CHAPTER 508

REGISTRATION OF LAND

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508.01 REGISTRATION.

Real estate in this state may be registered under the provisions of this chapter in the manner herein provided.

History: *(8247) RL s 3370; 1905 c 305 s 1; 1909 c 183 s 2*

508.02 REGISTERED LAND; SAME INCIDENTS AS UNREGISTERED; NO ADVERSE POSSESSION.

Registered land shall be subject to the same burdens and incidents which attach by law to unregistered land. This chapter shall not operate to relieve registered land or the owners thereof from any rights, duties, or obligations incident to or growing out of the marriage relation, or from liability to attachment on mesne process, or levy on execution, or from liability to any lien or charge of any description, created or established by law upon the land or the buildings situated thereon, or the interest of the owner in such land or buildings. It shall not operate to change the laws of descent or the rights of partition between cotenants, or the right to take the land by eminent domain. It shall not operate to relieve such land from liability to be taken or recovered by any assignee or receiver under any provision of law relative thereto, and shall not operate to change or affect any other rights, burdens, liabilities, or obligations created by law and applicable to unregistered land except as otherwise expressly provided herein. No title to registered land in derogation of that of the registered owner shall be acquired by prescription or by adverse possession, but the common law doctrine of practical location of boundaries applies to registered land whenever registered. Section 508.671 shall apply in a proceedings subsequent to establish a boundary by practical location for registered land.

History: *(8248) RL s 3371; 1905 c 305 s 2; 2008 c 341 art 3 s 2*

508.03 APPLICATION.

An application for registration may be made by any of the following persons:

(1) the person or persons who singly or collectively own the land; tenants in common shall join in the application;

(2) the person or persons who singly or collectively have the power of disposing of the land;

(3) infants and other persons under disability, by their guardian duly appointed by the proper court in this state;

(4) a corporation, by its proper officer, or by an agent duly authorized by the board of directors;

(5) any executor, administrator or personal representative duly appointed by the proper court in this state;

(6) a municipal corporation, by its mayor and city clerk, in the case of a city, after a resolution passed by its city council so directing, and by the county auditor and chair of the county board, in the case of a county, after a resolution passed by its county board so directing;

(7) any person may make application when, for at least 15 years, the land has been in the adverse possession of the applicant or those through whom the applicant claims title;

(8) a partnership by one or more of its general partners;

(9) the state of Minnesota, by the county auditor and chair of the county board of the county in which the land is located, at the direction of the county board of such county, in the case of lands forfeited to the state for taxes, and held by it in trust for its taxing districts, or otherwise.

This provision is in addition to all other laws by which the state may register the title to land.

History: *(8249) RL s 3372; 1905 c 305 s 3; 1909 c 110 s 1; 1939 c 100 s 1; 1941 c 378 s 1; 1977 c 21 s 1; 1983 c 92 s 1; 1986 c 444*

508.04 TITLES WHICH MAY BE REGISTERED.

Subdivision 1. **At least fee simple.** No lesser estate than a fee simple, except an appurtenant easement as defined in subdivision 2, and no mortgage, lien, or other charge upon land, shall be registered, unless the estate in fee simple therein is registered; but the fact that the estate or interest of the applicant is subject to any outstanding lesser estate or to a mortgage or other charge or lien shall not prevent its registration, and when a dock or harbor line has been established by federal authority, the estate and interest of a riparian proprietor in the submerged lands lying between the original shore line and such established dock line may be registered under this chapter, subject to the rights of the state of Minnesota in its sovereign capacity in the same, and such registration shall not in any manner affect or change the rights of the state with respect to such lands.

Subd. 2. **Exception for appurtenant easements.** An appurtenant easement over unregistered land may be registered when the fee simple estate to which it is appurtenant has been registered or is registered concurrently with the registration of such easement. The word "land" in this chapter, except as contained in sections 508.37 and 508.47, subdivisions 2 to 7, shall include those appurtenant easements designated in this subdivision and all requirements for the registration of land shall also apply to the registration of such an appurtenant easement. Such an appurtenant easement shall remain in full force and effect after registration until the filing on the certificate of title of an order of the court terminating the easement.

History: *(8250) RL s 3373; 1905 c 305 s 4; 1915 c 242 s 1; 1927 c 112 s 1; 1939 c 100 s 2; 1977 c 21 s 2*

508.05 APPLICATION, HOW SIGNED AND VERIFIED.

The application shall be in writing and signed and verified by the applicant, or by an agent thereunto lawfully authorized in writing. If the application is signed and verified by any agent, except an officer of a corporation, the authority of such agent shall be executed and acknowledged in the manner required for the execution and acknowledgment of a deed and recorded with the county recorder for the county wherein the land is situated before the filing of the application. If the application is made by a corporation, it shall be verified by some officer of the corporation. If the applicant is married, the spouse of the applicant may assent thereto in writing by a duly acknowledged endorsement thereon, or by a separate instrument duly

acknowledged and filed with the application, but otherwise the spouse shall be made a defendant and served with summons.

History: *(8251) RL s 3374; 1905 c 305 s 5; 1935 c 16 s 1; 1976 c 181 s 2; 1986 c 444*

508.06 CONTENTS OF APPLICATION; RIGHTS AND PRIVILEGES OF CLAIMANTS.

The application shall set forth substantially:

(1) the full name and address of the applicant; if the application is made by any person acting in behalf of another, the application shall likewise state the full name and address of the person so acting, and the capacity in which that person acts; if the applicant is not an individual, the application shall include the full legal name and type of entity, the state of organization, and the address of its principal place of business;

(2) whether the applicant is or is not married and, if married, the full name and address of the spouse; whether the applicant is or is not 18 years of age or older; whether or not the applicant is under any legal incapacity, and if so, the nature of the incapacity; and whether the applicant has ever been divorced and, if so, when, where, and by what court the divorce was granted;

(3) a correct description of the land and the description of an appurtenant easement shall be accompanied by a description of the fee simple estate to which it is appurtenant;

(4) the estate or interest of the applicant in the land, and whether or not it is subject to an estate of homestead;

(5) whether the land is occupied or unoccupied; if occupied by any other person than the applicant, it shall state the full name and address of each occupant and the nature of the estate, interest, lien, or charge which the occupant or occupants have, or claim to have, in the land;

(6) a description of each lien or interest, recorded or unrecorded, which the applicant recognizes as encumbering the land, including the nature of the lien or interest, any information about its recording, and the name of the interested party;

(7) a description of each lien or interest, recorded or unrecorded, for which the applicant seeks a determination terminating or modifying the interest, together with the reason for the relief requested, and including the nature of the lien or interest, any information about its recording, and the name of the interested party;

(8) a description of any other defects in the applicant's title and a reason for curing the defects;

(9) if the application is on behalf of a minor, it shall state the age of the minor and that a duly certified copy of the letters of guardianship has been recorded with the county recorder in the county in which the land is situated;

(10) when a required address is unknown to the applicant after due and diligent search, it may be so stated;

(11) if it is desired to fix and establish the boundary lines of the land, the full names and addresses of all owners of adjoining lands which are in any manner affected by it shall be fully stated.

Any person having or claiming any right, title, interest, or estate in land, or any lien or charge upon or against it, may assent in writing to its registration. The person assenting need not be named as a defendant in the registration proceeding or, if already named as a defendant in it, need not be served with the summons

in it. The assent shall be executed and acknowledged in the manner required by law for the execution and acknowledgment of a deed and filed with the court administrator.

History: *(8252) RL s 3375; 1905 c 305 s 6; 1973 c 9 s 4; 1976 c 181 s 2; 1977 c 21 s 3; 1983 c 92 s 2; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 1996 c 338 art 1 s 1; 2017 c 16 s 4*

508.07 NONRESIDENT APPLICANT; AGENT.

If not a resident of the state, the applicant shall file for record with the county recorder a written agreement, duly executed and acknowledged, appointing an agent residing in the state. The applicant shall state therein the full name and post office address of this agent and therein agree that the service of any legal process in proceedings under or growing out of any application shall be of the same legal effect when made on this agent as if made on the applicant within the state. If the agent so appointed dies or removes from the state, the applicant shall at once appoint another agent in like manner and, on failing so to do, the court may in its discretion dismiss the application. In any subsequent application made, the applicant may refer to such written authority so recorded, provided the same is sufficiently comprehensive to include such subsequent application.

History: *(8253) RL s 3376; 1905 c 305 s 7; 1976 c 181 s 2; 1986 c 444*

508.08 APPLICATION, LAND INCLUDED.

Subdivision 1. **Separate tracts; common owner.** Any number of tracts of land in the same county owned by the same person may be included in one application.

Subd. 2. **Separate tracts; common title defect.** Two or more owners of separate tracts of land may join in one application to register the title to their individual tracts if the tracts share a common title defect requiring substantially the same evidence for adjudication. The application must list separately all of the information required by section 508.06 for the owner or owners of each of the tracts included in the application.

History: *(8254) RL s 3377; 1905 c 305 s 8; 1941 c 378 s 2; 1983 c 92 s 3; 1987 c 4 s 1; 2003 c 5 art 1 s 1; 2022 c 37 s 1*

508.09 AMENDMENT.

Amendments to the application, including joinder, substitution, or discontinuance as to parties, may be allowed by the court 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 and filing an amendment without payment of the fees specified in section 357.021, subdivision 2, clause (1).

History: *(8255) RL s 3378; 1905 c 305 s 9; 2001 c 50 s 2*

508.10 APPLICATION TO DISTRICT COURT; POWERS OF COURT.

An application for registration shall be addressed to the district court in and for the county wherein the land described therein is situated. The district court shall have original exclusive jurisdiction thereof, and of all proceedings thereunder, and full power to inquire into the title of the land, and any right, title, interest, or estate therein, and any lien, charge, or encumbrance thereon. By its decree, the court shall adjudge and determine the title to the land, the nature, character, extent, and amount of all liens and encumbrances thereon, the priority as between the same, and remove all clouds from the title. The district court shall have full power

and authority to make all necessary orders, judgments, and decrees and, for these purposes, the court shall be always open.

History: *(8256) RL s 3379; 1905 c 305 s 10*

508.11 COURT ADMINISTRATOR; FILING, RECORDING; CERTIFYING; EFFECT.

Subdivision 1. **Approval by examiner.** Applications for initial registration shall be approved as to form by the examiner prior to filing with the court administrator.

Subd. 2. **Filing.** The application for initial registration shall be filed with the court administrator. At the time of the filing of the application with the court administrator, a copy thereof, duly certified by the court administrator, shall be filed by the applicant for record with the county recorder, and shall be notice forever to purchasers and encumbrancers of the pendency of the proceeding and of all matters referred to in the court files and records pertaining to the proceeding. The applicant shall file with the court administrator, as soon after the filing of the application as is practicable, an abstract of title or other evidence of title for the land described in the application, satisfactory to the examiner. If a survey is required by the examiner, the applicant shall file a survey, certified by a licensed surveyor, with the court administrator. At the time of the filing of a final order or decree with the court administrator, a copy thereof, duly certified by the court administrator, shall be filed by the applicant with: (1) the registrar of titles for issuance of a first certificate of title; and (2) the county recorder for indexing in the tract index to show the disposition of the registration case.

History: *(8257) RL s 3380; 1905 c 305 s 11; 1976 c 181 s 2; 1977 c 21 s 4; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 1994 c 636 art 8 s 11; 2022 c 37 s 2*

508.12 EXAMINERS OF TITLES.

Subdivision 1. **Examiner and deputy examiner.** The judges of the district court shall appoint a competent attorney in each county within their respective districts to be an examiner of titles and legal adviser to the registrar in said county, to which examiner all applications to register title to land are referred without further order, and may appoint attorneys to serve as deputy examiners who shall act in the name of the examiner and under the examiner's supervision and control, and the deputy's acts shall be the acts of the examiners. The examiner of titles and deputy examiners shall hold office subject to the will and discretion of the district court by whom appointed. The examiner's compensation and that of the examiner's deputies shall be fixed and determined by the court and paid in the same manner as the compensation of other county employees is paid except that in all counties having fewer than 75,000 inhabitants, and in Stearns, Dakota, Scott, Wright, Sherburne, and Olmsted Counties the fees and compensation of the examiners for services as legal adviser to the registrar shall be determined by the judges of the district court and paid in the same manner as the compensation of other county employees is paid, but in every other instance shall be paid by the person applying to have the person's title registered or for other action or relief which requires the services, certification or approval of the examiner.

Subd. 2. **County attorney as registrar's adviser.** Notwithstanding any provision of this section to the contrary, in all counties other than Hennepin, Ramsey and St. Louis having a full-time county attorney, the county board by resolution may provide that the county attorney shall also be the legal adviser to the registrar in said county.

