

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF SHERBURNE

TENTH JUDICIAL DISTRICT

In the matter of the Petition of:

**AFFIDAVIT OF NO APPEARANCE,
NON-MILITARY STATUS, NON-
AGRICULTURAL PROPERTY
AND OCCUPANCY**

<Petitioner>,

for an Order directing entry of a new certificate
of title after mortgage foreclosure.

Court File No. <>

STATE OF MINNESOTA)
) SS.
COUNTY OF <>)

<attorney>, being first duly sworn, states and deposes as follows:

1. That I am an attorney duly licensed to practice law in the State of Minnesota, and I represent <petitioner>, the Petitioner in the above referenced matter.

2. That <registered owner(s)> <was/were> not in the military service of the United States as of the date of the mortgage foreclosure sale or for nine (9) months prior to it or for six (6) months after it. <<If any registered owner was in the military service during the foreclosure proceedings or is currently in the military service, attach the results of your search and explain how this matter may proceed.>>

3. That the mortgaged premises are less than 40 acres in size and were not in agricultural use as defined in Minn. Stat. § 40A.02, Subd. 3.

4. That the land described in the mortgage is not “agricultural property” as defined in Minn. Stat. § 583.22, Subd. 2, which would be subject to the provisions of the farmer-lender mediation act.

5. That no bankruptcy proceedings have been instituted by or against <registered owner(s)> through the period of redemption from the Mortgage foreclosure proceedings. <<Option if there has been a bankruptcy filing: except Case No. <>, which was filed on <date> and was terminated on <date>, prior to commencement of the foreclosure proceedings; and/or Case No. <>, which was filed <date> and wherein the automatic stay imposed by 11 USC § 362 was lifted by an Order of the Court entered <date>. End Option>> Attached is a true and correct copy of the bankruptcy search.

6. That the premises are occupied by <>, <<Option if the property has been transferred: insert the name(s) of the new owners as joint tenants or tenants in common, under a Deed dated <date>, filed with the Sherburne County Registrar of Titles on <date>, as Document No. <>, and subject to a Mortgage dated <date>, between <>, Mortgagee, and <>, Mortgagor, filed with the Sherburne County Registrar of Titles on <date>, as Document No. <>. End Option>> [Note: You may contact Amy Poppenhagen, Apoppenhagen@Rnoon.com, for an updated Certificate of Title or to search for filing information.]

7. That the address of <registered owner> is <address to be on the new Certificate>.

8. That I have not been contacted by anyone in response to the service of the Order to Show Cause. <<Option if you have been contacted complete the following: I have been contacted by <name> in response to the Order to Show Cause. I answered their questions and explained the procedure. I do not expect them to appear or otherwise answer the Order to Show Cause. End Option>>

9. I do not expect an appearance or answer in response to the Order to Show Cause. [If an appearance or answer is expected, you need to appear at the Hearing]

FURTHER YOUR AFFIANT SAITH NOT.

<attorney>

<INSERT NOTARY BLOCK>

Approved as to form:

Dated: _____, 2018

SHERBURNE COUNTY
EXAMINER OF TITLES

By _____
David J. Meyers, Examiner