

MINNESOTA STATUTES 1953 ANNOTATIONS

507.37 CONVEYANCING, RECORDING

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hands was unlimited and hence such authority could not be defeated by a prior judgment creditor of the grantor by mere failure of grantee to record the debt within lifetime, or within any certain time. An agreement to compromise a baseless claim lacks consideration. *Sisco v Paulson*, 232 M 250, 45 NW(2d) 385.

Under the ancient claims extinguishment statute exception accorded rights of any person, partnership or corporation, in possession of real estate, "possession" must be present, actual, open and exclusive, and must be inconsistent with title of person who is protected by statute, and it cannot be equivocal or ambiguous but must be of a character which would put a prudent person on inquiry. *Harris v City of Hastings*, M, 59 NW(2d) 813.

The statute barring claimant of interest in real estate under a 40 year old instrument, event or transaction, was not intended as a mere procedural device to limit the time for commencing the action but was intended to bar right itself. *Harris v City of Hastings*, M, 59 NW(2d) 813.

The payment of taxes, although evidence of a claim of title, is not evidence of adverse possession. A person examining titles is not required or expected to examine books in the county auditor's office to ascertain whom they list as owner or agent or who has paid the taxes, because the books are not kept as record of titles to real estate and do not constitute constructive notice, to proposed purchaser of record title, that person listed there as owner has any interest in the land. *Harris v City of Hastings*, M, 59 NW(2d) 813.

507.37 RECORD OF CONVEYANCE, LAND IN UNORGANIZED COUNTY

HISTORY. 1854 c 22 s 1; PS 1858 c 35 s 40; GS 1866 c 40 s 21; 1875 c 51 s 2; GS 1878 c 40 s 21; GS 1894 s 4180; RL 1905 s 3360; GS 1913 s 6850.

507.40 MORTGAGES, HOW DISCHARGED OF RECORD

HISTORY. RS 1851 c 46 s 36; 1858 c 52 s 1; PS 1858 c 35 s 36; GS 1866 c 40 s 36; GS 1878 c 40 s 36; GS 1894 s 4196; 1899 c 182; RL 1905 s 3363; GS 1913 s 6853.

The authority of a trustee under a trust deed to receive payments on the bonds includes authority to satisfy the trust deed of record. *May v Ackerman*, 235 M 273, 51 NW(2d) 87.

Where payment was made to a trustee who executed a satisfaction of the deed of trust and made no payment to the bondholders and the owner of the realty conveyed to purchasers by warranty deed, purchasers could only be charged with notice and knowledge of the facts which would have been disclosed upon examination of the instruments in record, and were not chargeable with notice and knowledge of the alleged fraud of the trustee in failing to pay the bondholders since the record would not have revealed the alleged fraud. *May v Ackerman*, 235 M 273, 51 NW(2d) 87.

CHAPTER 508

CONVEYANCING, REGISTRATION

NOTE: Chapter 508 is excepted from the rules of civil procedure governing the procedure in the district courts in all suits of a civil nature, insofar as it is inconsistent with the procedure and practice provided by the rules.

508.01 REGISTRATION

HISTORY. 1891 c 153; 1901 c 237 s 1; 1903 c 234 s 1; 1905 c 305 s 1; RL 1905 s 3370; 1909 c 183 s 2; GS 1913 s 6868.

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Original Indian title, existence and extent of aboriginal ownership as a relevant issue in title examinations whenever a chain of title is traced back to a federal grant or patent. 32 MLR 28.

Indian clouds on land title grants. 32 MLR 28.

How we bought the United States from the Indians. 32 MLR 34.

The doctrinal origins of Indian title. 32 MLR 34.

Johnson v McIntosh and other Indian title cases. 32 MLR 47.

Restrictive covenants in conveyances; waiver by acquiescence; estoppel. 32 MLR 524.

Extension of the Torrens system. 36 MLR 213.

Title to land; reference to the recorded plat as a noting. 37 MLR 151.