Subd. 3. MS 1988 [Repealed, 1989 c 59 s 2]

History: *(8258) RL s 3381; 1905 c 305 s 12; 1909 c 183 s 3; 1927 c 112 s 2; 1953 c 276 s 1; 1955 c 319 s 1; 1957 c 252 s 1; 1959 c 252 s 1; 1961 c 362 s 1; 1971 c 799 s 1; 1974 c 322 s 8; 1986 c 444; 1989 c 59 s 1; 1994 c 380 s 1; 1994 c 388 art 3 s 1; 2003 c 54 s 1; 1Sp2017 c 4 art 2 s 47*

508.13 REFERENCES TO EXAMINERS; POWERS; REPORTS.

Immediately after the filing of the abstract of title or other evidence of title acceptable to the examiner of titles, the court administrator shall refer the file to the examiner of titles, who shall proceed to examine into the title of the land described in the application, and into the truth of all matters set forth therein. The examiner shall ascertain whether or not the land is occupied, and, if occupied, shall ascertain the nature thereof, and by what right the occupation is held. The examiner shall also ascertain whether or not any judgments exist which may be a lien upon the land. The examiner shall search all public records, and fully investigate all facts pertaining to the title which may be brought to the examiner's notice, and shall file in the case a full report thereof, together with the examiner's opinion upon the title. The court shall not be bound by any report of the examiner of titles, but may require further or other proof. An examiner of titles shall have full power to administer oaths and examine witnesses concerning any matter involved in the examiner's investigation of titles. When, in the opinion of the examiner, the state has any interest in, or lien upon, the land, the examiner shall state the nature and character thereof in the examiner's report, and in such cases, the state shall be joined as a party, and named in the summons as a party thereto, in order that its interest, estate or lien may be defined and preserved. The court administrator shall give notice to the applicant of the filing of such report. If the report of the examiner is adverse to the applicant, the applicant shall have a reasonable time in which to proceed further, or to withdraw the application. This election shall be made in writing and filed with the court administrator. Examiners shall, upon the request of the registrar, advise the registrar upon any act or duty pertaining to the conduct of the office, or prepare the form of any memorial to be made or entered by the registrar.

In all cases where under the provisions of this chapter application is made to the court for any order or decree, the court may refer the matter to the examiner of titles for hearing and report in like manner as herein provided for the reference of the initial application for registration.

History: *(8259) RL s 3382; 1905 c 305 s 13; 1927 c 112 s 3; 1978 c 750 s 4; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 1994 c 388 art 3 s 2; 2022 c 37 s 3*

508.14 SURVEY IN CERTAIN COUNTIES.

In any county of this state having more than 200,000 inhabitants, the county surveyor thereof shall, at the request of the examiner of titles for such county, make a survey of the plat described in any application for registration under this chapter, and file with the court administrator of the district court of such county a plat of such land, duly certified, showing the dimensions of the land, the location of all structures, fences, and other improvements thereon and such other facts as may be required by the examiner. The surveyor shall also at the request of the registrar of titles of such county, make a survey of any registered land designated by the registrar and file with such registrar a plat of such land, duly certified showing its dimensions and such other facts as the registrar may require. Such plat shall be numbered and entered as a memorial on the certificate of title of such land and transferred with each subsequent certificate of title affecting such land. In any county in which the county surveyor receives fees in lieu of a salary, the county surveyor shall be paid such compensation for services as the county board may determine; in all other counties, the county surveyor shall receive no other compensation than the salary paid for other county work.

History: *(8260) 1909 c 366 s 1; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 1999 c 11 art 1 s 13*

508.15 ORDER FOR SUMMONS; PARTIES DEFENDANT.

If, in the opinion of the examiner, the applicant has a title to the land proper for registration, or if the applicant, after an adverse opinion of the examiner, elects to proceed further, the applicant shall file with the court administrator a verified petition praying that a summons may be issued in the proceeding. The court shall thereupon examine all the files and records of the proceeding and, by its order, direct that a summons be issued therein. This order shall contain the name and address, so far as known, of every person who is to be joined as a party to the proceeding, including all persons named in the application, or found by the report of the examiner to be in possession of the land, or as having any right, title, interest, or estate therein, or any lien or encumbrance upon or against the same, together with the name and address of all other persons or parties whom the court, in its order, may direct to be joined therein. The parties thus named in the order of the court shall be, and shall be known as, defendants.

When the description in the application includes land which, according to the plat of the United States Government Survey, forms part or all of the bed of a meandered stream or lake, the state of Minnesota shall be made a party defendant. In all cases where decree of registration has been heretofore entered for any such land without the state having been joined and served with summons, it shall be deemed that title had heretofore passed to the applicant by reliction or accretion.

History: *(8261) RL s 3383; 1905 c 305 s 14; 1933 c 164; 1Sp1986 c 3 art 1 s 82*

508.16 FORM OF SUMMONS; SERVICE ON VARIOUS PARTIES; PUBLICATION.

Subdivision 1. **Subscribed by administrator; copies.** The summons shall be subscribed by the court administrator, directed to the defendants, and require them to appear and answer the application of the applicant, within 20 days after the service of the summons, exclusive of the day of such service. It shall be served in the manner as provided by law for the service of a summons in civil actions in the district court, except as herein otherwise provided. It shall be served upon the state by delivering a copy thereof to the attorney general, a deputy attorney general or an assistant attorney general. The attorney general shall represent the state in these proceedings. In those cases where the attorney general deems it appropriate, the attorney general may transmit the matter to the county attorney of the county in which the land described therein is situated, and thereupon such county attorney shall appear in such proceeding, and represent the state therein. It shall be served upon a domestic corporation governed by chapter 302A whose charter has terminated by dissolution, expiration, or otherwise, by delivering a copy of it to a person, known to the applicant, who held office in the corporation at the time of dissolution and can be found in the state or, if no officer known to the applicant can be found in the state, by publishing the summons in a newspaper printed and published in the county where the application is filed, once each week for three consecutive weeks. It shall be served upon all persons not personally served who are not residents of the state or who cannot be found therein, and upon domestic corporations not governed by chapter 302A whose charter has terminated by dissolution, expiration, or otherwise more than three years prior to the commencement of the action, and upon unknown successors in interests of such corporations, and upon "all other persons or parties unknown claiming any right, title, estate, lien, or interest in the real estate described in the application herein" by publishing the same in a newspaper printed and published in the county wherein the application is filed, once each week for three consecutive weeks; provided, if the order for summons or a supplemental order of the court, filed before, during or after the publication of the summons, shall so direct, the summons may be personally served without the state upon any one or more of the defendants who are nonresidents of the state or who cannot be found therein, in like manner and with like effect as such service in a summons in a civil action in the district court; and provided further, that any nonresident defendant, natural or corporate, who can be found in the state of Minnesota and can be personally served therein, may be served personally. The court administrator shall also, at least 20 days before the entry of the decree which shall be entered in

the matter, send a copy of the summons by mail to all defendants not served personally who are not residents of the state, and whose place of address is known to applicant or stated in the application, or in the order directing the issuance of the summons. The certificate of the court administrator that the court administrator has mailed the summons, as herein provided, shall be conclusive evidence thereof. Other or further notice of the application for registration may be given in such manner and to such persons as the court or any judge thereof may direct. The summons shall be served at the expense of the applicant and proof of the service shall be made in the same manner as in civil actions. The summons shall be substantially in the following form:

SUMMONS IN APPLICATION FOR REGISTRATION OF LAND

State of Minnesota

ss.

County of .....

District Court ..... Judicial District.

In the matter of the application of (name of applicant) to register the title to the following described real estate situated in ..... county, Minnesota, namely: (description of land)

.....

Applicant,

vs

(names of defendants) and "all other persons or parties unknown claiming any right, title, estate, lien or interest in the real estate described in the application herein."

Defendants.

THE STATE OF MINNESOTA TO THE ABOVE NAMED DEFENDANTS:

You are hereby summoned and required to answer the application of the applicant in the above entitled proceeding and to file your answer to the said application in the office of the court administrator of said court, in said county, within 20 days after service of this summons upon you exclusive of the day of such service, and, if you fail to answer the application within the time aforesaid, the applicant in this proceeding will apply to the court for the relief demanded therein.

Witness ..... court administrator of said court, and the seal thereof, at ....., in said county, this ..... day of ....., ...

(Seal)

.....

Court administrator

Subd. 2. **Jurisdiction.** When the summons has been served, the court acquires jurisdiction of the subject matter of the proceeding, and of all persons who have, or may have, any right, title, interest, or estate in the real estate described in the application, or any lien or charge upon or against it. By the phrase in the summons "all other persons or parties unknown claiming any right, title, estate, lien, or interest in the real estate

described in the application herein," all the world are made parties defendant, and shall be bound and concluded by the decree. Any person claiming any right, title, estate, or interest in or lien upon the land who has been served shall be bound by the decree without regard to the nature of the right, title, estate, or interest in or lien upon the land asserted by the person or described in the application, report of the examiner, summons, or otherwise, it being the public policy of the state of Minnesota to give effect to the decree of registration as set forth in section 508.22 as to any such person.

History: *(8262) RL s 3384; 1905 c 305 s 15; 1927 c 112 s 4; 1929 c 97 s 1; 1957 c 239 s 1; 1971 c 64 s 1; 1983 c 92 s 4; 1984 c 566 s 2; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 1998 c 254 art 1 s 107; 2001 c 50 s 3*

508.17 ANSWER.

Any person claiming any right, title, estate, or interest in or lien upon the land, whether named in the summons or not, may file an answer therein, within the time named in the summons, or within such further time as may be allowed by the court. The answer shall state all objections to the application, set forth the right, title, estate, interest, or lien claimed by the party filing the same, and be signed and verified by the defendant, or by some person in the defendant's behalf.

History: *(8263) RL s 3385; 1905 c 305 s 16; 1986 c 444*

508.18 GUARDIAN AD LITEM; WHEN APPOINTED.

Upon the petition of the applicant, or of any person interested in the proceeding, the court shall appoint a disinterested person to act as guardian ad litem for minors, and other persons under disability, and for all persons not in being who may appear to have any interest or lien upon the land. The compensation of the guardian shall be determined by the court and paid by the applicant as part of the expenses of the proceeding.

History: *(8264) RL s 3386; 1905 c 305 s 17*

508.19 DECREE ON DEFAULT.

If no person appears and answers within the time named in the summons, or allowed by the court, the court may, at once, upon the motion of the applicant, no reason to the contrary appearing, and upon satisfactory proof of the applicant's right thereto, make and file its order and decree confirming the title of the applicant and ordering the registration thereof.

History: *(8265) RL s 3387; 1905 c 305 s 18*

508.20 TRIAL; REFERENCE.

When an answer is filed, the case shall be tried by the court in like manner as an ordinary civil action. The court may refer the case, or any part thereof, to one of the examiners to hear the parties and their evidence, and make report thereon to the court. After the filing of the report, the court may order such other or further hearing of the cause before the court, or before the examiner, and may require such other or further proof by any of the parties to the cause as it shall deem proper.

History: *(8266) RL s 3388; 1905 c 305 s 19; 1978 c 750 s 5*

508.21 DISMISSAL.

If the court shall find after hearing that the applicant has not a title proper for registration, an order shall be entered dismissing the application which may be without prejudice. The applicant may upon motion

dismiss the application at any time before the final decree is entered upon such terms as shall be fixed by the court.

History: *(8267) RL s 3389; 1905 c 305 s 20*

508.22 DECREE OF REGISTRATION; EFFECT.

If, after hearing, the court finds the applicant has a title proper for registration, whether as stated in the application or otherwise, it shall make and file its decree therein, confirming the title of the applicant and ordering its registration. Except as herein otherwise provided, every decree of registration shall bind the land described in it, forever quiet the title to it, and be forever binding and conclusive upon all persons, regardless of whether they were mentioned in the application or in the report of the examiner or whether they possessed an interest in the land not referred to in the application or in the report of the examiner, whether they were mentioned by name in the summons, or included in the phrase, "all other persons or parties unknown claiming any right, title, estate, lien, or interest in the real estate described in the application herein." The decree shall not be opened, vacated, or set aside by reason of the absence, infancy, or other disability of any person affected by it, nor by any proceeding at law or in equity for opening, vacating, setting aside, or reversing judgments and decrees, except as herein especially provided. The decree shall forever determine, bind, and conclude all the right, title, interest, estate, or lien in the land described in it of the spouse of any defendant acquired or growing out of the marriage relation as though the spouse had been expressly named in the decree.

History: *(8268) RL s 3390; 1905 c 305 s 21; 1983 c 92 s 5; 1986 c 444*

508.23 CONTENTS OF DECREE; COPY FILED.

Subdivision 1. **Details; filing.** Every decree of registration shall bear the date, hour, and minute of its entry and be signed by one of the judges of the district court. It shall state whether the owner is 18 years of age or older, and whether married, or unmarried, and, if married, the name of the spouse; if the owner of the land is under any legal incapacity, it shall state the nature thereof. It shall contain an accurate description of the land as finally determined by the court, and set forth the estate of the owner and also, in such manner as to show their relative priority, all particular estates, mortgages, easements, liens, attachments, and other encumbrances, including spousal rights, if any, to which the land or the owner's estate is subject, and any other facts properly to be determined by the court. Immediately upon the filing of the decree of registration, the court administrator shall file a certified copy thereof with the registrar.

