

## CHAPTER 508A

## REGISTRATION WITHOUT COURT PROCEEDINGS

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**508A.10 APPLICATION TO EXAMINER; POWERS OF EXAMINER.**

An application for registration for a CPT shall be addressed to the examiner of titles in and for the county in which the land described is situated. The examiner shall have the powers provided in sections 508A.01 to 508A.85 including but not limited to the following:

- (1) To approve all applications prior to filing of record;
- (2) To require an abstract of title with searches and recertifications as desired;
- (3) To require that mailed notice be given to the holders of any interest, when their addresses are known;
- (4) To issue examiner's reports, supplemental reports, initial directives, and supplemental directives to the registrar regarding initial CPTs or memorials upon any CPT pursuant to section 508A.71;
- (5) To require the county surveyor to review the proposed legal description of any CPT or to inspect the real property;
- (6) To suspend any proceeding hereunder upon receipt of any valid written objections by persons claiming an interest in the real property; and
- (7) To require proceedings subsequent to the initial CPT as may be necessary to achieve the purposes of sections 508A.01 to 508A.85, or to certify instruments transferring title pursuant to sections 508A.59, 508A.62, and 508A.69.

**History:** 1999 c 11 art 1 s 41

**508A.11 APPLICATION FILED WITH RECORDER; ABSTRACT TO EXAMINER; FEE.**

*[For text of subs 1 and 2, see M.S.1998]*

Subd. 3. **Fees.** Before the examiner of titles examines the abstract of title, the applicant shall pay to the registrar of titles the fee provided by section 508A.82, clause (15).

**History:** 1999 c 11 art 1 s 42

**508A.22 EXAMINER'S DIRECTIVE; SUPPLEMENTAL DIRECTIVES; FEES.**

*[For text of subd 1, see M.S.1998]*

Subd. 2. **Supplemental directive.** When the directive has been issued pursuant to subdivision 1, the abstract of title shall be continued through the date the directive was filed with the registrar of titles and then delivered to the examiner. On determining that the applicant is

the record owner after an examination of the continued abstract and the public records, the examiner shall issue a supplemental directive to the registrar of titles directing the registrar to show by memorial that the five year statute of limitations provided by section 508A.17 will begin on the date the supplemental directive is filed on the CPT, to show as memorials any additional liens, encumbrances, or other interests affecting the land, and to delete the memorials of any liens, encumbrances or other interests which were satisfied, released or discharged prior to the issuance of the CPT. The supplemental directive of the examiner shall then be filed as a memorial upon the CPT. Each additional lien, encumbrance, or other interest noted in the supplemental directive shall be shown as a separate memorial on the CPT in addition to the memorial of the supplemental directive. The abstract of title shall be delivered to the registrar of titles who shall retain it, but it shall not be entered as a memorial on the CPT. Until the abstract of title has been delivered to the registrar of titles, the registrar shall not accept for filing any instrument executed by the registered owner.

Subd. 3. **Fees.** Upon the filing with the registrar of titles of the examiner's directive pursuant to subdivision 1, there shall be paid to the registrar: (1) the fee provided by section 508A.82, clause (2), for registering a first CPT, and (2) the fee provided by section 508.74, which shall be paid to the state treasurer pursuant to section 508.75. Upon filing with the registrar of titles the supplemental directive of the examiner, there shall be paid to the registrar of titles the fee for the entry of a memorial pursuant to section 508A.82, clause (4).

**History:** 1999 c 11 art 1 s 43,44

#### **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;
- (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.

No existing or future lien for state taxes arising under the laws of this state for the non-payment of any amounts due under chapter 268 or any tax administered by the commissioner of revenue may encumber title to lands registered under this chapter unless filed under the terms of this chapter.

**History:** 1999 c 11 art 1 s 45

#### **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 whether the owner is 18 years of age or older and if under any legal incapacity, the nature of it. It shall also state whether or not the owner is married and if married, the name of the spouse. 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 .....

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, ..... 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;
(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 .....

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: 1999 c 11 art 1 s 46

508A.38 FORMS OF RECORDS ADOPTED.

