

CHAPTER 508A

REGISTRATION WITHOUT COURT PROCEEDINGS

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508A.01 REGISTRATION; PURPOSE; DEFINITION.

[For text of subd 1, see M.S.2000]

Subd. 2. **Purpose.** The purpose of sections 508A.01 to 508A.85 is to provide a voluntary procedure for registration of certain possessory estates in land with certainty, at reasonable cost and speed, and without the necessity for the initial adjudication required by chapter 508, and to provide for initial registration of land under a certificate of possessory title ("CPT"). Upon the expiration of five years from the date of the first CPT, the registrar of titles shall cancel the CPT and issue a certificate of title as provided in section 508A.85, subdivisions 2 and 3.

[For text of subd 3, see M.S.2000]

History: 2001 c 50 s 7

508A.08 APPLICATION; CONTENTS.

Subdivision 1. **Adjacent land; common owner.** Any number of adjoining tracts of land in the same county and owned by the same person and in the same right, or any number of tracts of land in the same county having the same chain of title, and belonging to the same person may be included in one application. When approved by the examiner of titles, nonadjoining tracts of land owned by the same person or persons in the same right having different chains of title may be included in one application.

Subd. 2. **Adjacent land; different owners.** When approved by the examiner of titles, owners of two or more adjacent tracts of land in the same county may join in one application to register the title to their individual tracts. The application must list separately all of the information required by section 508A.06 for the owner or owners of each of the tracts included in the application.

History: 2001 c 50 s 8

508A.09 AMENDMENT.

Amendments to the application may be allowed by the examiner of titles at any time upon terms that are just and reasonable, but all amendments shall be in writing and signed and verified like the original application. A person who acquires the original applicant's estate in all or part of the land by voluntary instrument from the original applicant may be substituted for the applicant as to the land acquired by executing an amendment.

History: 2001 c 50 s 9

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, and 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: 2001 c 50 s 10

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

Subdivision 1. **Application filed with county recorder.** After approval by the examiner of titles, the application for a CPT shall be filed for record in the office of the county recorder, and shall be notice forever to all purchasers and encumbrancers of the pendency of the registration and of all matters referred to in the files and records of the examiner of titles and of the registrar of titles pertaining to the registration. The applicant shall deliver a certified copy of the recorded application to the examiner of titles.

Subd. 2. **Abstract supplied.** The applicant shall deliver to the examiner of titles an abstract of title satisfactory to the examiner. In the event the examiner refuses to direct the issuance of a CPT, the abstract shall be returned. Otherwise, the abstract shall be returned to the applicant only at the time and under the conditions as the examiner shall determine.

[For text of subd 3, see M.S.2000]

History: 2001 c 50 s 11,12

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 (7), 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 of the first CPT.

[For text of subd 2, see M.S.2000]

History: 2001 c 50 s 13

508A.22 EXAMINER'S DIRECTIVE; FEES.

Subdivision 1. **Directive.** The examiner of titles, upon being satisfied that the applicant is entitled to a CPT, but not earlier than 20 days from the date of mailing of the notice required by section 508A.13, shall issue a written directive to the registrar of titles directing that the first CPT be issued and entered in the name of the applicant, subject only to the following: (a) the exceptions set out in section 508A.25; (b) separate memorials showing all outstanding rights, titles, estates, liens, and interests set forth in

the examiner's report and any additional liens, encumbrances, or other interests affecting the land, arising after the filing of the application; and (c) a memorial of the examiner's directive which must state that the land described in the directive is subject to the rights of persons in possession, if any, and any rights which would be disclosed by a survey except as those rights are limited by section 508A.02, subdivision 1. The examiner's directive shall contain an accurate description of the land and shall set forth the address of the applicant and, if the applicant is an individual, whether the applicant is 18 years of age or older, and whether married or unmarried, and if married, the name of the spouse; if the applicant is under any legal incapacity, the nature of it shall be stated. The examiner shall deliver the abstract of title to the registrar of titles who shall retain it, but it must not be entered as a memorial on the CPT. From the date of filing the examiner's directive with the registrar of titles, all instruments affecting title to the land which are registered shall be filed in the office of the registrar of titles and be memorialized upon the CPT.