Subd. 1a. **Judicial determination of boundaries.** If one or more boundary lines are judicially determined, the land description in the decree of registration shall make reference to that fact and to the location of the judicial landmarks that mark the boundary lines. When any of the boundary lines are registered, the court administrator also shall file with the registrar a certified copy of the plat of the survey which contains a certification by a licensed land surveyor that the boundaries registered have been marked by judicial landmarks set pursuant to the order of the court. The registrar of titles shall enter the certified copy of the plat of the survey as a memorial upon the certificate of title issued for the land registered by the decree. If any of the adjoining lands are registered, the decree of registration shall direct the registrar of titles to show by memorial upon the certificates of title for the adjoining lands which of the boundary lines of these lands have been determined in the district court case.

Subd. 2. **Appurtenant easements.** When a decree of registration is entered for an appurtenant easement only, it shall include the description and certificate of title number of the fee simple estate to which it is appurtenant. The registrar of titles shall not issue a separate certificate of title for the easement, but shall enter the easement as a memorial upon the certificate of title issued for the designated fee simple estate.

Upon the issuance of a new certificate of title for such fee simple estate, the registrar of titles shall omit the memorial of the easement and place the easement in the new certificate of title immediately following the description of the fee simple estate to which the easement is appurtenant.

History: *(8269) RL s 3391; 1905 c 305 s 22; 1977 c 21 s 5; 1983 c 92 s 6; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 1994 c 388 art 3 s 3; 1998 c 324 s 9*

508.24 REGISTRATION RUNS WITH LAND; WITHDRAWAL.

Subdivision 1. **Subject to this chapter.** The obtaining of a decree of registration, and the receiving of a certificate of title shall be deemed as an agreement running with the land and binding upon the applicant and successors in the title that the land shall be and forever remain registered land, unless withdrawn therefrom as hereinafter provided, and subject to the provisions of this chapter and to all acts amendatory thereof. All dealings with the land, or any estate or interest therein, and all liens, encumbrances, and charges upon the same, after the land has been registered, and while it remains registered, shall be expressly subject to the terms and provisions of this chapter.

Subd. 2. **Petition; nonmetropolitan counties.** The registered owner of land in counties not containing a city of the first class may apply by verified petition to the district court of the county wherein the land is situated for its withdrawal from registration. The application shall be heard by the district court on not less than 20 days' written notice to all persons appearing of record or known to the petitioner to have or claim an interest in the property. The notice shall be served in the manner provided by law for the service of a summons in a civil action in the district court unless otherwise specified by the court. At the hearing any person interested in any manner in the land or who may be affected by its withdrawal from registration, may appear and be heard in favor of or in opposition to the application. After hearing the court may order that the land be withdrawn from registration, subject to encumbrances, liens, and other incidents of title then existing, and if so ordered shall require that a certified copy of the order, a certified copy of the original decree of registration, and certified copies of all undischarged instruments memorialized on the certificate of title, be recorded in the office of the county recorder at the expense of the petitioner. In its order the court shall reconcile any differences in description of the land as originally registered and as described in the last certificate of title. Upon the recording of the instruments and upon filing a certified copy of the order in the office of the registrar of titles, the land shall be withdrawn from registration and become unregistered property.

History: *(8270) RL s 3392; 1905 c 305 s 23; 1959 c 418 s 1; 1976 c 181 s 2; 1983 c 92 s 7; 1986 c 444; 1999 c 11 art 1 s 14*

508.25 RIGHTS OF PERSON HOLDING CERTIFICATE OF TITLE.

Every person receiving a certificate of title pursuant to a decree of registration and every subsequent purchaser of registered land who receives a certificate of title in good faith and for a valuable consideration shall hold it free from all encumbrances and adverse claims, excepting only the estates, mortgages, liens, charges, and interests as may be noted in the last certificate of title in the office of the registrar, and also excepting any of the following rights or encumbrances subsisting against it, 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 thereunder;

(4) all rights in public highways upon the land;

(5) the right of appeal, or right to appear and contest the application, petition, or other proceeding affecting the title, as is allowed by this chapter;

(6) the rights of any person in possession under deed or contract for deed from the owner of the certificate of title; 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: *(8271) RL s 3393; 1905 c 305 s 24; 1931 c 357; 1982 c 523 art 2 s 46; 1983 c 92 s 8; 1987 c 385 s 49; 1988 c 719 art 19 s 26; 1991 c 291 art 18 s 14; 1992 c 511 art 9 s 20; 1999 c 11 art 1 s 15; 2017 c 16 s 5*

508.26 OPENING DECREE.

Any person having any right, title, or interest in or lien upon the land upon whom the summons has not been actually served, and who had no notice or knowledge of the filing of the application or of the pendency of such proceeding prior to the entry of the decree therein, may at any time within 60 days after the entry of such decree, and not afterwards, file a duly verified petition setting forth such facts and praying for leave to file an answer therein. If the court is satisfied of the truth of the matter set forth in such verified petition, it shall make an order permitting such petitioner to answer the application. Upon the filing of such answer, and upon not less than ten days' notice to the applicant, and to such other persons or parties as the court may order, and in such manner as it may direct, the court shall proceed to review the case, and, if satisfied that its decision or decree ought to be opened, it shall so order. Thereupon the court shall proceed to hear and try the case de novo and to make such further order, decision, or decree therein as shall be according to equity.

History: *(8272) RL s 3394; 1905 c 305 s 25; 1986 c 444*

508.27 TITLE ACQUIRED PENDING PROCEEDING.

Any person who shall acquire any right, title, interest or estate in the land subsequent to the filing of the copy of the application for registration with the county recorder, and prior to the entry of the decree in the registration proceeding, shall at once appear and answer as a party defendant in such proceeding, and the right, title, interest, estate, or lien of such person shall be subject to the order or decree of the court.

History: *(8273) RL s 3395; 1905 c 305 s 26; 1976 c 181 s 2*

508.28 LIMITATION OF ACTIONS.

No decree of registration hereafter entered, and no original certificate of title hereafter issued pursuant thereto, shall be adjudged invalid or set aside unless the action in which the validity of such decree, or of the original certificate of title issued pursuant thereto, is called in question, be commenced, or the defense alleging the invalidity thereof be interposed, within six months from the date of such decree. No action or proceeding for the recovery of any right, title, interest, or estate in registered land adverse to the title established by any original decree of registration hereafter entered shall be maintained, unless such action is commenced within six months from the date of such original decree. No action or proceeding for the enforcement or foreclosure of any lien or charge upon or against registered land in existence at the date of

any original decree of registration hereafter entered, and which is not recognized and established by such decree, shall be maintained, unless such action or proceeding is commenced within six months from the date of such original decree. No such action or proceeding shall be commenced by any person who is bound by the decree. Nothing herein shall affect any rights already barred when this law takes effect.

History: *(8274) RL s 3396; 1905 c 305 s 27*

508.29 APPEALS.

An appeal may be taken to the court of appeals from any order or judgment of the district court under this chapter as follows:

(1) from any final decree, within 90 days from its date except that the appeal period for those parties who were not personally served shall be six months from the date of the final decree; upon appeal from the decree, the court of appeals may review any intermediate order involving the merits or necessarily affecting the decree;

(2) from any order granting or denying an application to open, vacate, or set aside the decree, within 30 days from the date of the filing of the order;

(3) from any order granting or refusing a new trial, or from any order involving the merits of the proceeding, or some part of them, within 30 days from the filing of the order;

(4) from any order relating to registered land after its original registration, within 60 days from the filing of the order.

All appeals from any order or decree in any proceeding under this chapter shall be as in other civil cases.

History: *(8275) RL s 3397; 1905 c 305 s 28; 1977 c 21 s 6; 1983 c 247 s 184; 2017 c 16 s 6*

508.30 REGISTRAR OF TITLES.

County recorders shall be the registrars of titles in their respective counties.

History: *(8276) RL s 3398; 1905 c 305 s 29; 1976 c 181 s 2*

508.31 REGISTRAR'S BOND.

Before entering upon the duties of office, the registrar of titles shall execute a bond to the state for such amount and with such sureties as may be determined by the county board. Such bond shall be approved by the district court, filed in the office of the county recorder, and conditioned for the faithful discharge of duties. A copy of the bond shall be filed and entered upon the records of the court.

History: *(8277) RL s 3399; 1905 c 305 s 30; 1973 c 524 s 11; 1976 c 181 s 2; 1986 c 444*

508.32 UNDER CONTROL OF COURT; AFFIXING SEAL.

The registrar of titles shall be at all times under the control of the court, which may adopt such rules governing the conduct of office as it may deem wise. Every registrar of titles shall have an official seal and affix the same to all documents requiring the registrar's official signature. The seal may be affixed by a stamp that will print a seal that legibly reproduces under photographic or electronic methods. The seal also may be a printed facsimile or it may be electronically generated.

History: *(8278) RL s 3400; 1905 c 305 s 31; 1949 c 72 s 1; 1986 c 444; 1998 c 314 s 5*

508.321 APPEAL FROM REGISTRAR'S DECISIONS.

If the registrar rejects a document for filing, a party in interest may refer the matter to the examiner of titles for review. The examiner of titles may approve the document for filing by endorsing the words "Approved for Filing" on the document. Upon approval, the registrar shall accept the document for filing.

History: *1994 c 388 art 3 s 5*

508.33 DEPUTIES.

The registrar of titles may appoint one or more deputy registrars of titles, who may also be deputy county recorders, to act in the registrar's stead. Deputy registrars shall act in the name of the registrar and their acts shall be the registrar's acts. The registrar shall be liable for any neglect or omission of a deputy to the same extent as for the registrar's own neglect or omission. The registrar may, with the consent of the county board, employ such clerks as may be required to properly perform the duties of office. In all counties in which the county recorder does not receive the fees of the office in lieu of a salary, the county board shall fix the compensation of all deputy registrars and clerks appointed or employed by the registrar which shall be paid out of any county funds not otherwise appropriated.

History: *(8279) RL s 3401; 1905 c 305 s 32; 1976 c 181 s 2; 1986 c 444*

508.34 REGISTER OF TITLES.

Immediately upon the filing of the decree of registration with the registrar, the registrar shall proceed to register the title pursuant to the terms of the decree in the manner herein provided. The registrar shall keep a book known as the "Register of Titles," and shall enter all first and subsequent certificates of title by binding or entering them therein in the order of their numbers, beginning with number one. The entering of the certificate of title in the register of titles shall constitute the act of registration. The term "certificate of title" shall be deemed to include all memorials and notations thereon, and each certificate of title shall contain proper blanks for the entry of the memorials and notations thereon. Each certificate shall constitute a separate page of such book, and all memorials and notations that may be entered by the registrar shall be entered by the registrar upon the page whereon the latest certificate of title is entered.

History: *(8280) RL s 3402; 1905 c 305 s 33; 1986 c 444*

508.349 OFFICIAL SIGNATURE OF REGISTRAR OF TITLES.

When the official signature of the registrar of titles, or that of a deputy, is required under section 508.35 or 508.38, an electronically generated facsimile signature or name may be used.

History: *1998 c 314 s 6*

508.35 FORM OF CERTIFICATE.

The certificate of title shall contain the name and residence of the owner, a description of the land, and of the estate of the owner therein, and shall by memorial contain a description of all encumbrances, liens, and interests in which the estate of the owner is subject. 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 substantially in the following form:

CERTIFICATE OF TITLE

First certificate of title, pursuant to the order of the district court, ... judicial district, county of ....., and state of Minnesota, date....., ...

REGISTRATION

State of Minnesota)

) ss.

County of .....)

This is to certify that ....., whose address is ....., in the ..... of ....., and state of ....., is now the owner of an estate, ... of and in the following described land situated in the county of ..... and state of Minnesota, ...

Subject to the encumbrances, liens, and interest noted by the memorial underwritten or endorsed hereon; and subject to the following rights or encumbrances subsisting, as provided in Laws 1905, chapter 305, section 24, 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) Such right of appeal or right to appear and contest the application as is allowed by law;

(6) The rights of any person in possession under deed or contract for deed from the owner of the certificate of title;

(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 certificates issued subsequent to the first certificate of title shall be in like form except that they shall be entitled "Transfer from number (here give the number of the next previous certificate relating to the same land)," and shall also contain the words "Originally registered (date, volume, and page or certificate of title number of registration)."

History: *(8281) RL s 3403; 1905 c 305 s 34; 1941 c 33; 1973 c 14 s 1; 1983 c 92 s 9; 1986 c 444; 1994 c 388 art 3 s 7; 1998 c 254 art 1 s 107; 1999 c 11 art 1 s 16; 2003 c 5 art 1 s 2; 2005 c 4 s 121*

508.351 COMMON INTEREST COMMUNITY CERTIFICATE.

Subdivision 1. **Condominium declaration.** Prior to recording with the registrar of titles of a declaration or bylaws for a condominium, or an amendment to the declaration or bylaws, or a supplemental declaration pursuant to section 515B.2-111, 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. **Form of common interest community certificate of title.** Upon the recording of a declaration creating a condominium or a planned community pursuant to chapter 515B, the registrar shall issue a certificate of title, designated as a "common interest community certificate of title," ("CICCT"). It must be in substantially the following form:

COMMON INTEREST COMMUNITY CERTIFICATE OF TITLE (CICCT)

This is the Common Interest Community Certificate of Title for CIC No. .....

