

## CHAPTER 386

## REGISTER OF DEEDS

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**386.01 BOND.** Every register of deeds, before he enters upon the duties of his office, shall give bond to the state in the penal sum of \$5,000, to be approved by the county board, conditioned that he will faithfully and impartially fulfill the duties of his office. The bond and his oath of office shall be filed for record with the clerk of the district court, and forwarded by the clerk to the secretary of state.

[R. L. s. 531] (873)

**386.02 DELIVERY TO SUCCESSOR.** At the expiration of his term of office, every register shall deliver promptly to his successor all books, records, papers, and other property pertaining to his office and if, on application of his duly qualified successor, he refuses to do so, he shall forfeit and pay to the use of the county \$50 for each and every day he so refuses, which may be recovered in an action brought upon his official bond.

[R. L. s. 532] (874)

**386.03 RECEPTION BOOKS.** Every register of deeds shall keep two books, to be denominated, respectively, the grantor's and grantee's reception book, each page of which shall be divided into seven columns, in the following forms:

Date of Reception, Year, Day, Hour and Minute	Grantor	Grantee	Where Situated	To Whom Delivered after Record	Fees Received	Book and Page Recorded and Kind of Instrument
Date of Reception, Year, Day, Hour and Minute	Grantee	Grantor	Where Situated	To Whom Delivered after Record	Fees Received	Book and Page Recorded and Kind of Instrument

The register shall enter in each book, in the order and manner aforesaid, as soon as the same are received, all deeds and other instruments left, and all copies left, as cautions or notices of liens, authorized by law to be recorded. The pages of each of the reception books shall be lettered in alphabetical order, a convenient number of consecutive pages being allotted to each letter of the alphabet, and every entry made therein shall be made in the grantor's reception book under the initial

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letter of the grantor's surname, and in the grantee's reception book under the grantee's surname, and all such entries shall appear therein consecutively and in the order as to time in which the instruments were received. He shall make an entry in the record immediately after the copy of each instrument recorded specifying the time of the day, month, and year when the same was recorded.

[R. L. s. 533; 1907 c. 442 s. 1] (875)

**386.04 NUMERICAL REGISTER AND RECEPTION BOOK.** The board of county commissioners of any county in this state wherein the register's office keeps a deed index and mortgage index are hereby authorized to combine the reception books required by section 386.03 and the consecutive index book required by section 386.32, the record book to be designated the Numerical Register and Reception Book, each page of which shall be divided into nine columns in the following form:

NUMERICAL REGISTER AND RECEPTION BOOK ..... COUNTY, MINNESOTA

No. of Instrument	Date of Reception					Where Situated	Section	Township	Range	To Whom Delivered After Reception	Where Recorded		Kind of Instru- ment	Fees Received
	Year	Mo.	Day	A. M.	P. M.						Book	Page		

The register shall make the entries in this book in accordance with the requirements of sections 386.03 and 386.32.

[1909 c. 226 s. 1] (876)

**386.05 TRACT INDEX BOOKS.** Every county board may procure at the expense of its county, and keep in the office of the register of deeds, suitable books, substantially bound, arranged in numerical order, and so ruled that opposite to the description of each section of land or sectional lot, and town, city, or village lot and block, shall be a blank space, of a convenient size, in which shall be entered the letters or numerals indicating the volume of the records referred to, designating deeds by the letter "D," and mortgages by the letter "M," or by using red ink for mortgages and black ink for deeds, and other records by appropriate initials or abbreviations, together with the page of the volume upon which every record affecting the title to the whole or any part thereof may be found. For each necessary entry or description made in such books prior to the making of such tract index, the register shall receive from the county a fee of two cents. Such tract index shall be kept as one of the records in the office of the register of deeds, and such register shall note therein a like minute of every instrument affecting the title to any land which shall be filed for record, to be made opposite to each parcel of land the title to which may be affected by such instrument. Instead of causing a tract index to be made, the board may purchase any existing tract index or abstracts; and thereafter the register shall make the appropriate entries therein. In either such case the register shall receive a fee of ten cents for indexing the first description and each town, city, or village lot affected, and two cents for each subsequent description, town, city, or village lot affected; for indexing therein each transfer of deeds and mortgages, and other instruments, the same to be paid by the person presenting the same for filing, for recording or discharging an instrument on the margins of records, and shall make abstracts, for persons demanding the same.

