

## CHAPTER 508A

CONVEYANCING, REGISTRATION WITHOUT  
COURT PROCEEDINGS

508A.01	Registration; purpose; definition.	508A.48	Instruments affecting title filed with registrar; notice.
508A.06	Contents of application; rights and privileges of claimants.	508A.49	Interest less than fee; noticed by memorial.
508A.17	Limitation on actions.	508A.50	Instruments to have name and address.
508A.25	Rights of person holding CPT	508A.55	Registration of mortgage; memorial entered on certificate.
508A.29	Appeals.	508A.62	Trustee's conveyance.
508A.35	Forms of CPT.	508A.65	Plaintiff's attorney; name and address endorsed; notice.
508A.41	Repealed.	508A.71	Alterations on register; order of court; directive of examiner; new certificates.
508A.42	Repealed.	508A.82	Registrar's fees.
508A.421	Surrender of duplicate; exchange CPT.		
508A.46	Plats of registered land.		
508A.47	Registered lands; transfer, surveys.		

**508A.01 REGISTRATION; PURPOSE; DEFINITION.**

Subdivision 1. **Procedure.** The procedures for registration under sections 508A.01 to 508A.85 provide an alternative to registration under chapter 508, and are intended for uncontested titles. Upon the written recommendation of the county recorder, the county board of county commissioners of any county, by resolution, may authorize the possessory title to real estate in that county to be registered in accordance with the provisions of and in the manner provided in sections 508A.01 to 508A.85. The resolution of the county board may limit the registration of possessory title to real estate to cases in which the applicant owns a tract of land of which a portion has already been registered pursuant to chapter 508.

*[For text of subs 2 and 3, see M.S.1982]*

**History:** 1983 c 92 s 23

**508A.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 whether or not the applicant is under any legal disability, and if so the nature of the 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 in it, exclusive of improvements, according to the last official assessment;
- (4) The estate or interest of the applicant in the land, and whether or not it is subject to an estate of homestead;
- (5) The names of all persons or parties, except the applicant, who appear of record, or who are known to the applicant to have or to claim any right, title, estate, lien, or interest in the land and the nature and character of it;

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

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

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

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

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

**History:** 1983 c 92 s 24

#### **508A.17 LIMITATION ON ACTIONS.**

Subdivision 1. **Limitation.** As against a title to land registered under a CPT which has been entered and maintained by the registrar under sections 508A.01 to 508A.85, no action affecting the possession or title to the land shall be commenced by any person, partnership, corporation, state, or political subdivision to enforce any right, title, estate, lien, or interest founded upon any instrument, event, or transaction which was executed or occurred before the entry of the first CPT and which is not set out as a separate memorial on the CPT or covered by section 508A.25, clauses (1) to (5) and (8) unless the action is commenced and a notice of lis pendens of it is registered upon the CPT within a period of five years from the date the examiner's supplemental directive is filed on the CPT.

*[For text of subd 2, see M.S.1982]*

**History:** 1983 c 92 s 25

#### **508A.25 RIGHTS OF PERSON HOLDING CPT.**

Every person holding a CPT issued pursuant to sections 508A.01 to 508A.85 who has acquired title in good faith and for a valuable consideration shall hold the same free from all encumbrances and adverse claims, excepting only estates, mortgages, liens, charges, and interests as may be noted by separate memorials in the latest CPT in the office of the registrar, and also excepting the memorial provided in section 508A.351 and any of the following rights or encumbrances subsisting against the same, if any:

(1) Liens, claims, or rights arising or existing under the laws or the constitution of the United States, which this state cannot require to appear of record;

(2) The lien of any real property tax or special assessment for which the land has not been sold at the date of the CPT;

(3) Any lease for a period not exceeding three years when there is actual occupation of the premises under it;

(4) All rights in public highways upon the land;

(5) The rights of any person in possession under deed or contract for deed from the owner of the CPT;

(6) Any liens, encumbrances, and other interests that may be contained in the examiner's supplemental directive issued pursuant to section 508A.22, subdivision 2;

(7) Any claims that may be made pursuant to section 508A.17 within five years from the date the examiner's supplemental directive is filed on the CPT; and

(8) Any outstanding mechanics lien rights which may exist under sections 514.01 to 514.17.

