

CHAPTER 386

REGISTER OF DEEDS; ABSTRACTERS

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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)

386.015 SALARIES, FEES, AND BUDGET; COUNTIES UNDER 75,000 INHABITANTS; APPEALS. Subdivision 1. The register of deeds in all counties of the state with less than 75,000 inhabitants according to the 1960 federal census shall receive as full compensation for services rendered by them as register of deeds and registrar of titles for their respective counties annual salaries not less than the following amounts based on the population according to the then last preceding federal census:

- (a) In counties with less than 10,000 inhabitants, \$6,000;
- (b) In counties with 10,000 but less than 20,000 inhabitants, \$6,500;
- (c) In counties with 20,000 but less than 30,000 inhabitants, \$7,000;
- (d) In counties with 30,000 but less than 40,000 inhabitants, \$7,500;
- (e) In counties with 40,000 or more inhabitants, \$8,000.

Subd. 2. The county board of each of the counties specified in subdivision 1 annually shall set by resolution the salary of the register of deeds which shall be paid to the register of deeds at such intervals as the board shall determine but not less often than once each month. At the January meeting prior to the first date on which applicants may file for the office of register of deeds the board shall set by resolution the minimum salary to be paid register of deeds for the term next following. In the event a vacancy occurs in the office of the register of deeds the board may set the annual salary for the remainder of the calendar year at an amount less than was set for that year. The board in any case specified in this subdivision may not set the annual salary at an amount less than the minimum provided in subdivision 1 but it may set the salary in excess of such minimums. The salary of the register of deeds shall not be reduced during the term for which he is elected or appointed.

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Subd. 3. The salary of the register of deeds when set pursuant to the provisions of subdivisions 1 and 2 shall constitute a base salary and the register of deeds shall be subject to any cost of living adjustment hereafter made pursuant to the provisions of Minnesota Statutes 375.43 and acts amendatory thereof or supplemental thereto.

Subd. 4. This section shall not be construed as repealing any existing law which provides for a higher minimum salary in any county than the amount provided in subdivision 1, but shall be deemed to supersede the provisions of any act setting a maximum salary for the register of deeds in any of the counties specified in subdivision 1.

Subd. 5. The register of deeds shall charge and collect all fees as prescribed by law and all such fees collected by him as register of deeds shall be paid to the county in the manner and at the time prescribed by the county board, but not less often than once each month. This subdivision shall apply to the fees collected by the register of deeds in performing the duties of the registrar of titles and all such fees shall be paid to the county as herein provided except that money paid to the registrar of titles for the assurance fund as provided in Minnesota Statutes 1961, Section 508.74, shall be paid to the county as provided in Minnesota Statutes 1961, Section 508.75. A register of deeds may retain as personal compensation any fees he is permitted to charge by law for services he renders in his private capacity as a registered abstractor as defined in Minnesota Statutes 1961, Section 386.61, Subdivision 2, Clause (2).

Subd. 6. The county board by resolution shall provide the budget for (1) the salaries of deputies, clerks and other employees in the office of the register of deeds; (2) other expenses necessary in the performance of the duties of said office; and (3) the payment of premiums of any bonds required of any deputy, clerk or employee in said office and the board is authorized to appropriate funds therefor and for the salary of the register of deeds. Nothing in this subdivision shall limit the right of the register of deeds to appoint deputies for said office as provided in Minnesota Statutes 1961, Section 386.33.

Subd. 7. The register of deeds if dissatisfied with the action of the county board in setting the amount of his salary or the amount of the budget for the office of register of deeds, may appeal to the district court on the grounds that the determination of the county board in setting such salary or budget was arbitrary, capricious, oppressive or in unreasonable disregard for the responsibilities and duties of said office. The appeal shall be taken within 15 days after the date of the resolution setting such salary or budget by serving a notice of appeal on the county auditor and filing same with the clerk of the district court. The court either in term or vacation and upon 10 days notice to the chairman of the board shall hear such appeal. On the hearing of the appeal the court shall review the decision or resolution of the board in like manner as though reviewed by certiorari, except new or additional evidence may be taken. The court may order the officer appealing and the board to submit briefs or other memoranda and may dispose of the appeal on such writings. If the court shall find that the board acted in an arbitrary, capricious, oppressive or unreasonable manner it shall remand the matter to the county board for further action consistent with the court's finding.

