

# MINNESOTA STATUTES 1977 SUPPLEMENT

## CONVEYANCING, REGISTRATION 508.04

landlord is entitled to withhold under subdivision 3 other than to remedy the tenant's default in the payment of rent, plus interest on the deposit as provided in subdivision 2, as a penalty, in addition to the amount of rent withheld by the tenant in violation of this subdivision.

Subd. 7b. An action, including an action in conciliation court, for the recovery of a deposit on rental property may be brought in the county where the rental property is located, or at the option of the tenant, in the county of the landlord's residence.

*[For text of subds 8 and 9, see M.S.1976]*

*[ 1977 c 129 s 7; 1977 c 280 s 1-5 ]*

### CHAPTER 508. CONVEYANCING, REGISTRATION

Sec.	Sec.
508.03 Application.	508.23 Contents of decree; copy filed.
508.04 Titles which may be registered.	508.29 Appeals.
508.06 Contents of application; rights and privi- leges of claimants.	508.63 Registration of instruments creating liens; judgments.
508.11 Application filed with clerk; docket; ab- stract.	508.74 Charges on registration.

#### 508.03 Application.

An application for registration may be made by any of the following persons:

- (1) The person or persons who singly or collectively own the land; tenants in common shall join in the application;
- (2) The person or persons who singly or collectively have the power of disposing of the land;
- (3) Infants and other persons under disability, by their guardian duly appointed by the proper court in this state;
- (4) A corporation, by its proper officer, or by an agent duly authorized by the board of directors;
- (5) Any executor, administrator or personal representative duly appointed by the proper court in this state;
- (6) A municipal corporation, by its mayor and city clerk, in the case of a city, after a resolution passed by its city council so directing, and by the county auditor and chairman of the county board, in the case of a county, after a resolution passed by its county board so directing;
- (7) Any person may make application when, for at least 15 years, the land has been in the adverse possession of the applicant or those through whom he claims title;
- (8) The state of Minnesota, by the county auditor and chairman of the county board of the county in which the land is located, at the direction of the county board of such county, in the case of lands forfeited to the state for taxes, and held by it in trust for its taxing districts, or otherwise.

This provision is in addition to all other laws by which the state may register the title to land.

*[ 1977 c 21 s 1 ]*

#### 508.04 Titles which may be registered.

Subdivision 1. No lesser estate than a fee simple, except an appurtenant easement as defined in subdivision 2, and no mortgage, lien, or other charge upon land, shall be registered, unless the estate in fee simple therein is registered; but the fact that the estate or interest of the applicant is subject to any outstanding lesser estate or to a mortgage or other charge or lien shall not prevent its registration, and when a dock or harbor line has been established by federal authority, the estate and interest of a riparian proprietor in the submerged lands lying between the original shore line and such established dock line may be registered under this chapter,

# MINNESOTA STATUTES 1977 SUPPLEMENT

## 508.04 CONVEYANCING, REGISTRATION

subject to the rights of the state of Minnesota in its sovereign capacity in the same, and such registration shall not in any manner affect or change the rights of the state with respect to such lands.

Subd. 2. An appurtenant easement over unregistered land may be registered when the fee simple estate to which it is appurtenant has been registered or is registered concurrently with the registration of such easement. The word "land" in this chapter, except as contained in sections 508.37 and 508.47, subdivisions 2 to 7, shall include those appurtenant easements designated in this subdivision and all requirements for the registration of land shall also apply to the registration of such an appurtenant easement. Such an appurtenant easement shall remain in full force and effect after registration until the filing on the certificate of title of an order of the court terminating the easement.

[ 1977 c 21 s 2 ]

### 508.06 Contents of application; rights and privileges of claimants.

The application shall set forth substantially:

(1) The full name, age, and residence of the applicant; if the application is made by any person acting in behalf of another, the application shall likewise state the full name and residence of the person so acting, and the capacity in which he acts;

(2) Whether the applicant is or is not married and, if married, the full name and residence of the husband or wife; it shall state that the applicant is under no disability and whether the applicant has ever been divorced and, if so, when, where, and by what court the divorce was granted;

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

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

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

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

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

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

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

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

Any person having or claiming any right, title, interest, or estate in land, or any lien or charge upon or against the same, may assent in writing to the registration thereof, and the person thus assenting need not be named as a defendant in the registration proceeding or, if already named as a defendant therein, need not be served with the summons therein. Such assent shall be executed and acknowledged in the manner required by law for the execution and acknowledgment of a deed and filed with the clerk of the court.

