

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 [Repealed, 2001 c 50 s 37]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.

Subd. 2. **Removal.** The registrar of titles shall carry forward the memorial set forth in subdivision 1 until directed to remove it by a court order as provided for in section 508A.71.

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: 1982 c 396 s 28; 2001 c 50 s 18-23,38