Instruments affecting the title to land, filed with the registrar pursuant to sections 508A.01 to 508A.85, shall be numbered consecutively by the registrar to the extent practicable and the registrar shall endorse upon each instrument over the registrar's official signature, OFFICE OF THE REGISTRAR OF TITLES, ... COUNTY, MINNESOTA, CERTIFIED AND FILED ON, together with the date, hour, and minute when the instrument is filed, the document number thereof, and a reference to the proper CPT. Instruments shall be copied or reproduced as provided by section 15.17, as amended. Instruments shall then be returned in person or by mail to the party who presented the instruments for filing or to any other party to whom the registrar is directed to deliver the instruments. When the memorial of any instrument is made upon any CPT, the date, number, and time of filing of it shall also be endorsed

upon the CPT. All records and papers relating to registered land in the office of the registrar shall be open to the inspection of the public at the times and under the conditions as the court may prescribe. Duplicates of all instruments, voluntary or involuntary, filed and registered with the registrar, may be presented with the originals, and shall thereupon be endorsed with the file number, and other memoranda on the originals, and may be attested and sealed by the registrar, and returned to the person presenting them. The registrar shall furnish certified copies of the instruments filed and registered in the registrar's office, upon payment of a fee as provided in section 357.18.

**History:** 1999 c 11 art 1 s 47

#### **508A.40 COPY OF CPT TO BE FURNISHED TO OWNER.**

When a CPT is entered, the registrar shall make a copy of it and deliver it to the owner or the owner's authorized agent. The copy need not be presented or surrendered to permit an instrument, voluntary or otherwise, to be filed or a new CPT to be entered, or a memorial to be made on a CPT.

**History:** 1999 c 11 art 1 s 48

#### **508A.421 EXCHANGE CPT.**

Subdivision 1. [Repealed, 1999 c 11 art 1 s 72]

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 request the registrar to 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 request the registrar to 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.

*[For text of subd 3, see M.S.1998]*

**History:** 1999 c 11 art 1 s 49

**508A.44** [Repealed, 1999 c 11 art 1 s 72]

**508A.45** [Repealed, 1999 c 11 art 1 s 72]

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

*[For text of subs 1 to 3, see M.S.1998]*

Subd. 4. **Survey; requisites; filing; copies.** The registered land survey shall correctly show the legal description of the parcel of unplatted land represented by the registered land survey and the outside measurements of the parcel of unplatted land and of all tracts delineated therein, the direction of all lines of the tracts to be shown by angles or bearings or other relationship to the outside lines of the registered land survey, and the surveyor shall place monuments in the ground at appropriate corners, and all tracts shall be lettered consecutively beginning with the letter "A." A registered land survey which delineates multilevel tracts shall include a map showing the elevation view of the tracts with their upper and lower boundaries defined by elevations referenced to National Geodetic Vertical Datum, 1929 adjustment. None of the tracts or parts of them may be dedicated to the public by the registered land survey. Except in counties having microfilming capabilities, a reproduction copy of the registered land survey shall be delivered to the county auditor. The registered land survey shall be on paper, mounted on cloth, shall be a black on white drawing, the scale to be not smaller than one inch equals 200 feet, and shall be certified to be a correct representation of the parcel of unplatted land by a registered surveyor. The mounted drawing shall be either 17

inches by 14 inches or at the registrar's request 20 inches by 30 inches and not less than 2-1/2 inches of the 14 inches or the 20 inches shall be blank for binding purposes. The survey shall be filed in triplicate with the registrar of titles. Before filing, however, any survey shall be approved in the manner required for the approval of subdivision plats, which approval shall be endorsed on it or attached to it.

A certificate from the treasurer stating that current taxes have been paid shall be presented at the time of filing before the survey is accepted by the registrar for filing.

In counties having microfilming capabilities, the survey may be prepared on sheets of suitable mylar or on linen tracing cloth by photographic process or on material of equal quality. Notwithstanding any provisions of subdivision 5 to the contrary, no other copies of the survey need be filed.

The registrar shall duly certify and furnish to any person a copy of the registered land survey. The copy shall be admissible in evidence.

*[For text of subds 5 to 7, see M.S.1998]*

**History:** 1999 c 11 art 1 s 50

#### **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. The cancellation of interests shall be registered in the same manner.