The law of the state of incorporation governs as to dissolution of a corporation and its right after dissolution to exercise its corporate functions elsewhere; and dissolution of a corporation and deprivation of the right to exercise its corporate powers by the law of the state of incorporation will be effective in another state. Assignment of a contract for a deed which was void under laws of the state of Delaware, the state of incorporation of assignee because assignee's charter had become void and its powers inoperative by reason of nonpayment of taxes, was also void in Minnesota. *Kratky v Andrews*, 224 M 386, 28 NW(2d) 624.

Registration proceedings under the statute follow the general rules that govern procedure in civil actions unless such statute provides otherwise. *Rood's Estate*, 229 M 73, 38 NW(2d) 70.

A restrictive covenant as to usage is an encumbrance. *Kane v State*, 237 M 261, 55 NW(2d) 333.

Where a warranty deed was made by an uncle and aunt who had no children, to a nephew, reserving to them a life estate, and the deed recited that the consideration was \$1 and other valuable considerations, and that the nephew would pay all taxes after the execution of the deed, an administrator of the uncle's estate could not, after the death of the uncle and aunt, have the deed forfeited because of the failure of the nephew to pay the taxes as required by the deed. Conditions in a deed to real property, a breach of which might work a forfeiture, are strictly construed against the grantor, since forfeitures of title to real property are not favored; and where a doubt arises as to whether a breach of a condition or covenant in a deed was intended to work a forfeiture or rescission, it will be resolved in favor of the grantee. *Klick v Fearing*, M, 55 NW(2d) 594.

In proceedings by trustee in bankruptcy to set aside transfers of bankrupt's property in Minnesota in alleged fraud of bankrupt's creditors, Minnesota law controlled the question whether transfers were fraudulent. In the instant case the evidence was insufficient to show that realty or personalty was conveyed by bankrupt in fraud of bankrupt's creditors by failure of bankrupt to redeem from mortgage foreclosure or by registration of Torren's certificate of title. *Sprague v Vogt*, 164 F(2d) 312.

508.02 REGISTERED LAND SUBJECT TO SAME INCIDENTS AS UNREGISTERED; ADVERSE POSSESSION EXCEPTED

HISTORY. 1901 c 237 s 54; 1905 c 305 s 2; RL 1905 s 3371; GS 1913 s 6869.

In 1907, a resident of Illinois, his wife joining, deeded to his unmarried son, B, a half section farm in Minnesota, said deed containing the following clause: "to their son * * * to have and to hold the same during his natural life, with remainder in fee to his children; should he die leaving no child or children, or the descendants of a child or children, then the said lands to revert to the heirs of the grantor herein, * * *." A died in 1912. His wife died in 1915. B married in 1917. B had no children. B died in 1946, leaving his widow his sole heir at law. Held that A retained a reversion in the real estate in question. As B died leaving no child or children or descendants

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of a child or children, the legal effect of the wording of the deed is the same as if the deed had run to B for life with the reversion to the heirs of A. In such a situation A has a reversion in fee simple. The heirs of A must be determined at the time of the death of A. The word "then" in the clause in question means "in that event." Neither the deed nor the circumstances indicate an intention on the part of A that those who take should be determined as of the death of B. Reversions are vested estates. Laws 1939, Chapter 90, MSA, Section 500.14, Subdivision 4, has no application to the case at bar. The widow of B as sole heir of B is entitled to a one-sixth interest in the fee title of the property involved. *Shaw v Arnett*, 226 M 425, 33 NW(2d) 609.

508.03 APPLICATION

Where the owner of land omitted the claim of the holder of an unrecorded mortgage from registration proceedings with intent to defraud the mortgagee of his mortgage lien, action by the mortgagee against the owner requesting immediate possession of the note and mortgage, or a judgment for their value, that the decree of registration and certificate of title be annulled and canceled insofar as it impaired the lien on the land by virtue of the mortgage, and that the mortgaged land be sold and the proceeds applied to the payment adjudged to be due, constitutes a "direct attack" against the decree of registration and may be maintained. *Burman v Burman*, 230 M 75, 40 NW(2d) 902.

508.04 TITLES WHICH MAY BE REGISTERED

HISTORY. 1905 c 305 s 4; RL 1905 s 3373; GS 1913 s 6871; 1915 c 242 s 1; 1927 c 112 s 1; 1939 c 100 s 2.