Subd. 2. [Repealed, 2001 c 50 s 37]

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.

History: 2001 c 50 s 14, 15, 38

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 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 claims that may be made pursuant to section 508A.17 within five years from the date of the first CPT; and
- (7) 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 nonpayment 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: 2001 c 50 s 16

508A.27 [Repealed, 2001 c 50 s 37]

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 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)
County of)ss

This is to certify that, of the of County of, and State of, is now the owner of a fee simple estate of and in the following described land situation in the county of and state of Minnesota, 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 or 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 of any person in possession under deed or contract for deed from the owner of the CPT;
- (6) Any claims that may be made pursuant to section 508A.17 within five years from the date of the first CPT; and
- (7) 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: 2001 c 50 s 17

508A.351 CONDOMINIUM CERTIFICATE.

Subdivision 1. [Repealed, 2001 c 50 s 37]

Subd. 1a. **Declaration.** Prior to filing with the registrar of titles of a declaration or bylaws for a condominium, or an amendment to the declaration or bylaws, a determination must be made by an order of court in a proceeding subsequent to initial registration or by a written directive of the examiner of titles that the documents comply with the requirements of the applicable condominium statute.

[For text of subd 2, see M.S.2000]

Subd. 2a. **Form of common elements certificate of title.** Upon the filing of a declaration creating a condominium, the registrar shall issue a certificate of title, designated as a "common elements certificate of title," ("CECT"). It must be in substantially the following form:

COMMON ELEMENTS CERTIFICATE OF TITLE (CECT)

This is the Common Elements Certificate of Title for Condominium CIC No.

State of Minnesota)
) ss
 County of)

This is to certify that the common elements in condominium CIC No. are subject to the encumbrances, liens, and interests noted by the memorials set forth as follows:

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

Subd. 3. **Tract index.** CECTs must be maintained in the same manner as provided for certificates of title under chapter 508 and must be indexed in the tract index as provided in section 508.37, subdivision 1a. The names of the owners in the tract index must be "unit owners." The description of the registered land in the tract index must be "common elements" or "CECT."

Subd. 4. **Unit certificates.** CPTs issued for the units described in the declaration must contain, immediately following the description of the unit, a statement in substantially the following form: "subject to encumbrances, liens, and interests noted on CECT No."

Subd. 5. **Memorials.** The condominium declaration, bylaws, any amendment to the declaration or bylaws; any lien against the common elements pursuant to chapter 514; any fixture filings pursuant to section 336.9-314 where the financing statement describes the common elements; any easement on the common elements pursuant to section 515B.3-102, subsection (a)(9); any instrument evidencing the transfer of a special declarant right pursuant to section 515B.3-104; and any conveyance or encumbrance of the common elements pursuant to section 515B.3-112 must be entered as memorials on the CECT only.

Subd. 6. **Preexisting condominiums.** In the case of a condominium existing prior to August 1, 2001, on registered land, for which no CECT has been issued, upon the filing of a document of the kind specified in section 508.351, subdivision 4, the registrar shall issue a CECT, but documents filed prior to the issuance of the CECT need not be entered as memorials on the CECT. The registrar for no additional fee shall mark by the land description on the certificate of title for each of the units in the condominium a statement in substantially the following form: "subject to encumbrances, liens, and interests noted in CECT No." and in future certificates for each unit in the condominium insert, immediately following the description of the Unit, a statement in substantially the following form: "subject to encumbrances, liens and interests noted on CECT No."

History: 2001 c 50 s 18-23,38

508A.421 EXCHANGE CPT.

Subd. 1a. **Reissuance.** The owner of registered land may request the registrar of titles to issue a new CPT free from the memorials of all interests which have terminated.