**History:** 1983 c 92 s 26

### 508A.29 APPEALS.

An appeal may be taken to the court of appeals from any order of the district court relating to land registered under sections 508A.01 to 508A.85 within 90 days after the entry of the order. The appeal shall be as in other civil cases.

**History:** 1983 c 247 s 185

### 508A.35 FORMS OF CPT.

The CPT shall contain the name and residence of the owner, a description of the land and of the estate of the owner, and shall by memorial contain a description of all encumbrances, liens, and interests known to the owner to which the estate of the owner is subject. It shall state his age and if under disability, the nature of it. It shall also state whether or not the owner is married and if married, the name of the husband or wife. In case the land is held in trust or subject to any condition or limitation, it shall state the nature and character of it. It shall be in substantially the following form:

#### CERTIFICATE OF POSSESSORY TITLE (CPT)

First Certificate of Possessory Title, pursuant to the Directive of the Examiner of Titles, County of ....., and State of Minnesota, date ....., 19...

	Registration of Possessory Title
State of Minnesota	)
	) ss
County of .....	)

This is to certify that ....., of the ..... of ..... County of ....., and State of ....., is now the owner of a fee simple estate, to-wit, ..... Subject to the encumbrances, liens, and interests noted by the memorial underwritten or endorsed hereon; and subject to the following rights or encumbrances subsisting, namely:

(1) Liens, claims, or rights arising under the laws of the Constitution of the United States, which the statutes of this state cannot require to appear of record;

(2) Any real property tax or special assessment for which a sale of the land has not been had at the date of the CPT;

(3) Any lease for a period not exceeding three years, when there is actual occupation of the premises under the lease;

(4) All rights in public highways upon the land;

(5) The rights, titles, estates, liens, and interests of any person who has acquired an interest set forth in the Examiner's Supplemental Directive issued pursuant to section 508A.22, subdivision 2;

(6) The rights of any person in possession under deed or contract for deed from the owner of the CPT;

(7) Any claims that may be made pursuant to section 508A.17 within five years from the date the Examiner's Supplemental Directive is filed on the CPT; and

(8) Any outstanding mechanics lien rights which may exist under sections 514.01 to 514.17.

In witness whereof, I have hereunto subscribed my name and affixed the seal of my office, this ..... day of ....., 19...

.....  
Registrar of Titles, in and for the  
County of ..... and  
State of Minnesota.

All CPTs issued subsequent to the first shall be in like form except that they shall be entitled "Transfer from number (here give the number of the next previous CPT relating to the same land)," and shall also contain the words "Originally registered (date, volume, and page of registration)."

CPTs shall be indexed and maintained in the same manner as provided for certificates of title under chapter 508.

**History:** 1983 c 92 s 27

**508A.41** [Repealed, 1983 c 92 s 38]

**508A.42** [Repealed, 1983 c 92 s 38]

#### **508A.421 SURRENDER OF DUPLICATE; EXCHANGE CPT.**

Subdivision 1. **Surrender; reissuance.** The owner or owners of registered land may surrender their owners' duplicate CPT and the registrar of titles may then issue to them a new CPT free from the memorials of all interests which have terminated.