[R. L. s. 534; 1907 c. 442 s. 1] (877)

**386.06 TRACT INDEX BOOKS; CONTRACTS FOR MAKING.** The board of county commissioners of any county in the state which does not have a tract index, belonging to the county, in the office of the register of deeds, of lands within the county, is hereby authorized and empowered to cause or have a tract index made, and may hire, employ, or contract with any competent person, without advertising therefor, to prepare and make such tract index, and may require such person to furnish a bond in such form and with such sureties as the board shall designate and approve.

[1927 c. 19] (877-1)

**386.07 FOR LANDS REGISTERED UNDER TORRENS SYSTEM IN HENNEPIN COUNTY.** The register of deeds in any county now having, or which may

hereafter have, a population of 400,000 or over, and in which the business of the registrar of titles is conducted in a separate place from that of the register of deeds, shall provide a tract index of all lands registered under what is known as the Torrens System of land titles, and the same shall be kept in the office of the register of deeds in any such county for the use of receiving clerks in checking the properties listed therein with the properties described in the instruments presented for record.

[1927 c. 376 s. 1] (877-2)

**386.08 BY WHOM PREPARED.** The register of deeds of any such county may assign the duty of compiling such index to one or more of his deputies, who shall be paid for extra time so employed additional salary and compensation at the same rate and in the same manner as is paid them for regular service. The total sum for such extra service shall not exceed \$1,600.

[1927 c. 376 s. 2] (877-3)

**386.09 PAYMENT FOR FROM REVENUE FUND.** The county auditor of any such county shall, upon request of the register of deeds, issue his warrants in payment for such additional service, in amounts designated by the register of deeds, and the same shall be drawn on the county revenue fund.

[1927 c. 376 s. 3] (877-4)

**386.10 BONDS FOR TRACT INDEX, HENNEPIN COUNTY.** The board of county commissioners of any county in this state now or hereafter having property of an assessed valuation of not less than \$350,000,000, exclusive of money and credits, and having a bonded indebtedness of not to exceed \$9,000,000, inclusive of bonds issued to defray the cost of permanently improving state trunk highways, which bonds the state of Minnesota has heretofore agreed to pay under the provisions of sections 167.01 and 167.02, is hereby authorized by resolutions duly passed by a majority vote of such board to issue and sell negotiable bonds of such county in such amount as it shall deem necessary not to exceed, however, \$100,000 par value, for the purpose of providing funds with which to pay the cost of compiling, acquiring, or purchasing for such county a tract index of lands therein situated, such tract index to be compiled, acquired, or purchased and maintained pursuant to the provisions of sections 386.05 and 386.06.

[1929 c. 227 s. 1] (877-5)

**386.11 BONDS, INTEREST, MATURITY; PROCEEDS, WHERE PLACED.** The board of county commissioners of any such county may issue and sell the bonds of the county for the purposes specified in section 386.10, not exceeding \$100,000 par value of such bonds, the principal of which bonds shall mature and be payable in not more than 15 annual instalments, as nearly equal as practical, the first annual instalment whereof shall mature in not more than three years from the date of the issuance of such bonds. Such bonds shall be sold in the manner provided for in section 475.15; but the rate of interest shall in no case exceed five per cent per annum, payable annually or semiannually. Such bonds shall be signed by the chairman of the board of county commissioners and attested by the auditor of such county and sealed with his official seal and shall have proper interest coupons attached.

The auditor shall keep a record of all such bonds issued, which record shall show the date, number, and amount of each bond, rate of interest, time when due, and the name of the person to whom issued.

The proceeds of the sale of such bonds shall be placed with the county treasurer of such county to the credit of the tract index fund and shall be used in accordance with and for the purposes described in section 386.10 and for no other purpose.