[For text of subds 2 and 3, see M.S.2000]

History: 2001 c 50 s 24

508A.422 COMBINED CERTIFICATE.

Subdivision 1. **Combining CPT and certificate of title.** The owner of registered land holding a CPT and a certificate of title may request the registrar of titles to issue a single certificate of title, to be known as a combined certificate of title, for the lands described in the CPT and the certificate of title. The combined certificate of title must be in the form prescribed in section 508.35 and must also contain, following the statement required by section 508.35 regarding rights or encumbrances subsisting, a statement in substantially the following form: "This certificate of title is also a CPT as to the lands described herein included in the examiner's directive shown by memorial on this certificate of title and those lands are subject to any claims that may be made pursuant to section 508A.17 within five years from the date of the first CPT."

Subd. 2. **Applicable statute.** Chapter 508 applies to the lands in the combined certificate of title which are registered under that chapter or which have been integrated pursuant to section 508A.85, subdivision 5. This chapter applies to the lands in the combined certificate of title which are registered pursuant to this chapter and which have not been integrated pursuant to section 508A.85, subdivision 5.

History: 2001 c 50 s 25

508A.491 TRANSFER STATEMENT FOR CONTRACT FOR DEED.

Subdivision 1. **Definition.** In this section, "transfer statement for a contract for deed" means a document that:

- (1) is a transfer statement made in compliance with section 336.9-619(a); and
- (2) transfers a seller's interest in an executory contract for the sale of land or of an interest in land that entitles the purchaser to possession of the land.

Subd. 2. **Registration of statement.** A transferee under a transfer statement for a contract for deed is entitled to have the statement recorded as provided in section 336.9-619(b). The registrar shall enter a memorial of the statement on the certificate of title for the land in which the debtor has a registered interest.

Subd. 3. **New certificate of title.** If a transferee under a transfer statement for a contract for deed has become the owner in fee of the land, or any part of it, the transferee may have the title registered. To do so, the transferee must petition the court for a new certificate of title to the land. On receiving the petition, the court shall notify the parties in interest and order a new certificate issued to the petitioner. The registrar shall issue a new certificate of title to the land, or the part of the land, the petitioner owns, as in the case of a voluntary conveyance.

Subd. 4. **Financing statements.** A financing statement that is filed pursuant to section 336.9-502(b) need not contain: (1) the signatures of the debtor or the secured party; or (2) an acknowledgment, and must be filed with the registrar, and shown as a memorial on the certificate of title.

History: 2001 c 195 art 1 s 22

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

[For text of subds 1 to 3, see M.S.2000]

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 party 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 record 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 record 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.

[For text of subd 6, see M.S.2000]

History: 1Sp2001 c 9 art 15 s 32

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), (5), (11), (13), (14), and (17), 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), (3), (5), (11), (13), (14), and (17), 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 issuance of a CECT pursuant to section 508A.351, \$15;

(5) for the entry of each memorial on a CPT, \$15;

(6) for issuing each residue CPT, \$20;

(7) for exchange CPTs or combined certificates of title, \$10 for each CPT and certificate of title canceled and \$10 for each new CPT or combined certificate of title issued;

(8) for each CPT showing condition of the register, \$10;

(9) 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;

(10) 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;

(11) for filing two copies of any plat in the office of the registrar, \$30;

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

(13) 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;

(14) for filing an amendment to a common interest community declaration and plat or amendment complying with section 515B.2-110, subsection (c), and issuing a

CEPT if required, \$10 for each certificate upon which the document is registered and \$30 for the filing of the condominium or common interest community plat or amendment;

(15) for a copy of a condominium floor plan filed in accordance with chapter 515, 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, or common interest community plat with a minimum fee of \$10;

(16) 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;

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

(18) 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.2000]

History: 2001 c 50 s 26

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

[For text of subds 1 to 3, see M.S.2000]

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. 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 of the examiner's directive on the CPT pursuant to section 508A.22 shall not be removed without an order of the district court.

[For text of subd 5, see M.S.2000]

History: 2001 c 50 s 27