Subd. 2. **Multiple parcels or interests.** The owner or owners of registered land holding (1) one CPT for two or more parcels of land or (2) one CPT for undivided interests in one or more parcels of land may surrender the owner's duplicate CPT for the land and thereupon the registrar may issue separate CPTs to each owner or for each parcel or any combination thereof as may be desired consistent with their registered interests, provided a registered land survey is not required by section 508A.47. When the registrar of titles has issued more than one CPT to one or more owners for one or more parcels of land, the owner or owners may surrender the owner's duplicate CPT for the land and thereupon the registrar may issue a single CPT for all of the land to the owner or owners of the land, or the registrar may issue two or more CPTs to the owner or owners of the land or for each parcel or any combination thereof as may be desired consistent with their registered interests, provided a registered land survey is not required by section 508A.47.

Subd. 3. **Exchange CPT designation.** A CPT issued pursuant to this section shall be known as an exchange CPT.

**History:** 1983 c 92 s 28

**508A.46 PLATS OF REGISTERED LAND.**

The owner of land registered under sections 508A.01 to 508A.85 may plat it and subdivide it into lots and blocks in like manner as in the case of unregistered land. All laws with reference to the subdivision and platting of unregistered land shall apply with like force and effect to registered land excepting only that the surveyor's plat of it shall be filed with the registrar.

**History:** 1983 c 216 art 1 s 72

**508A.47 REGISTERED LANDS; TRANSFER, SURVEYS.**

*[For text of subs 1 to 5, see M.S.1982]*

Subd. 6. **Not to change tax classification.** Nothing in this section shall operate to change the tax classification of the lands in the registered land survey or otherwise in any way affect the land. The purpose of this section is to simplify the description and designation of the registered land in connection with the transfer of it. Land conveyed by reference to a registered land survey shall be deemed to be conveyed by metes and bounds.

*[For text of subd 7, see M.S.1982]*

**History:** 1983 c 92 s 29

**508A.48 INSTRUMENTS AFFECTING TITLE FILED WITH REGISTRAR; NOTICE.**

Every conveyance, lien, attachment, order, decree, or judgment, or other instrument or proceeding, which would affect the title to unregistered land under existing laws, if recorded, or filed with the county recorder, shall, in like manner, affect the title to land registered under sections 508A.01 to 508A.85 if filed and registered with the registrar in the county where the real estate is situated, and shall be notice to all persons from the time of the registering or filing of the interests therein created. Neither the reference in a registered instrument to an unregistered instrument or interest nor the joinder in a registered instrument by a party or parties with no registered interest shall constitute notice, either actual or constructive, of an unregistered interest.

**History:** 1983 c 92 s 30

**508A.49 INTEREST LESS THAN FEE; NOTICED BY MEMORIAL.**

No new CPT shall be issued upon any transfer of land registered under sections 508A.01 to 508A.85 which does not divest the title in fee simple of the land, or some part of it. All interests in the registered land, less than an estate in fee simple, shall be registered by filing with the registrar the instrument which creates, transfers, or claims the interest, and by brief memorandum or memorial of it made and signed by the registrar upon the CPT. A similar memorandum shall also be made on the owner's duplicate if practicable so to do. The cancelation of interests shall be registered in the same manner.

**History:** 1983 c 92 s 31

**508A.50 INSTRUMENTS TO HAVE NAME AND ADDRESS.**

Every deed or other voluntary instrument which is presented for registration shall contain or have endorsed upon it the full name and post office address of the grantee, or other person, who acquires or claims an interest under the instrument.

**508A.50 CONVEYANCING, REGISTRATION WITHOUT COURT PROCEEDINGS**

52

All names and addresses shall also be entered upon the CPT. Any change in the post office address of the person shall be memorialized on the CPT upon the filing of an affidavit from the person of the change.

**History:** 1983 c 92 s 32

**508A.55 REGISTRATION OF MORTGAGE; MEMORIAL ENTERED ON CERTIFICATE.**

The registration of a mortgage shall be made in the following manner: The owner's duplicate CPT shall be presented to the registrar, together with the mortgage deed, or other instrument to be registered, and the registrar shall enter upon the original CPT and also upon the owner's duplicate CPT a memorial of the purport of the instrument registered, the exact time of filing, and its file number. He shall also note upon the registered instrument the time of filing and a reference to the volume and page where it is registered. The registrar shall also, at the request of the mortgagee or his assignee, make and deliver to him a duplicate CPT like the owner's duplicate CPT, except that the words "Mortgagee's Duplicate" shall be written or printed diagonally across its face in large letters. A memorandum of the issuance of the mortgagee's duplicate shall be made upon the original CPT.