[1929 c. 227 ss. 2, 3] (877-6, 877-7)

**386.12 TAX LEVY.** The county board shall levy a tax at the time and in the manner prescribed by section 475.26 to pay the principal and interest of such bonds; the full faith and credit of the county shall be pledged to the payment of the principal and interest of such bonds.

[1929 c. 227 s. 4] (877-8)

**386.13 TRANSCRIBING RECORDS OF STATE LANDS.** The county commissioners of any county in this state are hereby authorized to direct the register of deeds of any county containing any lands heretofore granted to the state from the United States government (except sections 16 and 36), and including all lands so granted in lieu of lands in sections 16 or 36, to transcribe from the records of the state auditor lists of all such lands including reference to the laws granting the

same and by all patents issued thereunder to the state, which transcripts after due examination thereof shall be certified to without charge by the state auditor as being true and correct transcripts, and thereupon such transcripts, shall be recorded by the register of deeds in whose county such land is situate, which recording shall be done in books to be provided therefor by the county. Such register of deeds shall receive the same fees allowed by law for recording original instruments in his office, which fees shall be paid by the county auditor upon the approval of the county commissioners of said county.

[1913 c. 427 s. 1] (878)

**386.14 RECORDS AS PRIMA FACIE EVIDENCE.** The record of such transcript shall be prima facie evidence of the facts therein set forth, and of the contents of the original instruments so transcribed and recorded, and a certified copy of such record shall be admissible in evidence in all the courts of this state.

[1913 c. 427 s. 2] (879)

**386.15 TRACT INDEXES TRANSCRIBED.** In counties having a population of less than 75,000 now having tract indexes of the records in the office of the register of deeds, the county board is hereby authorized to have such tract indexes transcribed, compared with the original records, and checked back when the necessity therefor appears.

[1905 c. 51 s. 1; 1911 c. 337 s. 1] (880)

**386.16 REGISTER TO SUPERVISE; COMPENSATION.** The work provided for in section 386.15 shall be performed by the register of deeds of the county. The register of deeds, for performing the work, shall receive as compensation therefor such sum as may be fixed by the board of county commissioners not exceeding two cents for each description so transcribed, compared with the original records, and checked back.

[1905 c. 51 s. 2; 1911 c. 337 s. 2] (881)

**386.17 TO EXHIBIT RECORDS.** The register of deeds shall exhibit free of charge, during the hours that his office is or is required by law to be open, any of the records or papers in his official custody to the inspection of any person demanding the same, either for examination, or for the purpose of making or completing an abstract or transcript therefrom; but no such person shall have the right to have or use such records for the purpose of making or completing abstracts or transcripts therefrom, so as to hinder or interfere with the register in the performance of his official duties.

[R. L. s. 535] (882)

**386.18 ABSTRACTER; BOND.** The county board may, by resolution, authorize any person to use a portion of the county building for the purpose of making abstracts of title, upon the execution by such person of a bond to the county in a sum not less than \$500, conditioned for the faithful performance of his duties as such abstracter and that he will handle all public records with care and charge no greater fee for abstracts of title than is or may be allowed by law to registers of deeds for like services.

[R. L. s. 536] (883)

**386.183 OFFICIAL ABSTRACT CERTIFICATE; ENTRY; FEES.** All county abstract clerks may charge and collect for their services the following fees: for each official certificate of the clerk the sum of \$1.00; for each proper and pertinent entry in an abstract of title or registered property report, 40 cents.

[1949 c 15 s 1]

**386.19 RECORD BOOKS, INDEXES.** The register of deeds shall keep suitable books and record at large, word for word, all instruments left with him for record; keeping separate books of deeds, mortgages, and other instruments. He shall keep in separate books an alphabetical index where he shall record, under the proper letter of the alphabet, the name of each grantor and grantee in any instrument left for record, or of a discharge of any mortgage made by an entry in the margin of the record thereof, which entry shall show the book and page of the record where the mortgage so discharged is recorded.