[ 1977 c 21 s 3 ]

# MINNESOTA STATUTES 1977 SUPPLEMENT

## CONVEYANCING, REGISTRATION 508.29

### 508.11 Application filed with clerk; docket; abstract.

The application shall be filed with the clerk, who shall docket the same in a book to be known as the "Land Registration Docket". All orders, judgments, and decrees of the court in the proceeding shall be minuted in such docket. All final orders or decrees shall be recorded by the clerk and proper reference made thereto in such docket. At the time of the filing of the application with the clerk, a copy thereof, duly certified by him, shall be filed for record with the county recorder, and shall be notice forever to purchasers and encumbrancers of the pendency of the proceeding and of all matters referred to in the court files and records pertaining to the proceeding. The applicant shall file with the clerk, as soon after the filing of the application as is practicable, an abstract of title to the land described in the application, satisfactory to the examiner. If required so to do by the examiner, the applicant shall likewise cause the land to be surveyed by some competent surveyor, and file with the clerk a plat of the land duly certified by such surveyor.

[ 1977 c 21 s 4 ]

### 508.23 Contents of decree; copy filed.

Subdivision 1. Every decree of registration shall bear the date, hour, and minute of its entry and be signed by one of the judges of the district court. It shall state the age of the owner of the land, and whether married, or unmarried, and, if married, the name of the husband or wife; if the owner of the land is under disability, it shall state the nature thereof. It shall contain an accurate description of the land as finally determined by the court, and set forth the estate of the owner and also, in such manner as to show their relative priority, all particular estates, mortgages, easements, liens, attachments, and other encumbrances, including rights of husband and wife, if any, to which the land or the owner's estate is subject, and any other facts properly to be determined by the court. Immediately upon the filing of the decree of registration, the clerk shall file a certified copy thereof with the registrar.

Subd. 2. When a decree of registration is entered for an appurtenant easement only, it shall include the description and certificate of title number of the fee simple estate to which it is appurtenant. The registrar of titles shall not issue a separate certificate of title for the easement, but shall enter the easement as a memorial upon the certificate of title issued for the designated fee simple estate. Upon the issuance of a new certificate of title for such fee simple estate, the registrar of titles shall omit the memorial of the easement and place the easement in the new certificate of title immediately following the description of the fee simple estate to which the easement is appurtenant.

[ 1977 c 21 s 5 ]

### 508.29 Appeals.

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

(1) From any final decree within 90 days from the date thereof except that the appeal period for those parties who were not personally served shall be six months from the date of the final decree; upon appeal from such decree, the supreme court may review any intermediate order involving the merits or necessarily affecting the decree;

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

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

(4) From any order relating to registered land after the original registration thereof, within 90 days after the entry of such order.

All appeals from any order or decree in any proceeding under this chapter

# MINNESOTA STATUTES 1977 SUPPLEMENT

## 508.29 CONVEYANCING, REGISTRATION

shall be taken upon such notice, terms, and conditions as are provided by law for the taking of appeals in civil actions.

[ 1977 c 21 s 6 ]

### 508.63 Registration of instruments creating liens; judgments.

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

[ 1977 c 21 s 7 ]

### 508.74 Charges on registration.

Subdivision 1. Upon the original registration of fee title to land there shall be paid to the registrar one-fifteenth of one percent of the estimated market value of the land, exclusive of improvements, as determined by the last official assessment for general taxation, or five dollars, whichever is the greater.

Subd. 2. In the second and fourth judicial districts the required fee shall be one-tenth of one percent of one-third of the estimated market value of the land, exclusive of improvements, or one dollar, whichever is the greater.

Subd. 3. For the issuance and registration of the first certificate of title there shall be paid to the registrar the sum of two dollars, in addition to any other sum prescribed by law.

Subd. 4. Upon the original registration of an appurtenant easement over unregistered land there shall be paid to the registrar the sum of five dollars.

[ 1977 c 21 s 8 ]

## CHAPTER 517. MARRIAGE

Sec.		Sec.	
517.01	Marriage a civil contract.	517.10	Certificate; witnesses.
517.08	Application for license.	517.101	Certified copies of marriage certificate. [New]

### 517.01 Marriage a civil contract.

Marriage, so far as its validity in law is concerned, is a civil contract between a man and a woman, to which the consent of the parties, capable in law of contracting, is essential. Lawful marriage hereafter may be contracted only when a license has been obtained therefor as provided by law and when such marriage is