State of Minnesota)

) SS.

County of .....)

This is to certify that the units and common elements in 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.** CICCTs must be maintained in the same manner as provided for certificates of title 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 "owners." The description of the registered land in the tract index must be "common interests" or "CICCT."

Subd. 4. **Unit and common elements certificates.** Certificates of title issued for the units described in the declaration, and for common elements described in the declaration for a planned community, must contain a statement in substantially the following form: "subject to encumbrances, liens, and interests noted on (CICCT) No. ....."

Subd. 5. **Memorials.** The condominium or planned community declaration, bylaws, any amendment to the declaration or bylaws; any supplemental declaration pursuant to section 515B.2-111; any lien against the common elements in a condominium pursuant to chapter 514; any fixture filing pursuant to section 336.9-314 where the financing statement describes the common elements in a condominium; any easement on the common elements in a condominium 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 in a condominium pursuant to section 515B.3-112 must be entered as memorials on the CICCT only. The entry of a memorial on the CICCT shall have the same effect as if the memorial was entered on the certificates of title for the units in the common interest community and on the certificates of title for the common elements in a planned community.

Subd. 6. **Preexisting condominiums.** (a) Except as provided in paragraph (b), in the case of a condominium existing prior to August 1, 2009, on registered land, for which no CICCT has been issued, upon the recording of a document of the kind specified in subdivision 5, the registrar shall issue a CICCT, but documents filed prior to the issuance of the CICCT need not be entered as memorials on the CICCT. The registrar for no additional fee shall enter on the certificate of title for each of the units in the condominium the statement specified in subdivision 4.

(b) In the case of a condominium for which a CECT has been issued pursuant to Laws 2001, chapter 50, section 4, upon the recording of a document specified in subdivision 5, the registrar shall cancel the CECT and issue a CICCT in lieu thereof. The statement on the certificate of title for each of the units in the condominium regarding the CECT shall be amended by the registrar for no additional fee to refer to the CICCT.

Subd. 7. **Preexisting planned communities.** In the case of a planned community, as defined in chapter 515B, existing prior to August 1, 2009, on registered land, for which no CICCT has been issued, upon the recording of any amendment to the declaration of the planned community, or any supplemental declaration pursuant to section 515B.2-111, which identifies the common interest community number of the planned community, the registrar shall issue a CICCT, but documents filed prior to the issuance of the CICCT need not be entered as memorials on the CICCT. The registrar for no additional fee shall enter on the certificate of title for each of the units and for the common elements in the planned community the statement specified in subdivision 4.

History: *2001 c 50 s 4; 2009 c 30 art 2 s 1; 2010 c 233 s 2-4*

508.36 CERTIFICATES AND COPIES AS EVIDENCE.

The certificate of title in the register of titles, any copy of it duly certified by the registrar, or by a deputy, and authenticated by the registrar's seal shall be received in evidence in all the courts of this state and be conclusive evidence of all matters and things contained in it. Deeds, mortgages, leases, or other conveyances of real estate, and all instruments in any manner affecting the title to registered land, together with any notations, endorsements, or memorials upon the same made by the registrar of titles, as required by law, heretofore or hereafter filed with the registrar, shall be received in evidence in all the courts of this state, without further or other proof, and be prima facie evidence of the contents of it. Duly authenticated copies of these instruments, or any of them, may likewise be received in evidence in any court in this state with like force and effect as the original instruments.

History: *(8282) RL s 3404; 1905 c 305 s 35; 1983 c 92 s 10; 1986 c 444; 1991 c 199 art 1 s 79; 1999 c 11 art 1 s 17*

508.37 TRACT INDEXES, RECEPTION INDEXES.

Subdivision 1. MS 1980 [Repealed, 1Sp1981 c 4 art 2 s 41]

Subd. 1a. **Indexes.** The registrar shall likewise keep tract indexes, in which the registrar shall enter an accurate description of all registered land, together with the names of the respective owners thereof, and a reference to the number of the certificate of title. The registrar shall keep two indexes, to be known as the grantors' and grantees' reception indexes respectively.

The reception indexes shall include the surname and given name of the grantor and grantee; the date of registration, specifying the month, day, year, and hour and whether a.m. or p.m.; the number of the instrument; the number of the certificate or, where applicable, the book and page where the land is registered.

Subd. 2. **Entries.** The registrar shall enter in each of these indexes in the order and manner aforesaid, and as soon as the same are recorded, all instruments affecting the title to land which are recorded with the registrar and, as far as may be the particulars of the instruments in the appropriate places in the indexes. Retrieval of information from these indexes must be by as convenient an alphabetical search as possible.

History: *(8283) RL s 3405; 1905 c 305 s 36; 1953 c 520 s 1; 1Sp1981 c 4 art 2 s 40; 1986 c 444; 1994 c 388 art 3 s 9; 2005 c 4 s 122*

508.38 FORMS OF RECORDS ADOPTED.

Instruments affecting the title to land, filed with the registrar, shall be numbered by the registrar consecutively, to the extent practicable and the registrar shall endorse upon each instrument over the registrar's official name, OFFICE OF THE REGISTRAR OF TITLES, ... COUNTY, MINNESOTA, CERTIFIED FILED ON, together with the date, hour, and minute when the instrument is filed, the document number thereof, and a reference to the proper certificate of title. 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 certificate, the date, number, and time of filing thereof shall also be endorsed upon the certificate. All records and papers relating to registered land in the office of the registrar, shall be open to the inspection of the public at such times and under such 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 the same. 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 508.82.

History: *(8284) RL s 3406; 1905 c 305 s 37; 1961 c 12 s 1; 1978 c 500 s 1; 1986 c 444; 1994 c 388 art 3 s 10; 1998 c 314 s 8; 1999 c 11 art 1 s 18; 2005 c 4 s 123*

508.381 OFFICIAL RECORDS; COMPILATION, MAINTENANCE, AND STORAGE OF INFORMATION.

The registrar of titles may select and use alternative methods for the compilation, maintenance, and storage of the information contained in the official records set forth in sections 508.34 and 508.37, subject to the following conditions:

(1) the methods selected must provide for access to the information contained in the records by those authorized by law to have access to that information; and

(2) the methods selected must provide for the preservation of the information contained in the records to the extent specified by law.

History: *1998 c 314 s 7*

508.39 NOTICES AFTER REGISTRATION; SERVICE.

All notices required by this law, after the original registration, either by the registrar or by the court, shall be served on the persons to be notified in the following manner: The notice shall be served upon a

resident of the state in the manner now provided by law for the service of a summons in a civil action, and the same proof of such service shall be made. It shall be served upon a person who is not a resident of the state by sending the same by mail to such person at the person's post office address, as stated in the certificate or in any registered instrument on file with the registrar. The certificate of the registrar or court administrator that any notice has been mailed as aforesaid shall be conclusive proof of the service of such notice, but the court may, in any case, order different or other service thereof by publication or otherwise.

History: *(8285) RL s 3407; 1905 c 305 s 37a; 1986 c 444; 1Sp1986 c 3 art 1 s 82*

508.40 COPY OF CERTIFICATE OF TITLE TO BE FURNISHED TO OWNER.

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

History: *(8286) RL s 3408; 1905 c 305 s 38; 1955 c 543 s 1; 1973 c 9 s 5; 1986 c 444; 1999 c 11 art 1 s 19*

508.405 MS 1998 [Repealed, 1999 c 11 art 1 s 72]

508.41 MS 1982 [Repealed, 1983 c 92 s 38]

508.42 MS 1982 [Repealed, 1983 c 92 s 38]

508.421 EXCHANGE CERTIFICATE.

Subdivision 1. MS 1998 [Repealed, 1999 c 11 art 1 s 72]

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

Subd. 2. **Multiple parcels or interests.** The owner or owners of registered land holding (1) one certificate of title for two or more parcels of land or (2) one certificate for undivided interests in one or more parcels of land may request the registrar to issue separate certificates of title 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 508.47. When the registrar of titles has issued more than one certificate of title to one or more owners for one or more parcels of land, the owner or owners may request the registrar to issue a single certificate of title for all of the land to the owner or owners of the land, or the registrar may issue two or more certificates 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 508.47.

Subd. 3. **Exchange certificate designation.** A certificate of title issued pursuant to this section shall be known as an exchange certificate.

History: *1983 c 92 s 11; 1984 c 655 art 1 s 70; 1999 c 11 art 1 s 20; 2001 c 50 s 5,38; 2017 c 16 s 7*

508.43 CERTIFICATE, EFFECTIVE DATE.

The certificate of title, when entered in the register of titles, shall relate back to and take effect as of the date of the decree of registration.

History: *(8289) RL s 3411; 1905 c 305 s 41*

508.44 MS 1998 [Repealed, 1999 c 11 art 1 s 72]

508.45 MS 1998 [Repealed, 1999 c 11 art 1 s 72]

508.46 PLATS OF REGISTERED LAND.

The owner of registered land may plat the same and subdivide it into lots and blocks in like manner as in case of unregistered land. All laws with reference to the subdivision and platting of unregistered land shall apply with like force and effect to registered land excepting only that the surveyor's plat thereof shall be filed with the registrar.

History: *(8292) RL s 3414; 1905 c 305 s 44*

508.47 REGISTERED LANDS; TRANSFER, SURVEYS.

Subdivision 1. **Conveyances.** An owner of registered land may convey, mortgage, lease, charge, or otherwise deal with the same as fully as if it had not been registered. An owner of registered land may use any form of deed, mortgage, lease, or other voluntary instrument sufficient in law for the purpose intended. No voluntary instrument of conveyance purporting to convey or affect registered land, except a will, and a lease for a term not exceeding three years, shall take effect as a conveyance, or bind or affect the land, but shall operate only as a contract between the parties, and as authority to the registrar to make registration. The act of registration shall be the operative act to convey or affect the land.

Subd. 2. **Registered land survey.** The registrar of titles may require that the owner of a parcel of unplatted registered land, who conveys any part thereof which is not a full government subdivision, or simple fractional or quantity part of a full government subdivision, shall first file with the registrar of titles a drawing in triplicate of said parcel of unplatted land, showing the tract or tracts being or to be conveyed, which drawing shall be known as a "registered land survey."

Subd. 3. **Definitions.** (a) A full government subdivision is defined as a government lot, a quarter-quarter section, a quarter-quarter-quarter section ad infinitum;

(b) A simple fractional part of a full government subdivision is defined as: one-half; two-thirds; one-fourth, and similar fractions;

(c) A simple quantity part of a full government subdivision is defined as: 20 acres; 200 feet, ten chains, and similar quantities.

Subd. 4. **Survey; requisites; filing; copies.** The registered land survey shall correctly show the legal description of the parcel of unplatted land represented by said 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 said tracts to be shown by angles or bearings or other relationship to the outside lines of said 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 a mean sea level adjusted datum benchmark. None of said tracts or parts thereof may be dedicated to the public by said registered land survey.

A licensed land surveyor shall certify that the registered land survey is a correct representation of said parcel of unplatted land. The certification shall be properly acknowledged by the land surveyor on the registered land survey before a notarial officer. All signatures on the registered land survey shall be written with black ink and shall not be written with ball point ink. The registered land survey shall be prepared on

transparent reproducible film or the equivalent with a minimum thickness of four mil, and shall be prepared by a photographic process. Sheet size shall be 22 inches by 34 inches. A border line shall be placed one-half inch inside the outer edge of the sheet on the top and bottom 34-inch sides; and the right 22-inch side; and two inches inside the outer edge of the sheet on the left 22-inch side. Text used on the registered land survey shall not be smaller than eight-point type. If the registered land survey consists of more than one sheet, the sheets shall be numbered consecutively. The registered land survey shall be labeled "OFFICIAL," and any copy shall be labeled "copy" in the center of the top margin.

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.

At the time of filing, a registered land survey shall contain a certification by the proper county official that there are no delinquent taxes owed and that the current year's payable taxes have been paid in accordance with section 272.12.

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 said registered land survey, which shall be admissible in evidence.

Subd. 5. **Filing registered land survey.** The registered land survey shall be filed in the office of the registrar of titles, who shall number each registered land survey, the numbers to run consecutively beginning with the number "1." One copy of each registered land survey shall be retained by the registrar of titles as a master copy, one copy filed in a registered land survey register in the registrar's office and made available to the public, and one copy delivered to the county auditor who may thereafter refer to it in connection with the tax descriptions when convenient. Thereafter the tracts in each registered land survey shall be known as Tract ....., registered land survey No. ...., and all conveyances shall describe said property accordingly; but the registrar shall not accept for filing and registration any conveyance of unplatted registered land if the land is described in the conveyance according to a registered land survey which has not been approved as provided in subdivision 4 unless the approval of the body authorized to approve subdivision plats is endorsed thereon or attached thereto.

Subd. 6. **Not to change tax classification.** Nothing in this section shall operate to change the tax classification of the lands in the registered land survey or otherwise in any way affect the land. The purpose of this section is to simplify the description and designation of the registered land in connection with its transfer. Land conveyed by reference to a registered land survey shall be deemed to be conveyed by metes and bounds.