Subd. 8. The provisions of subdivisions 1 through 7 shall take effect in the respective counties specified in subdivision 1 as follows: (1) Upon the expiration of the term of the incumbent holding the office on July 1, 1965, or (2) upon the occurrence prior thereto of a vacancy in the office of register of deeds or (3) subsequent to July 1, 1965, and upon not less than 30 days written notice by the register of deeds, the county board shall make the provisions of subdivisions 1 through 7 effective on the first day of the month following the expiration of the notice period.

[1965 c 842 s 1]

NOTE: Laws 1965, Chapter 842, Section 2 reads as follows:

"All laws relating to the compensation, fees and clerk hire for the register of deeds and registrar of titles if one office inconsistent herewith are superseded."

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

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\$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
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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
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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 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					Grantor	Grantee	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 fifty cents for indexing the first description and each town, city, or village lot affected, and ten 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; 1955 c 446 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 PREPARATION. 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, 386.11, 386.12 [Repealed, 1961 c 561 s 17]

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 ABTRACTER; 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; 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 M.S. 1949 [Renumbered 386.20, subdivision 1]

386.20 CERTIFICATE OF DISCHARGE FROM U. S. SERVICE. Subdivision 1. **Recordation.** 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.

Subd. 2. **Prima facie evidence.** The record of such 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.

Subd. 3. **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 1-3; 1945 c 542 s 1] (885, 886, 887)

386.21 [Renumbered 386.20, subd. 2]

386.22 [Renumbered 386.20, subd. 3]

386.23 M.S. 1949 [Renumbered 386.23, subdivision 1]

386.23 **CERTAIN SHERIFF'S CERTIFICATES, TRANSCRIBING.** Subdivision 1. 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.

Subd. 2. 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.

Subd. 3. 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] (888, 889, 890)

386.24 [Renumbered 386.23, subd. 2]

386.25 [Renumbered 386.23, subd. 3]

386.26 M.S. 1949 [Renumbered 386.26, subdivision 1]

386.26 **TRANSCRIBING CERTAIN INSTRUMENTS.** Subdivision 1. 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.

Subd. 2. 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.

Subd. 3. 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 1-3] (893)

386.27 [Renumbered 386.26, subd. 2]

386.28 [Renumbered 386.26, subd. 3]

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)

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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 DEPUTIES, SALARIES. 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 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 \$1,800 per year.

[1911 c 382 s 1; 1917 c 83 s 1; 1927 c 207 s 1; 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; 1951 c 54 s 1; 1955 c 155 s 1] (897-1)

386.35 [Repealed, 1965 c 291 s 12]

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 abstracter 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, 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 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]

386.51 RECORDATION OF LAND MAPS AND SIMILAR INSTRUMENTS MADE BY FEDERAL AGENCIES. Upon the application of any interested person, and upon the payment of the fees required herein, the register of deeds in and for the county wherein the land described in the instrument lies shall accept and file for record any map, survey, plat, surveyors notes or aerial photograph made and prepared by or for or under the direction and control of any agency of the United States.

[1955 c 324 s 1]

386.52 CERTIFICATE OF AUTHENTICATION. Any such instrument shall be accompanied by an official certificate of the public officer or official charged with responsibility for custody of the original record so filed and recorded, testifying as to the official character of the instrument and certifying the copy tendered as a true, correct, and complete copy of the original and stating where the original document may be found.

[1955 c 324 s 2]

386.53 FEES. The register of deeds shall be paid a fee of \$2 for each instrument recorded under the provisions of sections 386.51 to 386.53, which instrument shall be kept in a separate book.

[1955 c 324 s 3]

386.61 DEFINITIONS. Subdivision 1. For the purpose of sections 386.61 to 386.76, unless a different meaning is indicated by the context, the terms defined in this section shall have the meanings ascribed to them as follows:

Subd. 2. "Registered abstractor" means any official, person, firm or corporation obtaining certificates of registration pursuant to the terms of sections 386.61 to 386.76; and includes (1) present duly qualified and acting registers of deeds not now prohibited by law from making abstracts; (2) any person, firm or corporation engaged in the business of making abstracts of title and issuing certificates showing ownership of, or interest in, or liens upon any lands in the state of Minnesota, whether registered or not.

Subd. 3. "Board" means the Minnesota Abstracters' Board of Examiners.