[R. L. s. 537] (884)

**386.20 CERTIFICATES OF DISCHARGE FROM U. S. SERVICE FILED.** Certificates of discharge from the United States army, the United States navy, and the United States marine corps and releases or transfers from active duty therein may be recorded in the office of the register of deeds of any county in this state by the person to whom such discharge, release or transfer was issued without the payment

of any fee to the register of deeds for recording the same. Upon the request of the person having such instrument recorded, the register of deeds shall not stamp, mark, or make any endorsement upon any such certificate of discharge, release or transfer, but after the recording thereof has been completed he shall return the certificate of discharge, release, or transfer in the same condition in which he received it to the person who left it with him for record.

In any county where the compensation of the register of deeds consists of fees only, the register of deeds shall be entitled to a fee of 60 cents for recording such instrument, which shall be paid by the county upon presentation of a verified claim by the register of deeds.

[1919 c. 266 s. 1; 1945 c. 542 s. 1] (885)

**386.21 RECORD PRIMA FACIE EVIDENCE.** The record of such a certificate or a duly certified copy thereof shall be prima facie evidence of all the facts therein stated and received as evidence of such facts in all courts of this state.

[1919 c. 266 s. 2] (886)

**386.22 RECORD BOOKS.** The register of deeds of any county is hereby authorized and empowered to procure at the expense of the county proper record books for recording such certificates of discharge with sufficient indexes thereto.

[1919 c. 266 s. 3] (887)

**386.23 TRANSCRIBING SHERIFF'S CERTIFICATES FILED PRIOR TO MAY 10, 1862.** The register of deeds in any county is hereby authorized and directed to transcribe, in appropriate records to be provided for such purpose, all certificates now on file in his office, which were filed prior to May 10, 1862, made by sheriffs upon sales of real estate on mortgage foreclosures, judgments, and executions.

[1905 c. 329 s. 1] (888)

**386.24 COMPENSATION.** The register of deeds shall receive as compensation therefor the sum of \$1.75 for transcribing each of such certificates, and 25 cents each for comparing and certifying all such certificates, filed prior to May 10, 1862, and not heretofore compared and certified, to be paid out of the county funds, and shall be allowed by the board of county commissioners of such county upon the completion of the work.

[1905 c. 329 s. 2] (889)

**386.25 RECORDS AS PRIMA FACIE EVIDENCE.** The recording of such certificates shall have the effect of a record of the same from time to time when they were filed in such register of deeds' office and shall be prima facie evidence of the facts therein set forth.

[1905 c. 329 s. 3] (890)

**386.26 TRANSCRIBING CERTAIN INSTRUMENTS.** The register of deeds in each county having a population of over 100,000 is hereby authorized and directed to transcribe in appropriate records to be provided by the county for such purpose and to appropriately index all instruments affecting: lists of lands selected by railroad companies under grants from the United States or the State of Minnesota; and all instruments affecting: condemnation proceedings; awards of damages in condemnation proceedings; building line easements; easements for slopes; easements for electric light and telephone poles; now on file in his office and which have not heretofore been recorded.

[1909 c. 153 s. 1] (891)

**386.27 EFFECT OF TRANSCRIPTION.** The transcribing of such instruments shall have the effect of a record of the same from the time such instruments were filed in such register of deeds' office, and such records shall be prima facie evidence of the facts therein set forth and of the contents of the original instruments so recorded.

[1909 c. 153 s. 2] (892)

**386.28 DUTY OF REGISTER OF DEEDS.** It is hereby made the duty of the register of deeds in any such county to record at length in suitable books to be provided by the county for such purpose all instruments hereafter received by him either for filing or recording and he shall receive the same fees therefor as are allowed for the recording of other like instruments.

[1909 c. 153 s. 3] (893)

**386.29 TRANSCRIBING ABSTRACT RECORDS.** The board of county commissioners of any county that has undertaken to have the abstract records in the office of the register of deeds transcribed under any law fixing a maximum limit that may be expended for such purpose but is unable to complete such work on

account of such limit having been reached may authorize the register of deeds or employ any other competent person to complete the same under the supervision and direction of the register of deeds at such salary or upon such basis of compensation as may be agreed upon; provided that, if such employment be upon a salary basis, it shall not exceed the sum of \$80 per month and, if upon a per line basis, at not to exceed five cents per line.

