600.23 RECORDERS.

Subdivision 1. **Deposit of papers.** Every county recorder, upon being paid the legal fees therefor, may receive and deposit in the office any instruments or papers which are offered for that purpose and, if requested, shall give to the person depositing the same a receipt therefor.

Subd. 2. **Endorsed and filed.** Any such instruments or papers so received shall be filed by the officer receiving the same, and so endorsed as to indicate their general nature, the names of the parties thereto, and time when received, and shall be deposited and kept by the officer and successors in office in the same manner as the officer's official papers, but in a place separate therefrom.

Subd. 3. **Withdrawal.** Papers and instruments so deposited shall not be made public or withdrawn from the office except upon the written order of the person depositing the same, or the person's executors or administrators, or on the order of some court for the purpose of being read in the court, and then to be returned to the office.

Subd. 3a. **Retention and disposal.** Papers and instruments deposited for safekeeping shall be retained, at a minimum, until the earlier of:

(1) the county recorder learns of the depositor's death, at which time the county recorder may deliver the paper or instrument to the appropriate court, or deliver the paper or instrument to the depositor's executors or administrators; or

(2) 20 years following the deposit of the paper or instrument, at which time the county recorder shall dispose of the paper or instrument pursuant to its county's retention policy.

Subd. 4. **Certificate that instrument cannot be found.** The certificate of any officer to whom the legal custody of any instrument belongs, stating that the officer has made diligent search for such instrument and that it cannot be found, shall be prima facie evidence of the fact so certified to in all cases, matters, and proceedings.

History: *(9865, 9866, 9867, 9868) RL s 4711,4712,4713,4714; 1976 c 181 s 2; 1980 c 603 s 30; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 1994 c 636 art 8 s 13; 2023 c 52 art 19 s 39*