

**GUIDELINES FOR EXAMINERS OF TITLE
CERTIFICATIONS AND DIRECTIVES
BEST PRACTICES**

- I. The purpose of a Certification or Directive is to provide the Registrar with instructions on the transfer of title or maintenance of a Certificate of Title.
 - A. Attached is a list of common Directives and Certifications.
 - B. Helpful forms for Directives and Certifications may be found at the Hennepin County and Ramsey County Examiner of Titles websites, and also at rinkenoonan.com. Click on Examiner of Titles link.
 - 1. The Examiner is the legal advisor to the Registrar. Minn. Stat. § 508.12. This is the authority for the Examiner to issue Certifications and Directives not otherwise authorized by Statute.
 - 2. Any form will work so long as the instructions are clear to the Registrar. It should be a recordable form.
- II. A Certification usually states that the Examiner has reviewed documents and they are sufficient to convey title or to be memorialized on the Certificate of Title.
 - A. Example: Examiner has reviewed the Certificate of Trust, Affidavit of Trustee and Trust Deed and certifies that they are sufficient to transfer title pursuant to Minn. Stat. § 508.62.
- III. A Directive instructs the Registrar to act.
 - A. Example: Platted Street adjacent to Torrens lot has been vacated. Examiner may issue a Directive to add vacated right of way to the adjacent lot Certificate of Title. Minn. Stat. § 508.73, Subd. 2.
 - B. Example: The Examiner's Directive to Issue a Certificate of Possessory Title under Minn. Stat. § 508A. 22.

IV. The form of the Certification or Directive is not as important as the directions to the Registrar.

- A. Do not be concerned with whether the document is called a Directive or Certification. It is important that the Registrar understand what is to be done.
- B. The Certification or Directive may be recorded on its own or attached to another recorded document.
 - 1. The practice in counties with a significant amount of Torrens is that the Registrar will usually allow the Certification or Directive to be attached to one of the documents to be recorded.
 - 2. Unless stated otherwise the Certification or Directive should be dropped and not carried forward on the next transfer of title.

V. Proceedings Subsequent.

- A. When in doubt, the Examiner may require a Proceedings Subsequent to Initial Registration.