508.06 CONTENTS OF APPLICATION; RIGHTS AND PRIVILEGES OF CLAIMANTS

HISTORY. 1901 c 237 s 4; Ex1902 c 11 s 1; 1905 c 305 s 6; RL 1905 s 3375; GS 1913 s 6873.

Where the Torrens proceedings did not determine the boundary line of land to which the title was registered, a subsequent action to determine the boundary line between registered land and adjoining land was not a collateral attack upon the Torrens decree, and evidence of plaintiff's knowledge of such proceedings within six months of the entry of the decree therein was immaterial. *Minneapolis & St. Louis Ry. v Ellsworth*, 237 M 439, 54 NW(2d) 801.

Where a person appears in title registration proceedings as an applicant and not in a representative capacity, he must comply with the provisions of section 508.06 and must furnish the full name, age and residence of the applicant and if the application is made by a person acting in behalf of another the application must likewise state the full name and residence of the person so acting and the capacity in which he acts. A person acting in his representative capacity may not in the same proceeding represent different trusts or ownership. Each application must be separate. OAG Dec. 22, 1949 (374-J).

508.07 NONRESIDENT APPLICANT; AGENT

HISTORY. 1901 c 237 s 14; 1903 c 234 s 4; 1905 c 305 s 7; RL 1905 s 3376; GS 1913 s 6874.

508.09 AMENDMENT

HISTORY. 1901 c 237 s 6; 1905 c 305 s 9; RL 1905 s 3378; GS 1913 s 6876.

Unless the statute provides otherwise proceedings under the statutes are those that apply to civil actions. *Rood's Estate*, 229 M 73, 38 NW(2d) 70.

508.10 APPLICATION TO DISTRICT COURT; POWERS OF COURT

HISTORY. 1901 c 237 s 7; 1905 c 305 s 10; RL 1905 s 3379; GS 1913 s 6877.

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508.11 APPLICATION FILED WITH CLERK; DOCKET; ABSTRACT

HISTORY. 1901 c 237 s 15; 1903 c 234 s 5; 1905 c 305 s 10; RL 1905 s 3380; GS 1913 s 6878.

At the time of filing of the application for Torrens registration with the clerk a copy thereof, duly certified, by him should be placed for record with the register of deeds. Section 508.81 authorizes the clerk to charge \$3 for such certified copy. If other copies are required they are merely for the convenience of the party applying for them and should be paid for at the regular fee. OAG Aug. 17, 1949 (144-B-15).

508.12 EXAMINERS OF TITLES; APPOINTMENT; TENURE; FEES

HISTORY. 1901 c 237 s 13; 1903 c 234 s 3; RL 1905 s 3381; 1909 c 183 s 3; GS 1913 s 6879; 1927 c 112 s 2; 1953 c 276 s 1.

A member of the legislature may serve as examiner of titles and legal adviser to the registrar. OAG Jan. 5, 1954 (358-G).

508.13 REFERENCES TO EXAMINERS; POWERS; REPORTS

HISTORY. 1901 c 237 s 17; 1905 c 305 s 13; RL 1905 s 3382; GS 1913 s 6880; 1927 c 112 s 3.

508.15 ORDER FOR SUMMONS; PARTIES DEFENDANT

HISTORY. 1901 c 237 s 18, 19; 1903 c 234 s 6; GS 1913 s 6882; 1933 c 164.

Plaintiff loaned money to defendant taking a mortgage which he did not record. Defendant registered the land without making plaintiff a party. The registration was held void, and the land ordered sold to satisfy the mortgage. *Burman v Burman*, 230 M 75, 40 NW(2d) 902.

508.16 FORM OF SUMMONS; SERVICE

HISTORY. 1901 c 237 s 20, 20a-20c; Ex1902 c 11 s 3, 4; 1905 c 305 s 15; RL 1905 s 3384; GS 1913 s 6883; 1927 c 112 s 4; 1939 c 97 s 1.

508.17 ANSWER

HISTORY. 1901 c 237 s 22; 1905 c 305 s 16; RL 1905 s 3385; GS 1913 s 6884.