[1927 c. 104] (893-1)

**386.30 DEEDS RECORDED WITHIN 30 DAYS.** Each register of deeds shall, within 30 days after any instrument entitled to record is left with him for that purpose, actually record the same in the manner provided by law and return the same in person or by mail to the person who left such instrument with him for record, if his residence is known, or to such other person and at such address as he may be directed to deliver the same. Persistent failure to so record and return instruments entitled to record, upon demand therefor and payment of recording fees, shall constitute non-feasance in office and be sufficient ground for removal therefrom.

[1919 c. 207 s. 1] (894)

**386.31 CONSECUTIVE NUMBERING.** Each register of deeds shall endorse plainly upon the top of the back, when folded, of each instrument received by him for record or filing as soon as received a number consecutive to the number affixed to the instrument next previously received and enter such number as a part of the entry relating to such instrument in all the indexes kept in his office and on the margin of the record of the instrument, and such number shall be prima facie evidence of priority of registration. If more than one instrument shall be received at the same time, by mail or other like enclosure, the register shall affix such number in the order directed by the sender; if no direction be given, then in the order in which the instruments actually come to his hand in opening the enclosures. His fee for such numbering and entry shall be five cents.

[R. L. s. 538] (895)

**386.32 CONSECUTIVE INDEX.** Each register of deeds shall keep an index of all records or files kept in his office showing the number of the instrument consecutively, the kind, the time of its reception, and where the same is recorded or filed, thus:

Number of Instrument	Kind of Instrument	Time of Reception	Where Recorded or Filed		
			Book	Page	File No.

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

[R. L. s. 539] (896)

**386.33 DEPUTIES.** Any register of deeds may appoint one or more deputies in writing whose oath of office shall be endorsed on the appointment and recorded therewith in his office. Registers of deeds shall be responsible for the acts of their deputies and may revoke their appointment at pleasure.

[R. L. s. 540] (897)

**386.34 SALARIES OF DEPUTIES.** Subdivision 1. The county board of each county having a population of less than 75,000, may by written order to be filed in the office of the county auditor allow one deputy register of deeds in such county compensation for services as such deputy, to be fixed by the board and specified in said order. In each county now or hereafter containing not less than 25 and not more than 40 towns (not intending cities and villages), and which now has or hereafter may have a population of not less than 30,000, and not more than 35,000, according to the last preceding federal or state census, the county board may by written order to be filed in the office of the county auditor allow one deputy register of deeds in such county compensation for services as such deputy not exceeding \$2,000 per year. In each county containing less than 15 full and fractional congressional townships, and having more than 16,000 and less than 19,000 inhabitants according to the 1940 federal census, and having an assessed valuation of less than \$7,000,000, exclusive of

moneys and credits, the county board may by written order to be filed in the office of the county auditor allow one deputy register of deeds in such county compensation for services as such deputy not exceeding \$1500 per year.

Subd. 2. **Effective date.** This act shall be in effect beginning January 1, 1949.

[1911 c 382 s 1; 1917 c 83; 1927 c 207; 1931 c 139 s 1; 1947 c 488 s 1; 1949 c 113 s 1; 1949 c 451 s 1; 1949 c 455 s 1, 2] (897-1)

**386.35 CATTLE BRANDS RECORDED.** On the application of any person residing in his county, the register shall record a description of the marks or brands with which such person may be desirous of marking his horses, cattle, sheep, or hogs; but the same description shall not be recorded for more than one resident of the same county.

[R. L. s. 541] (898)

**386.36 FARM NAMES RECORDED.** The owner of farm lands in the state may designate a specific name of his farm lands and this name, together with a description of the farm lands according to the government survey thereof, may be filed with the register of deeds of the county wherein the lands, or a part thereof, are situated, and this name, together with the description of the lands, shall be recorded by the register of deeds in a book to be provided for such purpose, upon payment of a fee of 50 cents therefor, but no two names so designated and recorded shall be alike in the same county.