**History:** 1999 c 11 art 1 s 51

#### **508A.51 VOLUNTARY INSTRUMENT.**

Subdivision 1. **New CPT or memorial of registration.** When any voluntary instrument made by the registered owner or the registered owner's attorney-in-fact is presented for registration, the registrar shall enter a new CPT or make a memorial of registration in accordance with the instrument, and the new CPT or memorial shall be binding upon the registered owner and upon all persons claiming under the registered owner in favor of every purchaser for value and in good faith. In all cases of registration which are procured by fraud, the owner may pursue all legal and equitable remedies against the parties to the fraud, without prejudice to the rights of any innocent holder for value of a CPT.

Subd. 2. [Repealed, 1999 c 11 art 1 s 72]

**History:** 1999 c 11 art 1 s 52

#### **508A.52 CONVEYANCE; CANCELLATION OF OLD AND ISSUANCE OF NEW CPT.**

An owner of land registered under sections 508A.01 to 508A.85 who desires to convey the land, or a portion of it, in fee, shall execute a deed of conveyance, and file the deed with the registrar. The registrar shall require an affidavit by the grantee, or some person in the grantee's behalf, which affidavit shall set forth the name and residence of the grantee, whether the grantee is 18 years of age or older, and whether the grantee is or is not under legal incapacity, whether or not married, and if married, the name of the spouse. The deed of conveyance shall be filed and endorsed with the number and place of registration of the CPT. Before canceling the outstanding CPT, the registrar shall show by memorial on it the registration of the deed on the basis of which it is canceled. The encumbrances, claims, or interests adverse to the title of the registered owner shall be stated upon the new CPT, except so far as they may be simultaneously released or discharged. The CPT shall be marked "Canceled" by the registrar, who shall enter in the register a new CPT to the grantee, and prepare and deliver to the grantee a copy of the new CPT. If a deed in fee is for a portion of the land described in a CPT, the memorial of the deed entered by the registrar shall include the legal description contained in the deed and the registrar shall enter a new CPT to the grantee for the portion of the land

conveyed and, except as otherwise provided in this section, issue a residue CPT to the grantor for the portion of the land not conveyed. The registrar shall prepare and deliver to each of the parties a copy of their respective CPTs. In lieu of canceling the grantor's CPT and issuing a residue CPT to the grantor for the portion of the land not conveyed, the registrar may if the grantor's deed does not divide a parcel of unplatted land, and in the absence of a request to the contrary by the registered owner, mark by the land description on the CPT "Part of land conveyed, see memorials." The fee for a residue CPT shall be paid to the registrar only when the grantor's CPT is canceled after the conveyance by the grantor of a portion of the land described in the grantor's CPT. When two or more successive conveyances of the same property are filed for registration on the same day the registrar may enter a CPT in favor of the grantee or grantees in the last of the successive conveyances, and the memorial of the previous deed or deeds entered on the prior CPT shall have the same force and effect as though the prior CPT had been entered in favor of the grantee or grantees in the earlier deed or deeds in the successive conveyances. The fees for the registration of the earlier deed or deeds shall be the same as the fees prescribed for the entry of memorials. The registrar of titles, with the consent of the transferee, may mark "See memorials for new owner(s)" by the names of the registered owners on the CPT and also add to the memorial of the transferring conveyance a statement that the memorial shall serve in lieu of a new CPT in favor of the grantee or grantees noted in it and may refrain from canceling the CPT until the time it is canceled by a subsequent transfer, and the memorial showing the transfer of title shall have the same effect as the entry of a new CPT for the land described in the CPT. The fee for the registration of a conveyance without cancellation of the CPT shall be the same as the fee prescribed for the entry of a memorial.

**History:** 1999 c 11 art 1 s 53

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

The registration of a mortgage made by the registered owner, the registered owner's attorney-in-fact, or by a party who has an interest registered on the CPT other than the registered owner or the registered owner's attorney-in-fact, shall be made in the following manner: The mortgage deed or other instrument to be registered shall be presented to the registrar and the registrar shall enter upon the CPT a memorial of the instrument registered, the exact time of filing, and its file number. The registrar shall also note upon the registered instrument the time of filing and a reference to the volume and page where it is registered.