508.18 GUARDIAN AD LITEM; WHEN APPOINTED

HISTORY. 1901 c 237 s 21; 1905 c 305 s 17; RL 1905 s 3386; GS 1913 s 6885.

508.19 DECREE ON DEFAULT

HISTORY. 1901 c 237 s 23; 1905 c 305 s 18; RL 1905 s 3387; GS 1913 s 6886.

The general rules that govern procedure in an ordinary civil action apply to title registration proceedings, unless such statute provides otherwise; and relief may be granted against a non-answering defendant. In a judgment by default, plaintiff's relief is strictly limited in nature and degree to that specifically demanded in the complaint or application. *Rood's Estate*, 229 M 73, 38 NW(2d) 70.

508.20 TRIAL; REFERENCE

HISTORY. 1901 c 237 s 24-25; 1905 c 305 s 19; RL 1905 s 3388; GS 1913 s 6887.

508.21 DISMISSAL

HISTORY. 1901 c 237 s 26; 1905 c 305 s 20; RL 1905 s 3389; GS 1913 s 6888.

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508.22 DECREE OF REGISTRATION; EFFECT

HISTORY. 1901 c 237 s 27; 1905 c 305 s 21; RL 1905 s 3390; GS 1913 s 6889.

Defendants are not entitled to a dismissal because of nonpayment of the registry tax where it appeared from the record that no specific objection was raised to the nonpayment of the tax until more than three months after the tax had been paid and after the court had made its findings and conclusions. *Burman v Burman*, 230 M 75, 40 NW(2d) 902.

508.23 CONTENTS OF DECREE; COPY FILED

HISTORY. 1901 c 237 s 31; 1905 c 305 s 22; RL 1905 s 3391; GS 1913 s 6890.

The Torrens Act requires an accurate description of the land and contemplates a noting explicitly of the encumbrances outstanding, both in the decree of registration, and the certificate of title, and references in the certificate to a plat is made for the purpose of describing the property and does not constitute a noting of any encumbrances contained in the plat. *Kane v State* 237 M 261, 55 NW (2d) 333.

508.24 REGISTRATION RUNS WITH LAND

HISTORY. 1901 c 237 s 33; 1905 c 305 s 23; RL 1905 s 3392; GS 1913 s 6891.

508.25 RIGHTS OF PERSON HOLDING CERTIFICATE OF TITLE

HISTORY. 1901 c 237 s 30; 1903 c 234 s 7; 1905 c 305 s 24; RL 1905 s 3393; GS 1913 s 6892.

The exclusion of a Torrens certificate issued to the defendant was not prejudicial to the defendant. By statute it is provided that rights in public highways upon lands are unimpaired by Torrens registration proceedings. *Anderson v Birkeland*, 229 M 77, 38 NW(2d) 219.

Where the report of the county examiner of titles disclosed a restriction on usage of lots appearing on the back of the recorded plat, and said restriction was omitted from the decree of registration of the lots, purchasers, who bought the lots in good faith reliance on the previous owner's certificate of title which located the lots by reference to the plat but did not note the restriction, obtained the property free and clear of the restrictive covenant. *Kane v State*, 237 M 261, 55 NW(2d) 333.

508.26 OPENING DECREE

HISTORY. 1901 c 237 s 28; 1905 c 305 s 25; RL 1905 s 3394; GS 1913 s 6893.

508.30 REGISTRAR OF TITLES

HISTORY. 1901 c 237 s 8; 1905 c 305 s 29; RL 1905 s 3398; GS 1913 s 6897.

Except by personal neglect, the registrar of titles is not responsible for a loss by theft of books or records, especially when the loss occurs by reason of inadequate office space. OAG April 17, 1947 (374).

A deputy register of deeds is not by virtue of his office also a deputy registrar. To be a deputy registrar requires an affirmative act of appointment by the registrar. OAG Aug. 21, 1947 (373-A-2).

508.31 REGISTRAR'S BOND

HISTORY. 1901 c 237 s 9; 1905 c 305 s 30; RL 1905 s 3399; GS 1913 s 6898.

508.32 UNDER CONTROL OF COURT; AFFIXING SEAL

HISTORY. 1901 c 237 s 8; 1905 c 305 s 31; RL 1905 s 3400; GS 1913 s 6899; 1949-c 72 s 1.