**History:** 1983 c 92 s 33

**508A.62 TRUSTEE'S CONVEYANCE.**

No instrument executed by an owner, whose fee title to land is registered under sections 508A.01 to 508A.85 and is held in trust, which transfers, mortgages, leases, or in any manner affects the land, shall be registered except upon the written certification of the examiner of titles that the instrument is executed in accordance with a power conferred in the instrument of trust or is authorized by law, or upon the order of the district court directing the registration of it. The examiner shall not certify any instrument unless the trust is administered by the court or unless the document creating the trust, or a certified copy thereof, is registered as a memorial upon the CPT. The certified copy of the certificate setting forth the adoption of the resolution for voluntary dissolution of a corporate registered owner together with the certificate of the secretary of state that the certificate of dissolution has been filed for record in his office shall be deemed the document creating the trust.

**History:** 1983 c 92 s 34

**508A.65 PLAINTIFF'S ATTORNEY; NAME AND ADDRESS ENDORSED; NOTICE.**

The name and address of the attorney for the party giving the notice shall in all cases be endorsed upon the instrument which is registered pursuant to section 508A.64. He shall be deemed to be the attorney for that party until the party files a written notice as a memorial upon the CPT stating that the designated attorney has ceased to be the party's attorney.

**History:** 1983 c 92 s 35

**508A.71 ALTERATIONS ON REGISTER; ORDER OF COURT; DIRECTIVE OF EXAMINER; NEW CERTIFICATES.**

Subdivision 1. **Erasures; alterations.** No erasure, alteration, or amendment shall be made upon the register of titles after the entry of a CPT or of any memorial on it, and the attestation of the same by the registrar, except by order of the court or except as otherwise provided in this chapter.

**Subd. 2. Court orders.** A registered owner or other person in interest may, at any time, apply by petition to the court, upon the ground that registered interests of any description, whether vested, contingent, expectant, or inchoate, have terminated and ceased; or that new interests have arisen or been created which do not appear upon the CPT; or that any error or omission was made in entering a CPT or any memorial on it, or on any duplicate CPT; or that the name of any person on the CPT has been changed; or that the registered owner has married, or if registered as married, that the marriage has been terminated; or that a corporation which owned land registered under sections 508A.01 to 508A.85 and has been dissolved has not conveyed it within three years after its dissolution; or upon any reasonable ground that any other alteration or adjudication should be made. The court may hear and determine the petition after notice given to all parties in interest, as determined by the examiner of titles, by a summons issued in the form and served in the manner as in initial applications pursuant to chapter 508 or by an order to show cause, as the court may deem appropriate. After notice has been given as ordered, the court may order the entry of a new CPT, the entry, amendment, or cancellation of a memorial upon a CPT, or grant any other relief upon terms, requiring security if necessary, as it may consider proper. A certified copy of the petition may be filed as a memorial on any appropriate CPT which shall be notice forever to purchasers and encumbrancers of the pendency of the proceeding and all matters referred to in the court files and records pertaining to the proceeding.

**Subd. 3. Cancellation of memorial.** At the request of a registered owner or other person in interest the examiner of titles by a written directive may order the amendment or cancellation of a memorial relating to racial restrictions, rights which are barred by a statute or rights which have expired by the terms of the instrument creating the rights. The registrar of titles shall register the directives of the examiner of titles upon the CPTs, and he shall give full faith to the directives.

