

FROM: David J. Meyers, Examiner of Titles

DATE: August 3, 2020

The following is intended to assist with the administration of the Torrens system. Please contact me if you have any questions.

I. Examiner's Approval and Certification Prior to Recording is Needed for all Title Transfers, Including Some Liens (generally not mortgages), Easements, Platting, etc., Which Involve any of the Following:

- ! Trust documents **508.62** (Only for Title Transfer; Not for Mortgages or Other Liens)
- ! Probate documents (PR's Deed or Decree) **508.69**
- ! Guardian or Conservator's Documents **508.69**
- ! Religious Corporation Documents (excluding non-profit corporation)
- ! POA's and Affidavit by Attorney-in-Fact

II. Examiner's Directives

- ! To alter names, marital status, state of incorporation, etc. **508.71, Subd. 3**
- ! To transfer the certificate to the purchaser of tax title (if 10 years since filing of Auditor's Certificate of Forfeiture, sale or State Assignment Certification) **508.67, Subd. 2**
- ! After the vacation of a street or alley - to add the accruing portion to the certificate **508.73, Subd. 2**
- ! Condo documents – CIC's type condos **508.351**
- ! To drop old documents which have expired by their terms or are prohibited **508.71, Subd 3** (for Covenants and Restrictions **500.20 Subd. 2a**)
- ! After mortgage foreclosure by action **508.58, Subd. 2**
- ! Plat or RLS corrections
- ! Where the Divorce Decree or Summary Real Estate Disposition Judgment is being used to transfer title **508.59**
- ! After eminent domain proceedings **508.73**
- ! To drop racial restrictions **508.71, Subd. 3**
- ! To drop easements or restrictions which may appear on the Certificate of Title, but do not affect the title shown on the Certificate
- ! To drop documents related to the Cancellation of a Contract for Deed where the Notice of Cancellation has been of record for five (5) years, **508.48, Subd. 5**
- ! Document has expired by its terms or by written instrument satisfactory to Examiner **507.71, Subd. 3(3)**
- ! Assignment of Rents and Leases **NOT** tied to Mortgage that has been satisfied, released or expired

- ! Association Lien more than 3 years after filing **515A.3-115(d) and 515B.3-116(d)**
- ! Expired Conditional Use Permit, Interim Use Permit or Variance (may require local government approval)
- ! Expired Lease
- ! Expired Notice of Adverse Claim **508.70**

III. Proceedings Subsequent (District Court Action)

- ! After cancellation of Contract for Deed, if the Notice of Cancellation has been of record less than five (5) years
- ! After mortgage foreclosure by advertisement **508.58, Subd. 1**
- ! Tax title less than 10 years old **508.67, Subd. 2**
- ! To reform the certificate of title or documents (to remove or add anything not specified under directive statutes)
- ! To transfer title to a buyer under a Contract for Deed where the contract is paid off, but no deed forthcoming
- ! To determine or adjust (only if RLS is not available) boundaries **508.671**
- ! After Mechanic's Lien or judgment foreclosures
- ! After a named corporation is dissolved and three years have passed or dissolution of any other entity shown as the registered owner
- ! Lost deed or other instrument where only a copy is available
- ! To determine adverse claims
- ! Any other change to the Certificate the Examiner doesn't feel comfortable in directing without a Court Hearing.

IV. Items You May Wish to Discuss With the Examiner:

- ! Foreign notaries
- ! Blanket or not well-defined easements
- ! X by his/her mark
- ! Appointment of corporate agent to sign documents
- ! Whether to continue Divorce Decree on new Certificate (if lien)
- ! Dropping old judgments, federal tax liens, Mechanic's Liens
- ! Items expiring by their own terms (lease, options to purchase, etc.)
- ! Foreign decrees
- ! Alterations to documents
- ! Date only on acknowledgment
- ! Use of AKA's as grantors or grantees
- ! Affidavit of Merger, Easement and subsequent property acquired by the same owner
- ! Owner redemption from Mortgage or other Lien Foreclosure Sale

- ! Registrar's correction document for clerical errors - only if it may adversely affect the interest of a party (**See: 508.71(1a)**)
- ! Appeal to Examiner from Registrar's rejection (**See: 508.321**)
- ! Notices of Adverse Claim
- ! Registered Land Surveys
- ! Lot or Parcel Splits

V. Forms

- ! Forms for Application to Register Title, Petition in Proceedings Subsequent to Initial Registration, Interlocutory Orders, Decree of Registration and similar forms are available without charge by calling or emailing David J. Meyers. Include his paralegal, Amy Poppenhagen, at (320) 656-3529 or Amy@RinkeNoonan.com on all email correspondence.

VI. How to get one

- ! Email a copy of the Deed and related documents to David Meyers and his paralegal, Amy Poppenhagen, or fax to (320) 656-3500.
- ! Send a \$170.00 check for the Examiner's fee to Rinke Noonan Law Firm at 1015 West St. Germain Street, Suite 300, US Bank Plaza, St. Cloud, MN 56301.
- ! Or mail the original documents together with a \$170.00 check payable to Rinke Noonan. Include instructions on whether to return the documents or send them to the Registrar of Titles. If to be sent to the Registrar of Titles, additional checks for recording fees and taxes as applicable will be required.
- ! The cost for a Certification or Directive is usually \$170.00. The cost may be more for complex matters.

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