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Except by personal neglect, the registrar of titles is not responsible for a loss by theft of books or records, especially when the loss occurs by reason of inadequate office space. OAG April 17, 1947 (374).

The seal of the registrar of titles must be affixed upon certificates of title and printing a seal on the certificates is not an affixing under the statute. OAG March 9, 1948 (374).

508.33 DEPUTY REGISTRARS

HISTORY. 1901 c 237 s 10-12; 1905 c 305 s 32; RL 1905 s 3401; GS 1913 s 6900.

A deputy register of deeds is not by virtue of his office also a deputy registrar. To be a deputy registrar requires an affirmative act of appointment by the registrar. OAG Aug. 21, 1947 (373-A-2).

508.34 REGISTER OF TITLES

HISTORY. 1901 c 237 s 35; 1905 c 305 s 33; RL 1905 s 3402; GS 1913 s 6901.

The Torrens Act requires an accurate description of the land and contemplates a noting explicitly of the encumbrances outstanding, both in the decree of registration, and the certificate of title, and references in the certificate to a plat is made for the purpose of describing the property and does not constitute a noting of any encumbrances contained in the plat. Kane v State, 237 M 261, 55 NW(2d) 333.

508.35 FORM OF CERTIFICATE

HISTORY. 1901 c 237 s 36; Ex1902 c 11 s 5; 1905 c 305 s 34; RL 1905 s 3403; GS 1913 s 6902; 1941 c 33.

The Torrens Act requires an accurate description of the land and contemplates a noting explicitly of the encumbrances outstanding, both in the decree of registration, and the certificate of title, and references in the certificate to a plat is made for the purpose of describing the property and does not constitute a noting of any encumbrances contained in the plat. Kane v State, 237 M 261, 55 NW(2d) 333.

508.36 CERTIFICATES AND COPIES AS EVIDENCE

HISTORY. 1901 c 237 s 42; 1905 c 305 s 35; RL 1905 s 3404; GS 1913 s 6903.

508.37 TRACT INDEXES, RECEPTION BOOKS

HISTORY. 1901 c 237 s 34; 1905 c 305 s 36; RL 1905 s 3405; GS 1913 s 6904.

508.38 FORMS OF RECORDS ADOPTED

HISTORY. 1901 c 237 s 43; 1905 c 305 s 37; RL 1905 s 3406; GS 1913 s 6905.

508.40 OWNER'S DUPLICATE; RECEIPT; PRIMA FACIE EVIDENCE

HISTORY. 1901 c 237 s 37; 1905 c 305 s 38; RL 1905 s 3408; GS 1913 s 6907.

508.41 DUPLICATE, IF SEVERAL OWNERS

HISTORY. 1901 c 237 s 38; 1905 c 305 s 39; RL 1905 s 3409; GS 1913 s 6908.

508.42 SURRENDER OF DUPLICATE; NEW DUPLICATE

HISTORY. 1901 c 237 s 40; 1905 c 305 s 40; RL 1905 s 3410; GS 1913 s 6909.

508.43 WHEN CERTIFICATE TAKES EFFECT

HISTORY. 1901 c 237 s 41; 1905 c 305 s 41; RL 1905 s 3411; GS 1913 s 6910.

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508.44 CONVEYANCING, REGISTRATION

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508.44 LOSS OF DUPLICATE

HISTORY. 1901 c 237 s 51; 1905 c 305 s 42; RL 1905 s 3412; GS 1913 s 6911.

508.47 REGISTERED LANDS; TRANSFER, SURVEYS

HISTORY. 1901 c 237 s 45; 1905 c 305 s 45; RL 1905 s 3415; GS 1913 s 6914; 1951 c 566 s 1; 1953 c 504 s 1.

An undelivered deed conveys no title. *Yesnes v Cooper*, 235 M 356, 51 NW(2d) 67.

During the continuance of a partnership a deed from the partners in the partnership name may be registered without the wives of the partners joining in the conveyance. OAG Aug. 30, 1950 (374-J).