**History:** 1999 c 11 art 1 s 54

#### **508A.56 ASSIGNMENT AND DISCHARGE OF MORTGAGE.**

When a mortgage is assigned, extended, or otherwise dealt with, a memorial of the instrument shall be made upon the CPT. In case only a part of the mortgage upon the land is intended to be released or discharged, a memorial of the partial release shall be entered.

**History:** 1999 c 11 art 1 s 55

#### **508A.57 FORECLOSURE; NOTICE.**

Mortgages upon land registered under sections 508A.01 to 508A.85 may be foreclosed in the same manner as mortgages upon unregistered land. Where the mortgage is upon registered land it shall be sufficient to authorize the foreclosure of it by advertisement, if the mortgage and all assignments of it have been registered, and a memorial of it duly entered upon the CPT. When a mortgage upon the registered land is foreclosed by advertisement, the notice of foreclosure shall state the date of the mortgage, when and where registered, and the fact of registration. All laws relating to the foreclosure of mortgages upon unregistered land shall apply to mortgages upon land registered under sections 508A.01 to 508A.85, or any estate or interest therein, except as herein provided, and except that a notice of the pendency of any suit or proceeding to enforce or foreclose the mortgage or other charge upon the land shall be filed with the registrar, and a memorial of it entered on the CPT before the first date of publication of the foreclosure notice but not sooner than six months before the first date of publication. A notice so filed and registered shall be notice to the registrar and to all persons thereafter dealing with the land or any part of it and satisfies the requirements of section

580.032, subdivision 3, with respect to registered land. In all foreclosures, all certificates and affidavits permitted or required by law to be recorded with the county recorder shall be filed with the registrar who shall register them.

**History:** 1999 c 11 art 1 s 56

#### **508A.58 REGISTRATION AFTER FORECLOSURE; NEW CPT.**

Subdivision 1. **Court order.** Any person who has, by an action or other proceeding to enforce or foreclose a mortgage, lien, or other charge upon land registered under sections 508A.01 to 508A.85, become the owner in fee of the land, or any part of it, may have the title registered. Except as provided in subdivision 2, the person shall apply by duly verified petition to the court for a new CPT to the land, and the court shall then, after due notice to all parties in interest and upon the hearing as the court may direct, make an order for the issuance of a new CPT to the person entitled thereto, and the registrar shall then enter a new CPT to the land, or of the part of it to which the petitioner is entitled as in the case of a voluntary conveyance.

Subd. 2. **Examiner of titles directive.** Any person who has become the owner in fee of land registered under sections 508A.01 to 508A.85, or any part of the land, pursuant to a mortgage foreclosure by action under chapter 581 is entitled to a new CPT for the land described in the sheriff's certificate of sale or so much of the land as may be described in the CPT, after the redemption period expires. The registrar shall enter a new CPT only pursuant to the court order provided in subdivision 1 or upon the written directive of the examiner of titles as to the legal sufficiency of the mortgage foreclosure proceeding. The directive of the examiner of titles also must specify the instruments the registrar shall omit from the new CPT by virtue of the foreclosure.

**History:** 1999 c 11 art 1 s 57

#### **508A.59 REGISTRATION OF JUDGMENT OR FINAL DECREE.**

A judgment or decree affecting land registered under sections 508A.01 to 508A.85 shall be registered upon the presentation of a certified copy of it to the registrar, who shall enter a memorial of it upon the CPT. When the registered owner of the land is by the judgment or decree divested of an estate in fee in it, or of any part of it, the prevailing party shall be entitled to a new CPT for the land, or so much of it as is described in the judgment and decree. The registrar shall enter the new CPT as in the case of a voluntary conveyance. No new CPT shall be entered except upon the written certification of the examiner of titles as to the legal sufficiency of the documents presented for filing for the purpose of issuance of a new CPT or upon the order of the district court directing the issuance of it.