Subd. 7. **Transfers of lot, block parts.** The provisions of this section shall also be applied to the transfer of parts of lots, outlots and unlotted blocks, when the language necessary to describe the parts is other than by simple fractional or quantity parts thereof.

History: *(8293) RL s 3415; 1905 c 305 s 45; 1951 c 566 s 1; 1953 c 504 s 1; 1959 c 380 s 1; 1961 c 626 s 1,2; 1967 c 470 s 1; 1971 c 63 s 3; 1974 c 493 s 2; 1978 c 499 s 3; 1983 c 92 s 12; 1985 c 16 s 1,2; 1985 c 281 s 14; 1985 c 300 s 27; 1986 c 444; 1994 c 388 art 3 s 14; 1999 c 11 art 1 s 21; 2008 c 225 s 5; 2015 c 7 s 13; 2017 c 16 s 8*

508.48 INSTRUMENTS AFFECTING TITLE FILED WITH REGISTRAR; NOTICE.

(a) Every conveyance, lien, attachment, order, decree, or judgment, or other instrument or proceeding, which would affect the title to unregistered land under existing laws, if recorded, or filed with the county

recorder, shall, in like manner, affect the title to registered land if filed and registered with the registrar in the county where the real estate is situated, and shall be notice to all persons from the time of such registering or filing of the interests therein created. Neither the reference in a registered instrument to an unregistered instrument or interest nor the joinder in a registered instrument by a party or parties with no registered interest shall constitute notice, either actual or constructive, of an unregistered interest.

(b) An instrument acknowledged in a representative capacity as defined in section 358.52 on behalf of a corporation, partnership, limited liability company, or trust that is otherwise entitled to be recorded shall be recorded if the acknowledgment made in a representative capacity is substantially in the form prescribed in chapter 358, without further inquiry into the authority of the person making the acknowledgment.

History: *(8294) RL s 3416; 1905 c 305 s 46; 1976 c 181 s 2; 1983 c 92 s 13; 2008 c 341 art 3 s 3; 2018 c 176 art 2 s 10*

508.49 INTEREST LESS THAN FEE; NOTICED BY MEMORIAL.

No new certificate shall be issued upon any transfer of registered land which does not divest the title in fee simple of the land, or some part of it. All interests in 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 certificate of title. The cancellation of the interests shall be registered in the same manner.

History: *(8295) RL s 3417; 1905 c 305 s 47; 1983 c 92 s 14; 1999 c 11 art 1 s 22*

508.491 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 21*

508.50 INSTRUMENTS TO HAVE NAME AND ADDRESS.

Every deed or other voluntary instrument which is presented for registration shall contain or have endorsed upon it the full name and post office address of the grantee, or other person, who acquires or claims an interest under the instrument. All names and addresses shall also be entered upon the certificates of title. Any change in the post office address of the person shall be memorialized on the certificate of title upon the filing of an affidavit from the person of the change. This section does not apply to a transfer on death deed or clearance certificate under section 507.071.

History: *(8296) RL s 3418; 1905 c 305 s 48; 1983 c 92 s 15; 2009 c 30 art 1 s 5*

508.51 VOLUNTARY INSTRUMENT.

Subdivision 1. **If voluntary instrument; exception.** 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 certificate or make a memorial of registration in accordance with such instrument, and the new certificate of title 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 such fraud, without prejudice to the rights of any innocent holder for value of a certificate of title.

Subd. 2. MS 1998 [Repealed, 1999 c 11 art 1 s 72]

History: *(8297) RL s 3419; 1905 c 305 s 49; 1986 c 444; 1994 c 388 art 3 s 16; 1995 c 92 s 2; 1999 c 11 art 1 s 23; 2001 c 50 s 38*

508.52 CONVEYANCE; CANCELLATION OF OLD AND ISSUANCE OF NEW CERTIFICATE.

An owner of registered land who desires to convey the land, or a portion thereof, in fee, shall execute a deed of conveyance, and record the deed with the registrar. The deed of conveyance shall be recorded and endorsed with the number and place of registration of the certificate of title. Before canceling the outstanding certificate of title the registrar shall show by memorial thereon 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 certificate, except so far as they may be simultaneously released or discharged. The registrar shall not carry forward as a memorial on the new certificate of title any memorials of a transfer on death deed if the grantors of the transfer on death deed retain no fee interest in the land covered by the new certificate. The certificate of title shall be marked "Canceled" by the registrar, who shall enter in the register a new certificate of title to the grantee and prepare a new certificate of title. The registrar, upon request, shall deliver to the grantee a copy of the new certificate of title. If a deed in fee is for a portion of the land described in a certificate of title, 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 certificate of title to the grantee for the portion of the land conveyed and, except as otherwise provided in this section, issue a residue certificate of title to the grantor for the portion of the land not conveyed. The registrar shall prepare and, upon request, deliver to each of the parties a copy of their respective certificates of title. In lieu of canceling the grantor's certificate of title and issuing a residue certificate 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 certificate of title "Part of land conveyed, see memorials." The fee for a residue certificate of title shall be paid to the registrar only when the grantor's certificate of title is canceled after the conveyance by the grantor of a portion of the land described in the grantor's certificate of title. When two or more successive conveyances of the same property are filed for registration on the same day the registrar may enter a certificate 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 certificate of title shall have the same force and effect as though the prior certificate of title 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 certificate of title and also add to the memorial of the transferring conveyance a statement that the memorial shall serve in lieu of a new certificate of title in favor of the grantee or grantees therein noted and may refrain from canceling the certificate of title until the time it is canceled by a subsequent transfer, and the memorial showing such transfer of title shall have the same effect as the entry of a new certificate of title for the land described in the certificate of title; the fee for the registration of a conveyance without cancellation of the certificate of title shall be the same as the fee prescribed for the entry of a memorial.

History: *(8298) RL s 3420; 1905 c 305 s 50; 1949 c 173 s 1; 1979 c 13 s 1; 1986 c 444; 1994 c 388 art 3 s 18; 1999 c 11 art 1 s 24; 2003 c 5 art 1 s 3; 2008 c 341 art 2 s 6; 2023 c 52 art 19 s 24*

508.53 TRANSFER AND PAYMENT OF TAXES.

All laws requiring deeds, plats, or other instruments affecting unregistered land to bear the endorsement of the proper city or county officials showing that all taxes or assessments upon the same have been paid, shall be operative as to registered land, and all such laws shall be complied with before any deed, plat, or other instrument affecting registered land shall be filed with the registrar. When, by the terms of any decree of registration, any tax or local assessment lien, or the title based upon the same, is either subordinated to the title adjudicated thereby or merged therein, all such liens and titles shall be described in detail in the decree, and from and after the entry thereof such titles and liens shall be considered as having in law been paid. A certified copy of the decree shall be filed with the county auditor and with the city treasurer in all counties where local assessments are paid to such official. The county auditor and city treasurer shall thereafter treat the liens and titles described in such decree as having in law been paid and make upon the books and records of their respective offices proper entries to that effect. If any deed, plat, or other instrument affecting such land is thereafter presented to the county auditor or to the city treasurer upon which it is the duty of such officers to make any official endorsements, they shall regard all the titles and liens described in such decree as having been legally paid and satisfied and make their official endorsement upon such deed, plat, or other instrument without reference or regard thereto.

History: *(8299) RL s 3421; 1905 c 305 s 51*

508.54 MORTGAGE.

The owner of registered land may mortgage the same by deed or other instrument sufficient in law for that purpose and such mortgage or other instrument may be assigned, extended, discharged, or released, either in whole or in part, or otherwise dealt with by the mortgagee by any form of deed or instrument sufficient in law for the purpose. Such deed, mortgage, or other instrument, and all instruments assigning, extending, discharging, releasing, or otherwise dealing with the same, shall be registered and take effect upon the title only from the time of registration.

History: *(8300) RL s 3422; 1905 c 305 s 52*

508.55 REGISTRATION OF MORTGAGE; MEMORIAL ENTERED ON CERTIFICATE OF TITLE.

The registration of a mortgage made by the registered owner, the registered owner's attorney-in-fact, or by a party having an interest registered on the certificate of title, 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 certificate of title 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: *(8301) RL s 3423; 1905 c 305 s 53; 1983 c 92 s 16; 1986 c 444; 1992 c 463 s 5; 1994 c 388 art 3 s 20; 1999 c 11 art 1 s 25*

508.555 MORTGAGE SECURING REVOLVING LINE OF CREDIT; NOTICE.

A mortgage securing a revolving line of credit under which advances, payments, and readvances may be made from time to time, and which states the maximum amount of the line of credit which may be secured at any one time, is effective as notice to parties from the time the mortgage is filed and registered as to all advances and readvances secured thereby, regardless of the time or amount of advances, payments, or readvances and whether or not the advances or readvances are obligatory.

History: *1984 c 502 art 14 s 17*

508.56 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 certificate of title. In case only a part of the mortgage upon the land is intended to be released or discharged a memorial of such partial release shall be entered.

History: *(8302) RL s 3424; 1905 c 305 s 54; 1992 c 463 s 6; 1999 c 11 art 1 s 26*

508.57 FORECLOSURE; NOTICE.

Mortgages upon registered land 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 thereof by advertisement, if such mortgage and all assignments thereof shall have been registered, and a memorial thereof duly entered upon the certificate of title. When a mortgage upon 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 registered land, 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 thereof entered on the certificate of title 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 thereof and shall satisfy the requirements of section 580.032, subdivision 3, with respect to registered land. In all such foreclosures all certificates and affidavits permitted or required by law to be recorded with the county recorder shall be filed with and registered by the registrar.

History: *(8303) RL s 3425; 1905 c 305 s 55; 1976 c 181 s 2; 1986 c 444; 1992 c 463 s 7; 1999 c 11 art 1 s 27*

508.58 REGISTRATION AFTER FORECLOSURE; NEW CERTIFICATE.

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 registered land, become the owner in fee of the land, or any part thereof, may have the title registered. Except as provided in subdivision 2, the owner shall apply by duly verified petition to the court for a new certificate of title to such land, and the court shall thereupon, after due notice to all parties in interest and upon such hearing as the court may direct, make an order for the issuance of a new certificate of title to the person entitled thereto, and the registrar shall thereupon enter a new certificate of title to the land, or of the part thereof to which the petitioner is entitled as in the case of a voluntary conveyance.

Subd. 2. **Examiner of titles directive; foreclosure by action.** Any person who has become the owner in fee of registered land, or any part of the land, pursuant to a mortgage foreclosure by action under chapter 581 is entitled to a new certificate of title for the land described in the sheriff's certificate of sale or so much of the land as may be described in the certificate of title, after the redemption period expires. The registrar shall enter the new certificate of title 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 certificate of title by virtue of the foreclosure.

Subd. 3. **Examiner of titles directive; cancellation of contract for conveyance of time share interest.** At the request of a registered owner or other person in interest, the examiner of titles by a written directive may direct the registrar of titles to show by memorial on the certificate of title that a contract for the conveyance of a time share interest, as defined in section 515B.1-103(34), has been terminated in accordance with chapter 559. The directive also must specify the instruments the registrar shall omit from the next certificate of title because of the cancellation.

Subd. 4. **Examiner of titles directive; foreclosure of time share interest.** (a) The procedures under this subdivision are limited to a time share interest in fee title that:

(1) consists of not more than seven days in length in any year; and

(2) is located within a county in which, upon the written recommendation of the county registrar of titles, the county board of commissioners has authorized, by resolution, the examiner of titles to issue directives for entry of a new certificate of title to a time share interest in the manner provided in paragraphs (b) and (c).

(b) Upon expiration of the time allowed for redemption, any person who has become the owner in fee of a time share interest, as defined in paragraph (a), or a portion thereof, by a foreclosure of a mortgage or lien upon the time share interest, or any part thereof, may apply to the examiner of titles, for an examiner's directive directing the entry of a new certificate of title in the time share interest, or portion thereof.

(c) Upon evidence submitted by the applicant, as the examiner may require and deem appropriate, the examiner shall determine the legal sufficiency of the foreclosure. If, in the opinion of the examiner, the evidence submitted is legally sufficient for foreclosure, the examiner shall issue a directive to the registrar to issue a new certificate of title for the interest. The directive of the examiner also must specify the instruments the registrar shall omit from the new certificate of title by virtue of the foreclosure. If the examiner of titles will not issue a directive pursuant to an application under this subdivision, the person may proceed under subdivision 1.

Subd. 5. **Examiner of titles directive; cancellation of contract for deed.** The registrar shall carry the memorials of all documents relating to a contract for deed cancellation until directed to remove them by court order or written examiner's directive. The examiner of titles may issue a written directive upon the request of the registered owner or other person in interest if documents evidencing a legally sufficient cancellation under section 559.21 have been of record on the certificate of title or certificate of possessory title for at least five years. The documents must include a copy of the notice of cancellation of contract for deed with proof of service thereof, and the affidavit of the seller, the seller's agent, or the seller's attorney showing that the purchaser has not complied with the terms of the notice. The court order or written directive of the examiner of titles must also specify the instruments the registrar shall omit from any successor certificate of title because of cancellation of the contract for deed.