Where the district court under the provisions of section 508.47, subdivision 2, required the owner of a parcel of unplatted registered land conveying any part thereof to file a drawing of the parcel, the registrar of titles has no authority to require all of the owners of parcels within the unplatted block to have their premises included in the survey. OAG April 15, 1953 (374).

508.48 INSTRUMENTS AFFECTING TITLE FILED WITH REGISTRAR; NOTICE

HISTORY. 1901 c 237 s 46; 1905 c 305 s 46; RL 1905 s 3416; GS 1913 s 6915.

No new certificate of title is necessary where the registered owner procures a quit claim deed from the holder of a tax-forfeited sale certificate. The certificate and quit claim deed should be entered as memorials upon the certificate of title. OAG Jan. 27, 1948 (374-J).

508.49 INTEREST LESS THAN FEE; NOTICED BY MEMORIAL

HISTORY. 1901 c 237 s 49; 1905 c 305 s 47; RL 1905 s 3417; GS 1913 s 6916.

508.51 OWNER'S DUPLICATE PRESENTED; EXCEPTION

HISTORY. 1901 c 237 s 50; 1905 c 305 s 49; RL 1905 s 3419; GS 1913 s 6918.

Where registered owner procured a quit claim deed from the holder of tax-forfeited land sale certificate, the sale certificate and the deed may be entered as memorials on the certificate of title. OAG Jan. 27, 1948 (374-J).

508.52 CONVEYANCE; CANCELATION OF OLD AND ISSUANCE OF NEW CERTIFICATE

HISTORY. 1901 c 237 s 52; 1903 c 234 s 8; 1905 c 305 s 50; RL 1905 s 3420; GS 1913 s 6919; 1949 c 173 s 1.

508.53 TRANSFER AND PAYMENT OF TAXES

HISTORY. 1901 c 237 s 53; 1905 c 305 s 51; RL 1905 s 3421; GS 1913 s 6920.

508.54 MORTGAGE

HISTORY. 1901 c 237 s 56; 1905 c 305 s 52; RL 1905 s 3422; GS 1913 s 6921.

508.55 REGISTRATION OF MORTGAGE; MEMORIAL ENTERED ON CERTIFICATE

HISTORY. 1901 c 237 s 57; 1905 c 305 s 53; RL 1905 s 3423; GS 1913 s 6922.

508.56 ASSIGNMENT AND DISCHARGE OF MORTGAGE

HISTORY. 1901 c 237 s 58; 1903 c 234 s 9; 1905 c 305 s 54; RL 1905 s 3424; GS 1913 s 6923.

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The assignment of a mortgage may be registered without production of the owner's duplicate when the mortgagee's duplicate is presented to the registrar with the assignment. OAG Feb. 5, 1951 (374-F).

508.57 FORECLOSURE; NOTICE

HISTORY. 1901 c 237 s 59; 1905 c 305 s 55; RL 1905 s 3425; GS 1913 s 6924.

508.58 REGISTRATION AFTER FORECLOSURE; NEW CERTIFICATE

HISTORY. 1901 c 237 s 61; 1905 c 305 s 56; RL 1905 s 3426; GS 1913 s 6925.

508.59 REGISTRATION OF JUDGMENT OR FINAL DECREE

HISTORY. 1901 c 237 s 60; 1905 c 305 s 57; RL 1905 s 3427; GS 1913 s 6926.

508.60 LEASES

HISTORY. 1901 c 237 s 63; 1905 c 305 s 58; RL 1905 s 3428; GS 1913 s 6927.

508.61 TRUSTS AND OTHER DEEDS OF LIMITATION

HISTORY. 1901 c 237 s 64; 1905 c 305 s 59; RL 1905 s 3429; GS 1913 s 6928.

508.62 NEW TRUSTEE

HISTORY. 1901 c 237 s 65; 1905 c 305 s 60; RL 1905 s 3430; GS 1913 s 6929.

508.63 REGISTRATION OF INSTRUMENTS CREATING LIENS; JUDGMENTS

HISTORY. 1901 c 237 s 70; 1905 c 305 s 61; RL 1905 s 3431; GS 1913 s 6930.

508.64 ATTACHMENTS; LIENS

HISTORY. 1901 c 237 s 68; 1905 c 305 s 62; RL 1905 s 3432; GS 1913 s 6931.