[1957 c 871 s 1]

386.62 CERTIFICATE OF REGISTRATION REQUIRED. No official, person, firm, association or corporation shall advertise or otherwise represent, directly or indirectly, that any abstract of title to any lands in the state of Minnesota, whether registered or not, is made, compiled or issued by a registered, licensed, bonded or official abstractor without first obtaining a certificate of registration pursuant to the provisions of sections 386.61 to 386.76.

[1957 c 871 s 2]

386.63 MINNESOTA ABSTRACTERS BOARD OF EXAMINERS. Subdivision 1. There is hereby created a board to be known as the "Minnesota Abstracters Board of Examiners," whose duties it shall be to administer the provisions of sections 386.61 to 386.76. The board shall consist of five members to be appointed by

the governor of the state within 60 days after July 1, 1957. Four persons so appointed shall be residents of this state and actually engaged in the business of making abstracts of title to real estate for at least five years immediately preceding the time of their appointment, but no more than one such member shall be from a county containing a city of the first class. The fifth member of the board shall be an attorney at law admitted to practice in the state of Minnesota. Each member of the board shall qualify by taking the oath provided by law for public officers and shall hold office for six years until his successor shall be appointed and qualified, except that for the first appointments, two members shall be appointed for two years, two for four years, and one for six years, and the term of office in such case shall be designated by the governor at the time of the appointment. Vacancies caused by death, resignation, expiration of the term of public office to which a board member has been appointed or elected, or otherwise shall be filled by the governor for the unexpired term of such member.

Subd. 2. The board shall choose annually one of its members as chairman and one as secretary-treasurer, both of whom shall have power to administer oaths. The board shall adopt an official seal. A majority of the board shall constitute a quorum. The secretary-treasurer shall give such bond as the board shall determine.

Subd. 3. The board shall establish an office in the City of St. Paul and make such rules and regulations as shall be necessary to carry out the purpose of sections 386.61 to 386.76 except it shall have no power to fix fees for duties performed by abstracters; and it may retain administrative or legal counsel, if deemed necessary; and it may appoint an assistant to the secretary-treasurer, exempt from civil service, who need not be a member of said board.

Subd. 4. The board shall keep a full record of its proceedings, which shall be open to inspection at all reasonable times, and shall make a biennial report to the governor which shall contain a full statement of its proceedings, receipts and disbursements and such recommendations as it may deem proper.

Subd. 5. Each member of the board shall be paid a per diem of \$5 for attendance of meetings and other service rendered while absent from home upon business connected with and authorized by the board, and in addition mileage not to exceed seven cents for each mile traveled and actual expenses not to exceed \$5 per day, as determined by the board.

Subd. 6. The secretary-treasurer shall collect all fees as provided in sections 386.61 to 386.76 and shall deposit the same each month with the state treasurer; the fees to be kept in a separate fund called the "Minnesota Abstracters Board of Examiners Revolving Fund" under the sole control of the board in carrying out the purposes of sections 386.61 to 386.76; and the moneys appropriated and used as provided in sections 386.64 and 386.74; and no expenses shall be incurred by the board in excess of the revenue derived from such fees.

[1957 c 871 s 3]

386.64 MINNESOTA ABSTRACTERS BOARD OF EXAMINERS REVOLVING FUND. Subdivision 1. There is hereby created the Minnesota Abstracters Board of Examiners Revolving Fund, and all moneys therein are hereby appropriated to the Minnesota Abstracters Board of Examiners for the administration and enforcement of sections 386.61 to 386.76.

Subd. 2. Such fund shall consist of any amount appropriated thereto by the legislature from the general revenue fund, together with all receipts derived from the administration of sections 386.61 to 386.76, which the board is hereby directed to deposit in the state treasury to the credit of such fund.

Subd. 3. Such fund shall be in the state treasury and the moneys therein shall be paid out in the manner prescribed by law for moneys in the state treasury.

Subd. 4. If at any time in the future there is a sum in the said revolving fund an amount sufficient to reimburse the general revenue fund of any amounts previously appropriated therefrom in accordance with sections 386.61 to 386.76 over and above any liabilities or encumbered funds, there shall be transferred from such revolving fund an amount sufficient to reimburse the general revenue fund and the state auditor and state treasurer are authorized and directed to make the necessary entries upon their books.