History: *(8304) RL s 3426; 1905 c 305 s 56; 1986 c 444; 1992 c 463 s 8; 1994 c 388 art 5 s 1; 1999 c 11 art 1 s 28; 2012 c 178 s 1-3; 2015 c 32 s 2*

508.59 REGISTRATION OF JUDGMENT OR FINAL DECREE.

A judgment or decree affecting registered land shall be registered upon the presentation of a certified copy thereof to the registrar, who shall enter a memorial thereof upon the certificate of title. When the registered owner of such land is by such judgment or decree divested of an estate in fee therein, or of any part thereof, the prevailing party shall be entitled to a new certificate of title for the land, or so much thereof as may be described in the judgment and decree, and the registrar shall enter such new certificate of title as in the case of a voluntary conveyance. No such new certificate 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 certificate or upon the order of the district court directing the issuance thereof.

History: *(8305) RL s 3427; 1905 c 305 s 57; 1973 c 14 s 2; 1986 c 444; 1992 c 463 s 9; 1999 c 11 art 1 s 29*

508.60 LEASES.

Leases of registered land for a term of three years or more shall be registered. All the provisions of this chapter relating to the registration of mortgages shall apply to the registration of leases so far as they are applicable to them.

History: *(8306) RL s 3428; 1905 c 305 s 58; 1983 c 92 s 17*

508.61 TRUST, OTHER LIMITED DEEDS; NEW TRUSTEE; CORPORATE DISSOLUTION.

Subdivision 1. **No entry.** If a deed or other instrument is filed with the registrar for the purpose of transferring registered land in trust, or upon any equitable condition or limitation expressed therein, or for the purpose of creating or declaring a trust or other equitable interest therein without the transfer thereof, the particulars of the trust, condition, limitation, or other equitable interest need not be entered upon the certificate of title, but a memorial thereof may be entered by the words "in trust" or "upon condition," or other apt words, and by reference by number to the instrument authorizing or creating the same.

Subd. 2. **New trustee.** When a new trustee of registered land is appointed a new certificate of title 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 certificate of title in the name of the trustee in dissolution upon 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 said certificate of dissolution has been filed for record in the secretary's office.

Subd. 4. **Same day filing; fees.** When an instrument showing such appointment or dissolution and a trustee's deed are filed for registration on the same day, a new certificate of title may be entered in the name of the grantee or grantees and the memorial of such instrument shall have the same force and effect as though a certificate of title had been entered in favor of the trustee; the fees, however, for registration to be the same as would be the case if a certificate of title were entered in the name of the trustee.

History: *(8307) RL s 3429; 1905 c 305 s 59; 1973 c 14 s 3; 1985 c 16 s 3; 1986 c 444; 1999 c 11 art 1 s 30,31*

508.62 TRUSTEE'S CONVEYANCE.

No instrument executed by an owner whose fee title to registered land is held in trust which transfers or plats the land, shall be registered except upon the written certification of the examiner of titles that the instrument is executed in accordance with a power conferred in the instrument of trust, or evidenced in a certificate of trust authorized by section 501C.1013, or is authorized by law, or upon the order of the district court directing its registration. The examiner shall not certify any such instrument unless:

(1) the trust is supervised by the court; or

(2) an affidavit of trustee authorized by section 501C.1014 and the document creating the trust, a certified copy of it, or a certificate of trust authorized by section 501C.1013 is registered as a memorial upon the certificate of title. The certified copy of the certificate setting forth the adoption of the resolution for voluntary dissolution of a corporate registered owner together with the certificate of the secretary of state that said certificate of dissolution has been filed for record in the secretary's office shall be deemed the document creating the trust.

History: *(8308) RL s 3430; 1905 c 305 s 60; 1973 c 14 s 4; 1983 c 92 s 18; 1985 c 16 s 4; 1986 c 444; 1992 c 548 s 4; 2015 c 5 art 15 s 11*

508.63 REGISTRATION OF INSTRUMENTS CREATING LIENS; JUDGMENTS.

No judgment requiring the payment of money shall be a lien upon registered land, except as herein provided. Any person claiming such lien shall file with the registrar a certified copy of the judgment, together with a written statement containing a description of each parcel of land in which the judgment debtor has a registered interest and upon which the lien is claimed, and a proper reference to the certificate or certificates of title to such land. Upon filing such copy and statement, the registrar shall enter a memorial of such judgment upon each certificate designated in such statement, and the judgment shall thereupon be and become a lien upon the judgment debtor's interest in the land described in such certificate or certificates. At any time after filing the certified copy of such judgment, any person claiming the lien may, by filing a written statement, as herein provided, cause a memorial of such judgment to be entered upon any certificate of title to land in which the judgment debtor has a registered interest and not described in any previous statement and the judgment shall thereupon be and become a lien upon the judgment debtor's interest in such land. The public authority for child support enforcement may present for filing a notice of judgment lien under section 548.091 with identifying information for a parcel of real property. Upon receipt of the notice of judgment lien, the registrar shall enter a memorial of it upon each certificate which can reasonably be identified as owned by the judgment debtor on the basis of the information provided. The judgment shall survive and the lien thereof shall continue for a period of ten years from the date of the judgment and no longer, and the registrar of titles shall not carry forward to a new certificate of title the memorial of the

judgment after that period. In every case where an instrument of any description, or a copy of any writ, order, or decree, is required by law to be filed or recorded in order to create or preserve any lien, writ, or attachment upon unregistered land, such instrument or copy, if intended to affect registered land, shall, in lieu of recording, be filed and registered with the registrar. In addition to any facts required by law to be stated in such instruments to entitle them to be filed or recorded, they shall also contain a reference to the number of the certificate of title of the land to be affected, and, if the attachment, charge, or lien is not claimed on all the land described in any certificate of title, such instrument shall contain a description sufficient to identify the land.

History: *(8309) RL s 3431; 1905 c 305 s 61; 1977 c 21 s 7; 1996 c 338 art 1 s 2; 1997 c 203 art 6 s 32*

508.64 ATTACHMENTS; LIENS.

Attachments and liens of every description upon registered land shall be continued, reduced, discharged, and dissolved by any method sufficient therefor in the case of unregistered land. All certificates, writings, or other instruments permitted or required by law to be filed or recorded to give effect to the enforcement, continuance, reduction, discharge, or dissolution of attachments or other liens upon unregistered land or to give notice of the same, shall, in the case of like liens upon registered land, be filed with the registrar.

History: *(8310) RL s 3432; 1905 c 305 s 62*

508.65 PLAINTIFF'S ATTORNEY; NAME AND ADDRESS ENDORSED; NOTICE.

The name and address of the attorney for the party giving the notice shall be endorsed upon the instrument which is registered pursuant to section 508.64. The attorney shall be deemed to be the attorney for that party until the party files a written notice as a memorial upon the certificate of title stating that the designated attorney has ceased to be the party's attorney.

History: *(8311) RL s 3433; 1905 c 305 s 63; 1983 c 92 s 19; 1986 c 444*

508.66 OFFICER'S CERTIFICATE FOR REGISTRAR TO CANCEL; LIS PENDENS.

A certificate of the court administrator of the court in which any action or proceeding shall have been pending or in which any judgment or decree is of record, that such action has been dismissed or otherwise disposed of, or that the judgment, decree, or order has been assigned, satisfied, released, or reversed, or the certificate of any sheriff, or other officer, that the levy of any execution, attachment, or other process has been released, discharged or otherwise disposed of, being duly filed and noted upon the register, shall be sufficient to authorize the registrar to cancel, or otherwise treat the memorial thereof according to the purport of such certificate.

The registrar shall not carry forward to a new certificate of title the memorial of a notice of lis pendens which has been of record for ten years, unless another notice of lis pendens in the same action has been filed within the ten years.

History: *(8312) RL s 3434; 1905 c 305 s 64; 1Sp1986 c 3 art 1 s 82; 1996 c 338 art 1 s 3*

508.67 ACQUIRING TITLE BY ACTION; NEW CERTIFICATE.

Subdivision 1. **Court order.** Upon the expiration of the time allowed by law for redemption of registered land, after it has been set off, or sold on execution, or taken or sold for the enforcement of any lien, including a tax lien, or charge of any nature, the person who claims under such execution, or under any certificate, deed, or other instrument made in the course of proceedings to enforce such execution or lien, may apply

to the court for an order directing the entry of a new certificate to that person, and upon such notice as the court may require, the petition shall be heard and a proper order rendered therein.

Subd. 2. **Examiner of titles directive.** Any person holding title to registered land pursuant to forfeiture evidenced by a county auditor's certificate of forfeiture, or auditor's certificate of sale or state assignment certificate that has been memorialized upon a certificate of title for at least ten years is entitled to a new certificate of title for the land, or so much of the land as may be described in the forfeiture documents. The registrar shall enter the new certificate of title only pursuant to court order or upon the written directive of the examiner of titles as to the legal sufficiency of the forfeiture. The directive of the examiner of titles also must specify the instruments the registrar shall omit from the new certificate of title by virtue of the forfeiture.

History: *(8313) RL s 3435; 1905 c 305 s 65; 1927 c 112 s 5; 1957 c 168 s 1; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 1992 c 463 s 10; 1999 c 11 art 1 s 32; 2003 c 5 art 1 s 4*

508.671 DETERMINATION OF BOUNDARIES.

Subdivision 1. **Petition.** An owner of registered land may apply by a duly verified petition to the court to have all or some of the boundary lines judicially determined. An owner of unregistered land may apply by a duly verified petition to the court to have all or some of the boundary lines of the unregistered parcel judicially determined under this section, provided the relief requested affects one or more adjoining parcels of registered land. The petition shall contain the full names and post office addresses of all owners of adjoining lands and the legal description of the adjoining lands which are in any manner affected by the boundary determination. At the time of the filing of the petition with the court administrator, a copy of it, duly certified by the court administrator, shall be recorded with the registrar of titles and entered as a memorial on the petitioner's certificate of title, if applicable, and on the certificates of title for any affected adjoining registered lands, and recorded with the county recorder if the petitioner's land or any affected parcels are unregistered lands, and entered in the tract index for the affected lands. When recorded or filed, the certified copy of the petition shall be notice forever to purchasers and encumbrancers of the pendency of the proceeding and of all matters referred to in the court files and records pertaining to the proceeding. The owner shall have the premises surveyed by a licensed land surveyor and shall file in the proceedings a plat of the survey showing the correct location of the boundary line or lines to be determined. There also shall be filed with the court administrator a memorandum abstract, or other evidence satisfactory to the examiner, showing the record owners and encumbrancers of the adjoining lands which are in any manner affected by the boundary line determination. The petition shall be referred to the examiner of titles for examination and report in the manner provided for the reference of initial applications for registration. Notice of the proceeding shall be given to all interested persons by the service of a summons which shall be issued in the form and served in the manner as in initial applications.

Subd. 2. **Order.** Before the issuance of any final order determining the location of the owner's boundary lines, the court shall fix and establish the boundaries and direct the establishment of judicial landmarks in the manner provided by section 559.25. The final order shall make reference to the boundary lines that have been determined and to the location of the judicial landmarks that mark the boundary lines. The final order shall refer to the affected registered lands by certificate of title number, and shall refer to the affected abstract lands by legal description. A certified copy of the final order shall be filed by the court administrator with the registrar of titles and county recorder, if applicable, and entered as a memorial on all affected certificates of title. The memorial shall state which of the boundary lines were determined in the district court case. Upon the filing of the final order, the registrar shall omit from future certificates the memorial of the petition for registration of the boundary lines. The county recorder shall enter the certified copy of the final order in the tract index for the affected abstract land. Recording fees under this section shall be paid by the petitioner or prevailing party.

Subd. 3. **Plat of survey to be filed.** The court administrator shall file with the registrar of titles and the county recorder, if boundaries on unregistered land are affected, a certified copy of the plat of the survey which contains a certification by a licensed land surveyor that the boundaries as registered have been marked by judicial landmarks set pursuant to the order of the court. The registrar of titles shall enter the certified copy of the plat of the survey as a memorial upon the certificate of title. The county recorder shall enter the certified copy of the plat of survey in the tract index for the affected unregistered lands.

History: *1983 c 92 s 20; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 1998 c 324 s 9; 2008 c 341 art 3 s 4; 2017 c 16 s 9; 2022 c 37 s 4*

508.68 DEATH OF OWNER; ISSUANCE OF NEW CERTIFICATES.

When the owner of registered land, or of any estate or interest therein, dies, having devised the same by will, the persons entitled thereto may file with the registrar a certified copy of such will and the personal representative's deed of distribution together with any order of distribution, if there be one, or certified copy of any final decree, if there be one, assigning the same, and thereupon the registrar shall cancel the certificate of title issued to the testator and issue a new certificate of title to the persons designated. When the owner of registered land, or of any estate or interest therein, dies, not having devised the same, the persons entitled thereto by law may file with the registrar the personal representative's deed of distribution together with a certified copy of any order of distribution, if there be one, or a certified copy of any final decree of the court assigning the same, and thereupon the registrar shall cancel the certificate of title issued to the intestate and issue a new certificate of title to the persons entitled thereto. Unless restricted by letters testamentary or letters of administration, a personal representative may sell, convey, or mortgage registered land in the same manner as if the land were registered in the representative's name. Such personal representative shall first file with the registrar a certified copy of any will of the decedent and a certified copy of the representative's letters.

