuant to the directive of the examiner of titles in counties in which the compensation of the examiner is not paid by the county or pursuant to an order of the court, \$10;

(14) for filing a condominium plat or an amendment to it in accordance with chapter 515, \$30;

(15) for a copy of a condominium plat filed pursuant to chapters 515 and 515A, the fee shall be \$1 for each page of the plat with a minimum fee of \$10;

(16) for filing a condominium declaration and condominium plat or an amendment to it in accordance with chapter 515A, \$10 for each certificate upon which the document is registered and \$30 for the filing of the condominium plat or an amendment to it;

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(17) 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;

(18) for filing a registered land survey in triplicate in accordance with section 508A.47, subdivision 4, §30;

(19) for furnishing a certified copy of a registered land survey in accordance with section 508A.47, subdivision 4, §10.

Subd. 2. VARIANCE FROM STANDARDS. A document that does not conform to the standards in section 1, paragraph (a), shall not be filed except upon payment of an additional fee of \$10 per document. This subdivision applies only to documents dated after July 31, 1997, and does not apply to Minnesota uniform conveyancing blanks contained in the book of forms in the office of the commissioner of commerce provided for under section 507.09, certified copies, or any other form provided for under Minnesota Statutes.

**Sec. 5. EFFECTIVE DATE.**

Sections 1 to 4 are effective August 1, 1997.

Presented to the governor March 18, 1996

Signed by the governor March 19, 1996, 3:55 p.m.

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**CHAPTER 339—H.F.No. 2222**

*An act relating to state government; excepting certain contracts from certain contract management requirements; abolishing certain reports and providing for a comprehensive annual report by the department of economic security; amending Minnesota Statutes 1994, sections 268.0122, subdivisions 3 and 4; and 268.65, subdivision 1; Minnesota Statutes 1995 Supplement, sections 16B.06, subdivision 2a; 268.0124; 268.363; and 268.98, subdivision 2; Laws 1995, chapter 254, article 1, section 93; proposing coding for new law in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 1994, sections 268.367; 268.37, subdivision 5; and 268.38, subdivision 11; Minnesota Statutes 1995 Supplement, section 268.92, subdivision 10.*

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

Section 1. Minnesota Statutes 1995 Supplement, section 16B.06, subdivision 2a, is amended to read:

Subd. 2a. **EXCEPTION.** The requirements of subdivision 2 do not apply to state contracts of the department of economic security distributing and the department of children, families, and learning, to the extent that the department of children, families, and learning is administering programs transferred from the department of economic security, that distribute state and federal funds for the purpose of subcontracting the provision

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