Subd. 5. After the repayment to the general revenue fund referred to in subdivision 4, at the end of any fiscal year thereafter on June 30, there shall be transferred to the general revenue fund from said revolving fund an amount equal

to the amount of the unencumbered balance of said revolving fund at midnight of the preceding April 30.

[1957 c 871 s 17]

386.65 EXAMINATION OF APPLICANTS FOR CERTIFICATE OF REGISTRATION. Subdivision 1. Applications for a certificate of registration shall be made to the board and shall be upon a form to be prepared by the board and contain such information as may be required by it. Upon receiving such application, the board shall fix a time and place for the examination of such applicant. Notice of such examination shall be given to the applicant by registered mail, who shall thereon present himself for examination pursuant to such notice. The examination shall be conducted by the board under such rules and regulations as the board may prescribe, and such rules shall prescribe that the applicant must show he is qualified by experience, education or training to qualify as being capable of performing the duties of an abstractor whose work will be for the use and protection of the public. If application is made by a firm or corporation, one of the members or managing officials thereof shall take such examination. If the applicant successfully passes the examination and complies with all the provisions of sections 386.61 to 386.76, the board shall cause its secretary-treasurer to issue a certificate of registration to the applicant.

Subd. 2. No examination shall be required of any person, firm or corporation engaged in the occupation of an abstractor of titles and established in the business of abstracting titles on July 1, 1957, and who shall, within six months after July 1, 1957, file with the secretary-treasurer of said board, affidavits of five real property owners in this state, setting forth the name, place of business and length of time during which and the place where such abstractor has practiced as such and that such abstractor has openly, notoriously and publicly engaged in the business, occupation or profession of making abstracts as an individual owner, member of a firm or corporation or employee of an individual owner, firm or corporation, for a period of at least two years before July 1, 1957.

Subd. 3. Any applicant who can show by affidavits of five real property owners of this state that such applicant has been openly, notoriously and continuously engaged in the business of making abstracts for a period of at least five years prior to his application and who can otherwise comply with the requirements of sections 386.61 to 386.76, shall be exempted from the requirements of this section as to an examination.

[1957 c 871 s 4]

386.66 BOND OR ABSTRACTER'S LIABILITY INSURANCE POLICY. Before a certificate of registration shall be issued, the applicant shall file with the board a bond or abstractor's liability insurance policy to be approved by the president or secretary-treasurer, running to the state of Minnesota in the penal sum of at least \$10,000 conditioned for the payment of such abstractor of any damages that may be sustained by or accrue to any person by reason of or on account of any error, deficiency or mistake arising wrongfully or negligently in any abstract, or continuation thereof, or in any certificate showing ownership of, or interest in, or liens upon any lands in the state of Minnesota, whether registered or not, made by and issued by such abstractor, provided however, that the aggregate liability of the surety to all persons under such bond shall in no event exceed the amount of such bond. In any county having more than 200,000 inhabitants the bond or insurance policy required herein shall be in the penal sum of at least \$25,000. Applicants having cash or securities or deposit with the state of Minnesota in an amount equal to the said bond or insurance policy shall be exempt from furnishing the bond or an insurance policy herein required but shall be liable to the same extent as if a bond or insurance policy has been given and filed. The bond or insurance policy required hereunder shall be written by some surety or other company authorized to do business in this state issuing bonds or abstractor's liability insurance policies and shall be issued for a period of one or more years, and renewed for one or more years at the date of expiration as principal continues in business. The aggregate liability of such surety on such bond or insurance policy for all damages shall, in no event, exceed the sum of said bond or insurance policy.

[1957 c 871 s 5]

386.67 REGISTERED ABSTRACTER, SEAL. A registered abstractor furnishing abstracts of title to real property under the provisions hereof shall provide a seal, which seal shall show by impression the name of such registered abstractor,

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and shall file with the secretary-treasurer of said board an impression of such seal and the signatures of persons authorized to sign certificates on abstracts and continuations of abstracts and certificates showing ownership of, or interest in, or liens upon any lands in the state of Minnesota, whether registered or not, issued by such registered abstracter.

[1957 c 871 s 6]

386.68 FEES. For the services specified in sections 386.61 to 386.76 fees shall be charged applicants for registration hereunder, as follows: (1) for original certificate of registration pursuant to section 386.65, subdivision 2 and subdivision 3, payable with the application, \$50; (2) on annual renewals of certificate payable with any application for renewal, \$5; and (3) on an examination, payable at the time of application for examination, \$25.

