

CHAPTER 287

MORTGAGE REGISTRY TAX; DEED TAX

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287.05 TAX ON RECORDATION OR REGISTRATION; SUPPLEMENTAL MORTGAGES.

Subdivision 1. A tax of 15 cents is imposed upon each \$100, or fraction thereof, of the principal debt or obligation which is or may be secured by any mortgage of real property situated within the state executed, delivered, and recorded or registered; provided, however, that the tax shall be imposed but once upon any mortgage and extension thereof. If the mortgage describes real estate situated outside of this state, the tax shall be imposed upon that proportion of the whole debt secured thereby as the value of the real estate therein described situated in this state bears to the value of the whole of the real estate described therein. The tax imposed by this section shall not apply to a contract for the conveyance of real estate or any interest in real estate recorded or registered on or after January 1, 1984.

[For text of subds 2 to 5, see M.S.1984]

History: *1Sp1985 c 14 art 11 s 1*

287.08 TAX, HOW PAYABLE; RECEIPTS.

The tax imposed by sections 287.01 to 287.12 shall be paid to the treasurer of the county in which the mortgaged land or some part thereof is situated at or before the time of filing the mortgage for record or registration. The treasurer shall endorse his receipt on the mortgage, countersigned by the county auditor, who shall charge the amount to the treasurer and such receipt shall be recorded with the mortgage, and such receipt of the record thereof shall be conclusive proof that the tax has been paid to the amount therein stated and authorize any county recorder to record the mortgage. Its form, in substance, shall be "registration tax hereon of dollars paid." If the mortgages be exempt from taxation the endorsement shall be "exempt from registration tax," to be signed in either case by the treasurer as such, and in case of payment to be countersigned by the auditor. In case the treasurer shall be unable to determine whether a claim of exemption should be allowed, the tax shall be paid to the clerk of the district court of the county to abide the order of such court made upon motion of the county attorney, or of the claimant upon notice as required by the court. When any such mortgage covers real property situate in more than one county in this state the whole of such tax shall be paid to the treasurer of the county where the mortgage is first presented for record or registration, and the payment shall be receipted and countersigned as above provided. The tax shall be divided and paid over by the county treasurer receiving the same, on or before the tenth day of each month after receipt thereof, to the county or counties entitled thereto in the ratio which the market value of the real property covered by the mortgage in each county bears to the market value of all the property described in the mortgage. In making such division and payment the county treasurer shall send therewith a statement giving the description of the

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property described in the mortgage and the market value of the part thereof situate in each county. For the purpose aforesaid, the treasurer of any county may require the treasurer of any other county to certify to him the market valuation of any tract of land in any such mortgage.

History: 1Sp1985 c 14 art 11 s 2

287.09 MORTGAGE ON EXEMPT PROPERTY; PROPERTY NOT DIRECTLY TAXED; RECEIPT; APPORTIONMENT OF TAX.

When any real estate situate in this state and described in any such mortgage is exempt from taxation under the Constitution of the state of Minnesota, Article 10, Section 1, the tax herein provided shall be paid to the treasurer of the county in which such real estate is situate in the same manner as if such real estate was not exempt from taxation. When any real estate situate in this state and described in such mortgage is not exempt from taxation under such section, but is not taxed by direct tax upon the assessed valuation thereof, then the tax herein provided shall be paid to the county. Real estate taxed under sections 298.23 to 298.28, relating to taconite and taconite operations or under sections 294.21 to 294.28, relating to railroads transporting taconite or taconite concentrates other than as a common carrier, shall not be considered to be real estate not taxed by direct tax upon the assessed valuation thereof within the meaning of this section.

History: 1Sp1985 c 14 art 11 s 3

287.10 PREPAYMENT OF TAX; EVIDENCE; NOTICE.

A mortgage or papers relating to its foreclosure, assignment, or satisfaction, must not be recorded or registered unless the tax has been paid. A document or any record of the mortgage may not be received in evidence in any court, and is not valid notice, unless the tax has been paid. If the tax is paid, an error in computation or ascertainment of the amount does not affect the validity of the mortgage or the record or foreclosure. This section does not apply to a mortgage or a contract for the conveyance of real estate that is exempt from taxation under section 287.04 or 287.05, subdivision 1.

History: 1Sp1985 c 18 s 3

287.12 TAXES, HOW APPORTIONED.

All taxes paid to the county treasurer on or after July 1, 1985, under the provisions of sections 287.01 to 287.12 shall be credited to the county revenue fund.