508.65 PLAINTIFF'S ATTORNEY; NAME AND ADDRESS ENDORSED; NOTICE

HISTORY. 1901 c 237 s 69; 1905 c 305 s 63; RL 1905 s 3433; GS 1913 s 6932.

508.66 RELEASE OF COURT PROCEEDINGS; CLERK'S CERTIFICATE

HISTORY. 1901 c 237 s 72; 1905 c 305 s 64; RL 1905 s 3434; GS 1913 s 6933.

508.67 ACQUIRING TITLE BY ACTION; NEW CERTIFICATE

HISTORY. 1901 c 237 s 73; 1905 c 305 s 65; RL 1905 s 3435; GS 1913 s 6934; 1927 c 112 s 5.

No new certificate of title is necessary where the registered owner procures a quitclaim deed from the holder of a tax-forfeited sale certificate. The certificate and quitclaim deed should be entered as memorials upon the certificate of title. OAG Jan. 27, 1948 (374-J).

Where a person appears in title registration proceedings as an applicant and not in a representative capacity, he must comply with the provisions of section 508.06 and must furnish the full name, age and residence of the applicant and if the application is made by a person acting in behalf of another the application must likewise state the full name and residence of the person so acting and the capacity in which he acts. A person acting in his representative capacity may not in the same proceeding represent different trusts or ownership. Each application must be separate. OAG Dec. 22, 1949 (374-J).

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508.68 ON DEATH OF OWNER

HISTORY. 1901 c 237 s 74; 1905 c 305 s 66; RL 1905 s 3436; GS 1913 s 6935.

508.69 JURISDICTION OF PROBATE COURT NOT IMPAIRED

HISTORY. 1901 c 237 s 75; Ex1902 c 11 s 6; 1905 c 305 s 67; RL 1905 s 3437; GS 1913 s 6936.

508.70 SUBSEQUENT ADVERSE CLAIM, HOW REGISTERED; COSTS

HISTORY. 1901 c 237 s 82; 1905 c 305 s 68; RL 1905 s 3438; GS 1913 s 6937.

508.71 ALTERATIONS ON REGISTER; ORDER OF COURT

HISTORY. 1901 c 237 s 89; 1905 c 305 s 69; RL 1905 s 3439; GS 1913 s 6938; GS 1923 s 8317; 1933 c 160 s 1.

508.73 EMINENT DOMAIN; REVERSION

HISTORY. 1901 c 237 s 77; 1905 c 305 s 71; RL 1905 s 3441; GS 1913 s 6940.

The charge of one-tenth of one percent upon the registration of land should be calculated upon the assessed value of the land, exclusive of improvements. "Assessed value" as therein used means the valuation for the purposes of taxation as finally equalized, exclusive of improvements. OAG May 2, 1952 (374-J)

508.74 CHARGES ON REGISTRATION

HISTORY. 1901 c 237 s 83; 1905 c 305 s 72; RL 1905 s 3442; GS 1913 s 6941.

508.75 ASSURANCE FUND, INVESTMENT

HISTORY. 1901 c 237 s 84; 1905 c 305 s 73; RL 1905 s 3443; GS 1913 s 6942.

508.76 DAMAGES THROUGH ERRONEOUS REGISTRATION; ACTION

HISTORY. 1901 c 237 s 85; 1905 c 305 s 74; RL 1905 s 3444; GS 1913 s 6943.

508.77 PARTIES DEFENDANT; JUDGMENT; EXECUTION

HISTORY. 1901 c 237 s 86; 1905 c 305 s 75; RL 1905 s 3445; GS 1913 s 6944.

508.81 CLERKS FEES, NOTICE

HISTORY. Amended, 1949 c 151 s 1.

At the time of filing the application for Torrens registration with the clerk a copy thereof, duly certified by him, should be recorded with the register of deeds. Section 508.81 authorizes the clerk to charge \$3 for this certified copy. If other copies are required they are merely for the convenience of the party applying for them and should be paid for at the regular fee. OAG Aug. 17, 1949 (144-B-15).

508.82 REGISTRAR'S FEES

HISTORY. Amended, 1951 c 407 s 1.