[1909 c. 154 s. 1] (899)

**386.37 ABSTRACTS OF TITLE.** The register of deeds, upon being paid his lawful fees therefor, shall make out, under his certificate and seal, as the same appears of record or on file in his office, and deliver to any person requesting the same:

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

(2) A continuation of any abstract of title, to any real estate that has been certified to by an official abstractor of his county within ten days after such request;

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

(4) An abstract of title to any real estate covering encumbrances and liens, only, affecting such title between any two given dates, within ten days after such request.

[R. L. s. 542; 1927 c. 253] (900)

**386.38** [Repealed by 1945 c. 561 s. 9]

**386.39 INSTRUMENTS NOT PROPERLY EXECUTED.** Except where otherwise expressly provided by law, no register of deeds shall record any conveyance, mortgage, or other instrument by which any interest in real estate may be in any way affected, unless the same is duly signed, executed and acknowledged according to law; any such officer offending herein shall be guilty of a misdemeanor and liable in damages to the party injured in a civil action.

[R. L. s. 543] (902)

**386.40 SEAL.** Every register of deeds shall have an official seal and affix the same to all documents requiring his official signature, except the endorsement mentioned in section 386.41.

[R. L. s. 544] (903)

**386.41 CERTIFICATE OF RECORD.** Every register of deeds shall endorse upon each instrument recorded by him, over his official signature, the time when it was received and the book and page in which it was recorded; and every instrument shall be considered as recorded at the time so noted.

[R. L. s. 545] (904)

**386.42 ABSTRACT OF MORTGAGES AND LIENS ON GRAIN CROPS FOR ELEVATOR COMPANIES.** Any elevator company doing business in this state may annually make written application to the register of deeds for an abstract of all designated mortgages and liens upon grains grown during the year within the county. Such application shall state the name of the elevator and the post address thereof and be accompanied by a fee of \$5.00, as an advance for fees, and the register shall receive 15 cents for each instrument abstracted and at the end of the year may

deduct from such advance fees or any further sums that may have been deposited, his fees earned hereunder and return the surplus, if any, to the party having made such deposit.

[1925 c. 356 s. 1] (904-1)

**386.43 CONTENTS OF AND SUPPLEMENTAL ABSTRACTS.** Each register of deeds shall on or before the 15th day of June each year mail to each and every applicant having paid such fee for such year, an abstract of all requested existing mortgages and liens upon grain or crops raised or to be raised during such year, showing the name of the person against whom the lien is claimed, arranged alphabetically, the name of the person holding or claiming such lien, a description of the land upon which the grain was raised, upon which the lien is claimed, the kind of grain and the amount of the lien claimed. Such abstract shall further contain a list of all mortgages and liens filed against crops or grain grown in such crop year which have been satisfied. At least once a week during the balance of the calendar year the register of deeds shall mail to each of such applicants a similar abstract covering the liens, mortgages, and releases thereon filed in his office, since the date of furnishing such prior abstract.

[1925 c. 356 s. 2] (904-2)

**386.44 OATHS AND PAPERS, WHERE FILED.** In counties not divided into towns, the official oaths and other papers required by law to be filed in the office of the town clerk shall be filed with the register of deeds.

[R. L. s. 446] (777)

**386.45 RECORDING DECREES IN BANKRUPTCY PROCEEDINGS.** When a petition for bankruptcy, or a decree of adjudication, or an order approving the trustee's bond is made, pursuant to the Federal Bankruptcy Act of 1898, as amended by the Bankruptcy Act of 1938, Chapter 575, 52 Statutes 840, Section 21 g, the bankrupt, trustee, receiver, custodian, referee, or any creditor may record a certified copy of the petition, decree, or order in the office of the register of deeds or in the office of the registrar of titles of any county in this state.

[1939 c. 117] (887-1)

**386.46 DISPOSAL OF OBSOLETE RECORDS.** Documents, filed or recorded by the register of deeds, including sheriffs certificates, land title patents, incorporations, official bonds, mechanics liens, affidavits, probate court orders, district court orders, satisfactions, warranty deeds, quit claim deeds, lis pendens, assignments and miscellaneous documents, but still in his possession because uncalled for by the owner thereof for ten years after such filing or recording, may be destroyed by the register of deeds.

[1947 c 265 s 1]