**History:** 1999 c 11 art 1 s 58

#### **508A.61 TRUST, OTHER LIMITED DEEDS; NEW TRUSTEE; CORPORATE DISSOLUTION.**

*[For text of subd 1, see M.S.1998]*

Subd. 2. **New trustee.** When a new trustee of land registered under sections 508A.01 to 508A.85 is appointed, a new CPT shall be entered in the new trustee's name upon presentation to the registrar of a certified copy of the decree or other instrument appointing the new trustee.

Subd. 3. **Voluntary dissolution.** Where a corporate owner did adopt a resolution for voluntary dissolution pursuant to chapter 301, the registrar of titles shall enter a new CPT in the name of the trustee in dissolution upon the presentation of a certified copy of the certificate setting forth the adoption of the resolution together with the certificate of the secretary of state that the certificate of dissolution has been filed for record in the secretary's office.

*[For text of subd 4, see M.S.1998]*

**History:** 1999 c 11 art 1 s 59,60

#### **508A.71 ALTERATIONS; COURT, EXAMINER'S ORDER; NEW CERTIFICATE.**

*[For text of subd 1, see M.S.1998]*

Subd. 1a. **Corrections of registrar's clerical errors.** The registrar may correct clerical errors or omissions made by the registrar's staff in producing CPTs. An error shall not be erased or obliterated. The registrar may sign and file a correction document and memorialize it upon the affected CPT or may make a correction memorial without a correction document. The memorial shall show the date, time of entry, the nature of the error or omission, and the correct information. Where the error or omission may adversely affect the interest of any party, the registrar shall refer the correction to the examiner of titles. The registrar shall prepare subsequent CPTs correctly and omit the memorial of the correction.

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 (1) registered interests of any description, whether vested, contingent, expectant, or inchoate, have terminated and ceased; (2) new interests have arisen or been created which do not appear upon the CPT; (3) any error or omission was made in entering a CPT or any memorial on it; (4) the name of any person on the CPT has been changed; (5) the registered owner has married, or, if registered as married, that the marriage has been terminated; (6) 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 (7) 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 (1) 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, or (2) upon the submission of evidence satisfactory to the examiner, the correction of the name or designation of a party who is a registered owner or who has an interest registered on a certificate of title. The registrar of titles shall register the directives of the examiner of titles upon the CPT, and shall give full faith to the directives.

*[For text of subd 4, see M.S. 1998]*

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, 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.

**History:** 1999 c 11 art 1 s 61-65

## 508A.72 AGENCY; POWER TO BE REGISTERED.

Any act which may legally be done or performed by any person under sections 508A.01 to 508A.85 may be done and performed by an agent when duly authorized in writing. The instrument or power of attorney shall be filed with and registered by the registrar if it is executed and acknowledged as required by law in the case of a deed. Any instrument revoking the power of attorney may be filed and registered if it is executed and acknowledged in the same way. A written instrument of revocation of an unregistered power of attorney, executed and acknowledged by a person having a registered interest in land, may be filed for registration as a memorial upon the CPT.

**History:** 1999 c 11 art 1 s 66



**508A.76 REGISTRAR'S LIABILITY.**

Subdivision 1. **Damages through erroneous registration.** Any person who, without negligence on that person's part, sustains any loss or damage by reason of any omission, mistake or misfeasance of the registrar or the registrar's deputy, or of any examiner or of any court administrator, or of a deputy of the court administrator or examiner, in the performance of their respective duties under sections 508A.01 to 508A.85, and any person who, without negligence on that person's part, is wrongfully deprived of any land or of any interest in it by the registration of it, or by reason of the registration of any other person, as the owner of the land, or by reason of any mistake, omission, or misdescription in any CPT, or in any entry or memorial, or by any cancellation, in the register of titles, and who, by the provisions of sections 508A.01 to 508A.85, is precluded from bringing an action for the recovery of the land, or of any interest in it, or from enforcing any claim or lien upon the same, may institute an action in the district court to recover compensation out of the general fund for the loss or damage.

Subd. 2. **Documents misfiled.** The registrar may reasonably rely on the affirmative representation of the party presenting instruments for filing as to whether the land described in the instruments or any part of it is registered or unregistered. A party requesting that misfiled instruments be refiled with the registrar is responsible for paying any additional fees required to properly file any instrument misfiled because of an incorrect representation and, if applicable, to enter a new CPT.