[1957 c 871 s 9]

386.69 CERTIFICATES OF REGISTRATION; CONTENTS, TERM. The certificates issued by said board under the provisions hereof shall recite that such bond or insurance policy has been duly filed and approved, and such certificates shall authorize the official, person, firm or corporation named in it to engage in and carry on the business of an abstracter of real estate titles in the county in which said official, person, firm or corporation is authorized to make abstracts. The certificate shall be issued for the term of one year, and expires on July 1 of each year, and shall be renewable annually, as of such date, in each succeeding year.

[1957 c 871 s 7]

386.70 CANCELLATIONS OF ABSTRACTER'S CERTIFICATE. The board may at any time require any abstracter holding a certificate under the provisions hereof, upon 30 days notice, to show cause why any bond or insurance policy should not be held and declared insufficient and invalid or why such certificate should not be recalled or annulled, or why such certificate should not be recalled or annulled for violation of the provisions of sections 386.61 to 386.76, or for conviction of the holder of such certificate of a felony, or for habitual carelessness or inattention to business, or for fraudulent practices. If the certificate be held by a firm or corporation, then the provisions hereof shall be applicable to the managing members or officers thereof. The certificate of such firm or corporation may be recalled or annulled pursuant to the provisions of this section for failure to have in its employ competent abstracters. Upon the cancellation of any certificate the holder thereof may appeal to the district court from the decision of the board; such appeal may be taken within 30 days by the service of a written notice of appeal together with a bond in the amount of \$250 to be approved by the secretary-treasurer of the board, conditioned that in case the order is affirmed or the appeal dismissed, that the appellant will pay the cost of the appeal. Minnesota Statutes, sections 216.25 through 216.27 shall apply on appeal so far as they are applicable. Such appeal to come on for hearing before the district court of the county in which such certificate holder shall have his place of business at the next regular term of said court.

[1957 c 871 s 10]

386.71 REGISTERED ABSTRACTERS, ACCESS TO PUBLIC RECORDS OF REGISTER OF DEEDS. Registered abstracters shall have access during ordinary office hours to the public records in the office of the register of deeds in the county in which such abstracter is authorized to function, to make such memoranda, microfilm, photostats, photographs, or notations from the records thereof as may be necessary for the purpose of making or compiling abstracts, continuations thereof, or issuing certificates showing ownership of, or interest in, or liens upon any lands in the state, whether registered or not, and the compiling, posting, copying and keeping up their abstract books, indices, or other records necessary to carry on or perform the duties and functions of a registered abstracter, provided that such access during ordinary office hours shall in no manner hinder or interfere with the public officer in the performance of his official duties.

[1957 c 871 s 8]

386.72 ABSTRACTER'S CERTIFICATE AS PRIMA FACIE EVIDENCE. Any abstract of title, continuation thereof or certificate showing ownership of, or interest in, or liens upon any lands in the state of Minnesota, whether registered or not, certified to be true and correct by any registered abstracter under the signature and seal of such abstracter, shall be received by the courts of this state as prima facie evidence of the existence or nonexistence of records, the content and

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filing indicated on such abstract, continuation thereof or certificate hereinbefore described.

[1957 c 871 s 11]

386.73 REGISTERS OF DEEDS, MAY EMPLOY REGISTERED ABSTRACTERS. Nothing herein shall prohibit any register of deeds who does not hold a certificate of authority pursuant to the provisions hereof from employing a registered abstractor and issuing abstracts pursuant to sections 386.61 to 386.76.

[1957 c 871 s 15]

386.74 RIGHTS OF REGISTERS OF DEEDS NOT ABRIDGED. Sections 386.61 to 386.76 shall not apply to nor abridge the rights of registers of deeds, as set forth in Minnesota Statutes, Section 386.37.

[1957 c 871 s 16]

386.75 PRACTICE OF ATTORNEYS NOT ABRIDGED. Nothing herein shall limit or abridge the rights of a duly licensed attorney at law in his practice in the State of Minnesota.

[1957 c 871 s 13]

386.76 VIOLATION A MISDEMEANOR. Any person who violates any of the provisions of sections 386.61 to 386.76 shall be guilty of a misdemeanor.

[1957 c 871 s 12]