**Subd. 4. Powers of registrar.** Without order of court or directive of the examiner the registrar of titles may receive and register as memorials upon any CPT to which they pertain, the following instruments; receipt or certificate of county treasurer showing redemption from any tax sale or payment of any tax described in a CPT, a certified copy of a marriage certificate showing the subsequent marriage of any owner shown by a CPT to be unmarried, a certified copy of a final decree of divorce or dissolution of a marriage entered in the state of Minnesota, or in any state, territory or possession of the United States, or the District of Columbia to establish the dissolution of a marriage relationship of any party shown on the certificate to be married, a certified copy of the death certificate of party listed in any CPT as being the spouse of the registered owner when accompanied by an affidavit satisfactory to the registrar identifying the decedent with the spouse. In all subsequent dealings with the land covered by CPTs the registrar shall give full faith to these memorials.

**Subd. 5. Joint tenants; survival.** In case of a CPT outstanding to two or more owners as joint tenants, upon the filing for registration of a certificate of death of one of the joint tenants and an affidavit of survivorship, and for deaths occurring prior to January 1, 1980, an affidavit of survivorship duly certified by the commissioner of revenue, or an affidavit of survivorship for exempt homestead property in compliance with the provisions of Minnesota Statutes 1978, Section 291.14, Subdivision 2, Clause (4), and upon the surrender of the owner's duplicate CPT, the registrar without an order or directive shall issue a new CPT for the premises to the survivor in severalty or to the survivors in joint tenancy as the case may be.

**Subd. 6. Certified copies of instruments; filing.** When instruments affecting land registered under sections 508A.01 to 508A.85 have been recorded in the office

of any county recorder in this state, a certified copy of it may be filed for registration and registered with like effect as the original instrument without an order or directive. The owner's, mortgagee's, or lessee's duplicate CPT shall be presented to the registrar, together with the certified copy, whenever the presentation is required by statute for registration of the original instrument.

**History:** 1983 c 92 s 36

#### 508A.82 REGISTRAR'S FEES.

The fees to be paid to the registrar shall be as follows:

(1) In addition to other fees provided herein, for the entry of each memorial upon a CPT, fifty cents, which shall be paid to the state treasurer and credited to the real estate assurance account;

(2) For registering each original CPT, and issuing a duplicate of it, \$10;

(3) For registering each transfer, including the filing of all instruments connected with it, and the issuance and registration of the new CPT, \$10;

(4) For the entry of each memorial on the register, or the cancelation of it, including the filing of all instruments and papers connected with it and endorsements upon duplicate CPTs, \$5;

(5) For issuing each mortgagee's or lessee's duplicate, \$5;

(6) For issuing each residue CPT, \$10;

(7) For exchange CPTs, \$5 for each CPT canceled and \$5 for each new CPT issued;

(8) For each CPT showing condition of the register, \$5;

(9) For any certified copy of any instrument or writing on file in his office, the same fees allowed by law to county recorders for like services;

(10) For a noncertified copy of any instrument or writing on file in the office of the registrar of titles, or any specified page or part of it, an amount as determined by the county board for each page or fraction of a page specified. If computer or microfilm printers are used to reproduce the instrument or writing, a like amount per image;

(11) For filing two copies of any plat in the office of the registrar, \$15;

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

(13) For issuing a duplicate CPT pursuant to the directive of the examiner of titles in counties in which the compensation of the examiner is paid in the same manner as the compensation of other county employees, \$50, plus \$5 to memorialize;

(14) For issuing a duplicate CPT pursuant to the directive of the examiner of titles in counties in which the compensation of the examiner is not paid by the county or pursuant to an order of the court, \$5;

(15) For filing a condominium floor plan or an amendment to it in accordance with chapter 515, \$15;

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

(17) For filing a condominium declaration and floor plans or an amendment to it in accordance with chapter 515A, \$5 for each certificate upon which the document is registered and \$15 for the filing of the floor plans or an amendment to it.

**History:** 1983 c 92 s 37