History: *(8314) RL s 3436; 1905 c 305 s 66; 1975 c 347 s 10; 1976 c 161 s 2; 1986 c 444; 1994 c 388 art 3 s 22; 1999 c 11 art 1 s 33*

508.69 JURISDICTION OF COURT NOT IMPAIRED.

A personal representative may sell, mortgage or lease any real property of the estate as authorized by section 524.3-715. Nothing contained in this chapter shall impair or affect the jurisdiction of the court to license any personal representative, conservator or guardian to sell or mortgage registered land. A purchaser or mortgagee receiving a deed or mortgage executed by a personal representative, conservator or guardian shall be entitled to register the title and to the entry of a new certificate of title or memorial of registration in the same manner as upon any similar voluntary transfer of registered land. No certificate shall be issued pursuant to the provisions of this section or of section 508.68 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 certificate or upon the order of the district court directing the issuance thereof.

History: *(8315) RL s 3437; 1905 c 305 s 67; 1965 c 15 s 1; 1975 c 347 s 11; 1986 c 444*

508.70 HOW TO CLAIM AN UNREGISTERED INTEREST AFTER REGISTRATION.

Subdivision 1. **Procedure; costs.** (a) Any person claiming any interest in registered land arising or created after the date of the original registration, which does not appear on the certificate of title, may, if there is some impediment to registering the claimed interest, file with the registrar of titles a verified claim of unregistered interest, made by or at the instance of the claimant, stating:

(1) the alleged interest;

(2) how or from whom it was acquired;

(3) the reason the interest cannot be registered;

(4) the number of the affected certificate of title;

(5) a description of the affected land;

(6) a place at which all notices may be served upon the claimant; and

(7) that the claim is not made for the purpose of avoiding the payment of mortgage registry tax under section 287.01 or deed tax under section 287.21, or avoiding obtaining the auditor's statement on an instrument under section 272.12.

(b) If the claimant claims an interest in an unregistered mortgage that is subject to the imposition of mortgage registry tax upon recording, the notice must contain evidence satisfactory to the registrar of titles that the mortgage registry tax has been paid.

(c) A copy of the claim must be mailed to the persons whose registered interests are affected by the claim at their addresses shown on the certificate of title. An affidavit stating the names and addresses of the persons to whom copies of the claim were mailed must be attached to the claim. The claim with attached affidavit regarding mailing shall be entitled to registration, and the court, upon the petition of any party in interest, shall grant a speedy hearing upon the validity of such claim and enter such order as justice and equity may require. If the court determines that the claim is invalid, it shall order the cancellation of the memorial of the claim. The court may, in any case, award such costs and damages, including a reasonable attorney's fee, as it may deem just.

Subd. 2. **Ten-year limit unless new filing.** On and after March 1, 1995, no adverse claim statement, or claim of unregistered interest, shall be notice, either actual or constructive, of any matters referred to in the statement after it has been of record for ten years unless a new statement or claim realleging the facts is filed within the ten-year period upon the affected certificate of title or unless a certified copy of a petition in a subsequent proceeding or a notice of lis pendens to adjudicate the matters alleged in the statement or claim is filed within the ten-year period. The registrar of titles shall not carry forward to new certificates of title the memorial of any statement of adverse claim, or of any claim of unregistered interest, that has terminated as notice pursuant to this subdivision.

Subd. 3. **Exception to ten-year limit; adverse claim statement by government agency.** The provisions of subdivision 2 do not apply to an adverse claim statement made by the United States of America, this state, or any political subdivision, agency, or instrumentality of the United States of America or this state, which statement was filed prior to August 1, 1997, and was a recital or memorial on the certificate of title for the affected real property on July 31, 1997.

Subd. 4. **Demand for discharge.** A person whose registered interest is affected by a statement of adverse claim filed before August 1, 2003, or by a claim of unregistered interest, or the person's agent, may file a demand for discharge of the claim of unregistered interest. A copy of the demand must be mailed to the claimant at the address stated on the claim. An affidavit stating the name and address of the person to whom a copy of the demand was mailed must be attached to the demand. The demand must be substantially in the following form:

"DEMAND FOR DISCHARGE OF CLAIM OF UNREGISTERED INTEREST

Date:.....

.....

....., (name of person having a registered interest) having a registered interest in

certificate of title No. ....., hereby demands that.....

.....

(name of claimant)

either (1) discharge the claimant's claim of unregistered interest regarding the certificate of title, or (2) petition the court for a determination of the validity of the claim pursuant to Minnesota Statutes, section 508.70, subdivision 1. If the claimant fails to do so the claim will terminate and be of no effect 90 days after this demand for discharge is filed with the registrar of titles of ..... County, Minnesota.

.....

(signature of person having registered interest or agent)"

Unless the claimant has petitioned the court as provided in subdivision 1 and filed with the registrar of titles a certified copy of the petition, the claim shall terminate and be of no effect 90 days after the filing of a demand for discharge with attached affidavit regarding mailing. The registrar of titles shall not carry forward to new certificates of title the memorial of any claim that has terminated or has been discharged pursuant to this subdivision.

Subd. 5. **Priority of claim.** The registration of a claim of unregistered interest has the same effect as to priority as the registration of any instrument under this chapter. If the instrument, under which the claim is made, is filed before the claim has been terminated or discharged, the instrument shall have the same priority as the claim and the registrar of titles shall include in the memorial of the instrument a reference to the document number of the claim.

History: *(8316) RL s 3438; 1905 c 305 s 68; 1986 c 444; 1994 c 388 art 3 s 24; 1997 c 9 s 3; 2003 c 5 art 1 s 5-8; 2013 c 10 s 3*

508.71 ALTERATIONS; COURT, EXAMINER'S ORDER; NEW CERTIFICATES.

Subdivision 1. **Alterations.** No erasure, alteration, or amendment shall be made upon the register of titles after the entry of a certificate of title or of any memorial on it, and the attestation of the same by the registrar, except by order of the court or as otherwise provided in this chapter.

Subd. 1a. **Corrections of registrar's clerical errors.** The registrar may correct clerical errors or omissions made by the registrar's staff in producing certificates of title. An error shall not be erased or obliterated. The registrar may sign and file a correction document and memorialize it upon the affected certificate of title, 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. If the error or omission may adversely affect the interest of a party, the registrar shall refer the correction to the examiner of titles. The registrar shall prepare subsequent certificates correctly and omit the memorial of the correction.

Subd. 2. **Court order.** 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 certificate of title; (3) any error or omission was made in entering a certificate of title or any memorial thereon; (4) the name of any person on the certificate of title 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 registered land 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 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 certificate of title, the entry, amendment, or cancellation of a memorial upon a certificate of title, or grant any other relief upon the terms, requiring security if necessary, as it may consider proper. The provisions of this section shall not give the court authority to open the original decree of registration, and nothing shall be done or ordered by the court which shall impair the title or other interest of a purchaser who holds a certificate of title for value and in good faith, or of the purchaser's heirs or assigns without written consent of the purchaser or heirs or assigns. A certified copy of the petition may be filed as a memorial on any appropriate certificate of title 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. **Directive by examiner.** 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, (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, or (3) the deletion of easements or other nonfee interests which are terminated by their own terms or by written instrument satisfactory to the examiner. The registrar of titles may register the directives of the examiner of titles upon the certificates of title, and shall give full faith to the directives.

Subd. 4. **Registration of memorials.** Without order of court or directive of the examiner, the registrar of titles may receive and register as memorials upon any certificate of title 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 certificate of title, a state deed issued to purchaser of tax-forfeited land, a certified copy of a marriage certificate showing the subsequent marriage of any party shown by a certificate of title 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 of title to be married, and a certified copy of the death record of party listed in any certificate of title 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 the certificates of title, the registrar shall give full faith to these memorials.

Subd. 5. **Survivorship.** In case of a certificate of title 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 the order or directive shall issue a new certificate of title for the premises to the survivor in severalty or to the survivors in joint tenancy as the case may be.

Subd. 6. **Recorded instruments.** When instruments affecting registered land have been recorded in the office of any county recorder in this state, a certified copy thereof may be filed for registration and registered with like effect as the original instrument without the order or directive.

Subd. 7. MS 2000 [Repealed, 2001 c 50 s 37]

History: *(8317) RL s 3439; 1905 c 305 s 69; 1933 c 160 s 1; 1967 c 850 s 3; 1969 c 228 s 1; 1973 c 14 s 5; 1973 c 582 s 3; 1976 c 181 s 2; 1983 c 92 s 21; 1985 c 16 s 5; 1985 c 300 s 28; 1986 c 444; 1992 c 463 s 11; 1993 c 222 art 5 s 3; 1994 c 388 art 3 s 25; art 4 s 14; 1996 c 338 art 1 s 4; 1999 c 11 art 1 s 34-38; 1Sp2001 c 9 art 15 s 32; 2017 c 16 s 10*

508.72 AGENCY; POWER TO BE REGISTERED.

Any act which may legally be done or performed by any person under this chapter 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 certificate of title.

History: *(8318) RL s 3440; 1905 c 305 s 70; 1984 c 603 s 1; 1986 c 444*

508.73 EMINENT DOMAIN; REVERSION; VACATION; NEW CERTIFICATE.

Subdivision 1. **Registration filing; memorials.** If the land of a registered owner, or any right, title, interest, or estate therein is taken by eminent domain, the state or body politic, or other authority which exercises such right, shall file for registration a certified copy of a final certificate or a certified copy of a court order transferring title pursuant to section 117.042 together with an instrument containing a description of the land so taken, together with the name of each owner thereof, and referring to each certificate of title by its number and place of registration in the register of titles, and stating what estate or interest in the land is taken, and for what purpose. A memorial of the right, title, interest, or estate thus taken shall be made upon each certificate of title by the registrar, and if the fee is taken, a new certificate shall be entered in the name of the owner for the land remaining to the owner after such taking. A new certificate may not be entered except by order of the district court or upon the written certification of the examiner of titles as to the legal sufficiency of the final certificate or court order pursuant to section 117.042 and other instruments presented for filing for the purpose of issuance of a new certificate. If the owner has a lien for damages upon the land thus taken, this fact shall be stated in the memorial of registration. All fees on account of any memorial of registration or entry of new certificates for land thus taken shall be paid by the state or body politic or other authority which takes the land. If land which was taken for public use reverts, by operation of law, to the owner or to the owner's heirs or assigns, the district court, upon the application of the person entitled to the benefit of such reversion, and after due notice and hearing, may order the entry of a new certificate of title to the person entitled thereto.

Subd. 2. **Street, alley vacation; legal added.** Upon the filing of a certified copy of a resolution or ordinance by a city vacating an adjoining street or alley that was dedicated to the public in a plat, a registered owner is entitled to have added to the legal description on the certificate of title that part of the vacated street or alley that accrues to it, provided the vacation occurred after the land was originally registered. The vacated street or alley may be added to the certificate of title by order of the district court or by a written directive from the examiner of titles.

History: *(8319) RL s 3441; 1905 c 305 s 71; 1986 c 444; 1992 c 463 s 12*

508.74 MS 2004 [Repealed, 2006 c 222 s 6]

508.75 INVESTMENT.

All money received by the registrar under the provisions of sections 508.82, subdivision 1, clause (1), and 508A.82, subdivision 1, clause (1), shall be paid quarterly by the registrar or the county treasurer to the commissioner of management and budget and placed in the general fund. There is annually appropriated to the commissioner of management and budget from the general fund sums sufficient to pay claims ordered by a district court under sections 508.77 and 508A.77.

History: *(8321) RL s 3443; 1905 c 305 s 73; 1971 c 245 s 1; 1976 c 145 s 1; 1980 c 543 s 4; 1986 c 444; 1Sp1989 c 1 art 11 s 4; 2003 c 112 art 2 s 50; 2006 c 222 s 2; 2009 c 101 art 2 s 109*

508.76 REGISTRAR'S LIABILITY.

Subdivision 1. **Compensation for loss or damage.** 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 this law, and any person who, without negligence on that person's part, is wrongfully deprived of any land or of any interest therein by the registration thereof, or by reason of the registration of any other person, as the owner of such land, or by reason of any mistake, omission, or misdescription in any certificate of title, or in any entry or memorial, or by any cancellation, in the register of titles, and who, by the provisions of this law, is precluded from bringing an action for the recovery of such land, or of any interest therein, 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 such 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 who requests 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 certificate of title.