**History:** 1999 c 11 art 1 s 67

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

Subdivision 1. **Standard documents.** The fees to be paid to the registrar shall be as follows:

- (1) of the fees provided herein, five percent of the fees collected under clauses (3), (4), (10), (12), (14), and (16), for filing or memorializing shall be paid to the state treasurer and credited to the general fund; plus a \$4.50 surcharge shall be charged and collected in addition to the total fees charged for each transaction under clauses (2) to (5), (10), (12), and (16), with 50 cents of this surcharge to be retained by the county to cover its administrative costs and \$4 to be paid to the state treasury and credited to the general fund;
- (2) for registering a first CPT, including issuing a copy of it, \$30;
- (3) for registering each instrument transferring the fee simple title for which a new CPT is issued and for the registration of the new CPT; including a copy of it, \$30;
- (4) for the entry of each memorial on a CPT, \$15;
- (5) for issuing each residue CPT, \$20;
- (6) for exchange CPTs, \$10 for each CPT canceled and \$10 for each new CPT issued;
- (7) for each CPT showing condition of the register, \$10;
- (8) for any certified copy of any instrument or writing on file in the registrar's office, the same fees allowed by law to county recorders for like services;
- (9) for a noncertified copy of any CPT, other than the copies issued under clauses (2) and (3), 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;
- (10) for filing two copies of any plat in the office of the registrar, \$30;
- (11) for any other service under sections 508A.01 to 508A.85, the fee the court shall determine;
- (12) for filing an amendment to a declaration in accordance with chapter 515, \$10 for each certificate upon which the document is registered and \$30 for an amended floor plan filed in accordance with chapter 515;
- (13) for filing an amendment to a condominium declaration or plat in accordance with chapter 515A, or a common interest community declaration and plat or amendment complying with section 515B.2-110, subsection (c), \$10 for each certificate upon which the docu-

ment is registered and \$30 for the filing of the condominium or common interest community plat or amendment;

(14) for a copy of a condominium floor plan filed in accordance with chapter 515, a copy of a condominium plat filed in accordance with chapter 515A, or a copy of a common interest community plat complying with section 515B.2-110, subsection (c), the fee shall be \$1 for each page of the floor plan, condominium plat, or common interest community plat with a minimum fee of \$10;

(15) in counties in which the compensation of the examiner of titles is paid in the same manner as the compensation of other county employees, for each parcel of land contained in the application for a CPT, as the number of parcels is determined by the examiner, a fee which is reasonable and which reflects the actual cost to the county, established by the board of county commissioners of the county in which the land is located;

(16) for filing a registered land survey in triplicate in accordance with section 508A.47, subdivision 4, \$30; and

(17) for furnishing a certified copy of a registered land survey in accordance with section 508A.47, subdivision 4, \$10.

*[For text of subd 2, see M.S.1998]*

**History:** 1999 c 11 art 1 s 68; art 3 s 21

**508A.835** [Repealed, 1999 c 11 art 1 s 72]

**508A.85 CHANGEOVER FROM CPT TO CERTIFICATE OF TITLE.**

*[For text of subds 1 and 2, see M.S.1998]*

**Subd. 3. Changeover at request of owner.** Subsequent to the expiration of the five year period set forth in section 508A.17, any registered owner of a CPT may request a changeover, and upon payment of the fee for an exchange as specified in section 508A.82; clause (6), the registrar shall issue a certificate of title and cancel the CPT.

**Subd. 4. Changeover, memorials on certificate of title.** Any certificate of title issued pursuant to this section shall carry forward all memorials which still affect the land, except for the memorial of the examiner's supplemental directive issued pursuant to section 508A.22, subdivision 2. It shall be made subject to all statutory exceptions and be issued in the same form as provided in section 508.35, except that, in lieu of reciting that the certificate of title was issued pursuant to the order of the district court, the certificate of title shall recite that it was issued pursuant to the provisions of this section and recite the date the certificate of title was issued for the land involved. The memorial on the CPT pursuant to section 508A.351 shall not be removed without an order of the district court.

*[For text of subd 5, see M.S.1998]*

**History:** 1999 c 11 art 1 s 69,70