On or before the tenth day of each month the county treasurer shall determine the receipts from the mortgage registration tax during the preceding month. The treasurer shall report to the county welfare agency on or before the tenth day of each month 95 percent of the receipts attributable to the statutory rate in section 287.05. That amount, in addition to 97 percent of the amount determined under section 287.29, must be shown as a deduction from the report filed with the department of human services as required by section 256.82.

History: 1Sp1985 c 14 art 11 s 4

287.21 IMPOSITION OF TAX; DETERMINATION OF TAX.

[For text of subd 1, see M.S.1984]

Subd. 2. The proceeds of the taxes levied and collected under sections 287.21 to 287.36 on or after July 1, 1985, shall be credited to the county revenue fund.

History: *1Sp1985 c 14 art 11 s 5*

287.23 REAL ESTATE OUTSIDE STATE.

If any deed, instrument, or writing shall describe any real estate situate outside of this state, the tax imposed by section 287.21 shall be measured upon such proportion of the consideration (exclusive of the value of any lien or encumbrance remaining thereon at the time of sale) as the value of the real estate therein described situate in this state bears to the value of the whole of the real estate described therein.

History: *1Sp1985 c 14 art 11 s 6*

287.25 PAYMENT OF TAX; STAMPS.

The county board shall determine the method for collection of the tax imposed by section 287.21:

(1) The tax imposed by section 287.21 may be paid by the affixing of a documentary stamp or stamps in the amount of the tax to the document or instrument with respect to which the tax is paid, provided that the county board may permit the payment of the tax without the affixing of the documentary stamps and in such cases shall direct the treasurer to endorse a receipt for such tax upon the face of the document or instrument.

(2) The tax imposed by section 287.21 may be paid in the manner prescribed by section 287.08 relating to payment of mortgage registration tax.

History: *1985 c 300 s 18; 1Sp1985 c 14 art 11 s 7*

287.27 [Repealed, 1Sp1985 c 14 art 11 s 13]

NOTE: This section was also amended by Laws 1985, First Special Session chapter 14, article 11, section 8 to read as follows:
 "287.27 Stamps; printing and sale-meters.

Subdivision 1. The county board may have documentary stamps printed and furnish them to the county treasurer. Documentary stamps may be purchased only from the county treasurer and may not be sold for use in any county other than the county in which the property is located.

Subd. 2. The county board may authorize any person to utilize a tax meter machine upon the filing of a corporate surety bond, in a suitable amount to guarantee the payment of the tax, such amount to be determined by the county board.

The county board may provide rules for the use of such a machine, supervise its operation and provide for the payment of the tax on any deed or document so stamped."

287.28 REFUNDMENTS OR REDEMPTION.

The county treasurer may order the refundment in whole or in part of any tax which has been erroneously or unjustly paid and may allow for or redeem such of the stamps, issued under the authority of sections 287.21 to 287.36 as may have been spoiled, destroyed, or rendered useless or unfit for the purpose intended or for which the owner may have no use or which through mistake may have been improperly or unnecessarily used. Such order shall be made only upon written application of the taxpayer and upon approval of the county board. Refunds therefor shall be paid out of the general fund of the county.

History: *1Sp1985 c 14 art 11 s 9*

287.29 PAYMENT OF RECEIPTS TO COUNTY; REPORT; RECORD.

Subdivision 1. On or before the tenth day of August 1985, and each month thereafter, the county treasurer shall determine and report to the county welfare

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agency the receipts attributable to the tax imposed during the preceding month. The report must accompany the report required in section 287.12. The receipts shall be deposited in the county treasury and credited to the county revenue fund.

Subd. 3. [Repealed, 1Sp1985 c 14 art 11 s 13]

History: 1Sp1985 c 14 art 11 s 10

287.32 [Repealed, 1Sp1985 c 14 art 11 s 13]

287.33 EXPENSES OF ADMINISTRATION.

Expenses of administration of sections 287.21 to 287.34 to be paid out of county funds include fees and expenses incurred by the county attorney in connection with sections 287.21 to 287.34 and all other costs and expenses.

History: 1Sp1985 c 14 art 11 s 11

287.35 DOCUMENTARY STAMPS DEFINED.

The term "documentary stamps" means all stamps issued by the county for use in payment of the taxes imposed by sections 287.21 to 287.36.

History: 1Sp1985 c 14 art 11 s 12