History: *(8322) RL s 3444; 1905 c 305 s 74; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 1Sp1989 c 1 art 11 s 5; 1999 c 11 art 1 s 39*

508.77 PARTIES DEFENDANT; JUDGMENT; EXECUTION.

If such action is brought to recover any loss or damage occasioned solely by the registration of such land, or solely by the registration of any other person as the owner thereof, or if such action be brought for the recovery of any loss or damage occasioned solely by the omission, mistake or misfeasance of the registrar or the registrar's deputy, or of any examiner or of any court administrator, or a deputy of the court administrator or examiner, in the performance of their respective duties, the commissioner of management and budget, in the commissioner's official capacity, shall be the sole defendant. If such action be brought to recover for any loss or damage occasioned either wholly, or in part, by the fraud or wrongful act of some person other than the officers herein named, or to recover for any loss or damage caused jointly by the fraud or wrongful act, and by the omission, mistake or misfeasance of the officers above named, or any of them, and of some other person, the commissioner of management and budget, in the commissioner's official capacity, and such other person shall be joined as defendants therein. In any action where there are defendants other than the commissioner of management and budget, no execution shall issue against such commissioner of management and budget until execution against all other defendants against whom judgment has been recovered has been returned unsatisfied, either in whole or in part. An officer returning such execution shall certify thereon that the amount still due upon the execution cannot be collected from them. Thereupon the

court, being satisfied as to the truth of the return, shall order the commissioner of management and budget to pay the amount due upon such execution out of the general fund. The attorney general or, at the request of either the attorney general or the board of county commissioners of the county in which the land or a major part of it lies, the county attorney of that county shall defend the commissioner of management and budget in all such actions.

History: *(8323) RL s 3445; 1905 c 305 s 75; 1980 c 543 s 5; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 1Sp1989 c 1 art 11 s 6; 2003 c 112 art 2 s 50; 2009 c 101 art 2 s 109*

508.78 LIABILITY OF FUND.

No person shall recover from the general fund any sum by reason of any loss, damage, or deprivation occasioned solely by a breach of trust on the part of any registered owner who is trustee, or by the improper exercise of any power of sale in a mortgage, nor shall any person recover from the general fund any greater sum than the fair market value of the real estate at the time of the last payment into such fund, on account thereof.

History: *(8324) RL s 3446; 1905 c 305 s 76; 1Sp1989 c 1 art 11 s 7*

508.79 LIMITATION OF ACTION.

Any action or proceeding pursuant to section 508.76 to recover damages out of the general fund, shall be commenced within six years from the time when the right to commence the same accrued, and not afterwards. If at the time the right accrued or thereafter within the six-year period, the person entitled to bring such action or proceeding is a minor, or is a person who lacks the mental capacity to make decisions, or imprisoned, or absent from the United States in its service or the service of the state, such person, or anyone claiming under that person, may commence such action or proceeding within two years after such disability is removed.

History: *(8325) RL s 3447; 1905 c 305 s 77; 1974 c 384 s 1; 1980 c 543 s 6; 1986 c 444; 1Sp1989 c 1 art 11 s 8; 2013 c 59 art 3 s 9*

508.80 FRAUDULENT INSTRUMENT OR ENTRY; PENALTY.

Whoever fraudulently procures, or assists in fraudulently procuring, or is privy to the fraudulent procurement of, any certificate of title or other instrument or of any entry in the register of titles, or other book kept in the office of any registrar, or of any erasure or alteration in any entry in any of these books, or in any instrument authorized by this chapter, or knowingly defrauds, or is privy to defrauding, any person by means of a false or fraudulent instrument, certificate, statement, or affidavit affecting registered land, shall be guilty of a felony punishable by a fine not exceeding $10,000, or by imprisonment not exceeding five years, or by both.

History: *(8326) RL s 3448; 1905 c 305 s 78; 1984 c 628 art 3 s 11*

508.81 COURT ADMINISTRATOR'S FEES; PUBLICATION AND SERVICE COSTS.

The fees of the court administrator of the district court for services performed in connection with duties in proceedings under this chapter and chapter 508A shall be governed by the provisions of section 357.021. Service of process, including publication, is at the expense of the applicant or requesting party. If the court administrator is required by statute or court order to mail a copy of the summons or order to show cause to

any person, the applicant or requesting party shall furnish the court administrator with an addressed envelope with postage prepaid for each person.

History: *(8327) RL s 3449; 1905 c 305 s 79; 1949 c 151 s 1; 1957 c 294 s 1; 1959 c 250 s 5; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 2017 c 16 s 11*

508.82 REGISTRAR OF TITLES' FEES.

Subdivision 1. **Standard documents.** The fees to be charged by the registrar of titles shall be and not exceed the following:

(1) of the fees provided herein, $1.50 of the fees collected under clauses (2), (3), (4), (11), (13), (15), (17), and (18) for filing or memorializing shall be paid to the state treasury pursuant to section 508.75 and credited to the general fund;

(2) for registering a first certificate of title, including issuing a copy of it, $46. Pursuant to clause (1), distribution of this fee is as follows:

(i) $10.50 shall be paid to the state treasury and credited to the general fund;

(ii) $10 shall be deposited in the technology fund pursuant to section 357.18, subdivision 4; and

(iii) $25.50 shall be deposited in the county general fund;

(3) for registering each instrument transferring the fee simple title for which a new certificate of title is issued and for the registration of the new certificate of title, including a copy of it, $46. Pursuant to clause (1), distribution of this fee is as follows:

(i) $12 shall be paid to the state treasury and credited to the general fund;

(ii) $10 shall be deposited in the technology fund pursuant to section 357.18, subdivision 4; and

(iii) $24 shall be deposited in the county general fund;

(4) for the entry of each memorial on a certificate, $46. For multiple certificate entries, $20 thereafter. Pursuant to clause (1), distribution of this fee is as follows:

(i) $12 shall be paid to the state treasury and credited to the general fund;

(ii) $10 shall be deposited in the technology fund pursuant to section 357.18, subdivision 4;

(iii) $24 shall be deposited in the county general fund; and

(iv) $20 shall be deposited in the county general fund for each multiple entry used;

(5) for issuing each residue certificate and each additional new certificate, $40;

(6) for exchange certificates, $20 for each certificate canceled and $20 for each new certificate issued;

(7) for any certified copy of a certificate of title that states the date it is verified through, $10;

(8) for any certified copy of any instrument or writing on file or recorded in the registrar of titles' office, $10;

(9) for a noncertified copy of any certificate of title, other than the copies issued under clauses (2) and (3), any instrument or writing on file or recorded 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 a noncertified copy of any document submitted for recording, if the original document is accompanied by a copy or duplicate original, $2. Upon receipt of the copy or duplicate original and payment of the fee, a registrar of titles shall return it marked "copy" or "duplicate," showing the recording date and, if available, the document number assigned to the original;

(11) for filing two copies of any plat, other than a CIC plat complying with section 515B.2-110, paragraph (c), in the office of the registrar, $56. Pursuant to clause (1), distribution of this fee is as follows:

(i) $12 shall be paid to the state treasury and credited to the general fund;

(ii) $10 shall be deposited in the technology fund pursuant to section 357.18, subdivision 4; and

(iii) $34 shall be deposited in the county general fund;

(12) for any other service under this chapter, such fee as the court shall determine;

(13) for filing any document affecting two or more units in a condominium governed by chapter 515, $46 for the first certificate upon which the document is registered, and for multiple certificate entries, $20 for each additional certificate upon which the document is registered. For purposes of this paragraph, an amendment to the declaration of a condominium governed by chapter 515 and a related amendment to the condominium floor plans shall be considered a single document, and the filing fee shall be $56 for the first certificate upon which the document is registered, and for multiple certificate entries, $20 for each additional certificate upon which the document is registered. Pursuant to clause (1), distribution of this fee is as follows:

(i) $12 shall be paid to the state treasury and credited to the general fund;

(ii) $10 shall be deposited in the technology fund pursuant to section 357.18, subdivision 4;

(iii) $24 shall be deposited in the county general fund for amendment to a declaration;

(iv) $20 shall be deposited in the county general fund for each multiple entry used; and

(v) $34 shall be deposited in the county general fund for an amended floor plan;

(14) for issuance of a CICCT pursuant to section 508.351, $40;

(15) for filing a common interest community declaration and a CIC plat complying with section 515B.2-110, paragraph (c); an amendment to a common interest community declaration and a related amendment to a CIC plat complying with section 515B.2-110, paragraph (c); or a supplemental declaration and a related supplemental CIC plat complying with section 515B.2-110, paragraph (c), each of which related documents shall be considered a single document, the filing fee shall be $56 for the first certificate upon which the document is registered, and for multiple certificate entries, $20 for each additional certificate upon which the document is registered. For filing any other document affecting two or more units in a common interest community, the filing fee shall be $46 for the first certificate upon which the document is registered, and for multiple certificate entries, $20 for each additional certificate upon which the document is registered. The same fees shall apply to filing any document affecting two or more units or other parcels subject to a master declaration. Pursuant to clause (1), distribution of this fee is as follows:

(i) $12 shall be paid to the state treasury and credited to the general fund;

(ii) $10 shall be deposited in the technology fund pursuant to section 357.18, subdivision 4;

(iii) $24 shall be deposited in the county general fund for the filing of an amendment complying with section 515B.2-110, subsection (c);

(iv) $20 shall be deposited in the county general fund for each multiple entry used; and

(v) $34 shall be deposited in the county general fund for the filing of a condominium or CIC plat or amendment;

(16) 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;

(17) for the filing of a certified copy of a plat of the survey pursuant to section 508.23 or 508.671, $46. Pursuant to clause (1), distribution of this fee is as follows:

(i) $12 shall be paid to the state treasury and credited to the general fund;

(ii) $10 shall be deposited in the technology fund pursuant to section 357.18, subdivision 4; and

(iii) $24 shall be deposited in the county general fund;

(18) for filing a registered land survey in triplicate in accordance with section 508.47, subdivision 4, $56. Pursuant to clause (1), distribution of this fee is as follows:

(i) $12 shall be paid to the state treasury and credited to the general fund;

(ii) $10 shall be deposited in the technology fund pursuant to section 357.18, subdivision 4; and

(iii) $34 shall be deposited in the county general fund; and

(19) for furnishing a certified copy of a registered land survey in accordance with section 508.47, subdivision 4, $15.

Subd. 1a. **Fees for recording instruments with registrar of titles' office.** Notwithstanding the provisions of any general or special law to the contrary, and pursuant to section 357.182, the established fees pursuant to subdivision 1 shall be the fee charged in all counties for the specified service, other than Uniform Commercial Code documents and documents filed or recorded pursuant to sections 270C.63, subdivision 2, paragraph (c); 272.481 to 272.488; 277.20; and 386.77.

Subd. 2. **Variance from standards.** A document should conform to the standards in section 507.093, paragraph (a), but should not be rejected unless the document is not legible or cannot be archived. This subdivision applies only to documents dated after July 31, 1997, and does not apply to Minnesota uniform conveyancing blanks on file in the office of the commissioner of commerce provided for under section 507.09, certified copies, or any other form provided for under Minnesota Statutes.

History: *(8328) RL s 3450; 1905 c 305 s 80; 1911 c 349 s 1; 1951 c 407 s 1; 1955 c 804 s 1; 1957 c 680 s 1; 1974 c 493 s 3; 1976 c 77 s 2; 1976 c 145 s 2; 1976 c 181 s 2; 1980 c 543 s 7; 1980 c 560 s 3; 1982 c 382 s 1; 1983 c 92 s 22; 1985 c 281 s 15; 1986 c 342 s 2; 1986 c 444; 1Sp1989 c 1 art 11 s 9; 1991 c 226 s 2; 1992 c 463 s 13; 1992 c 513 art 4 s 46; 1993 c 192 s 99; 1996 c 338 art 3 s 3; 1999 c 11 art 1 s 40; art 3 s 20; 2001 c 50 s 6; 2002 c 365 s 3,9; 2003 c 112 art 2 s 50; 2005 c 136 art 14 s 9; 2005 c 151 art 1 s 116; 1Sp2005 c 7 s 13; 2006 c 222 s 3; 2008 c 331 s 9; 2008 c 341 art 1 s 1; 2009 c 86 art 1 s 75; 2013 c 10 s 4; 2017 c 16 s 12*

508.83 MS 1978 [Repealed, 1980 c 543 s 12]

508.835 MS 1998 [Repealed, 1999 c 11 art 1 s 72]

508.836 DISPOSAL OF CERTAIN AFFIDAVITS.

The registrar of titles is hereby authorized to destroy affidavits of grantees and purchasers or of the person acting on their behalf, which are more than five years old.

History: *1955 c 273 s 1; 1971 c 533 s 2*

508.84 INSTRUMENTS OF ENCUMBRANCE; DISPOSAL.

The registrar of titles is hereby authorized to destroy instruments of encumbrance which have been satisfied of record or extinguished by operation of law for a period of five years together with the assignments and satisfactions thereof. When the discharge of an encumbrance is by virtue of a judicial or statutory sale, the instruments evidencing the encumbrance of the foreclosure thereof, shall not be destroyed until six months after entry of an unappealed order for issuance of a new certificate of title to the purchaser at such sale or to the purchaser's assignee. Nothing herein contained shall relieve such registrar from maintaining the books and index records required under sections 508.34 and 508.37.

History: *1955 c 286 s 1; 1971 c 533 s 3; 1986 c 444*