

Minnesota State Bar Association

HF359: Real Property Technical Bill

Article 1 limits the applicability of Ch. 558, the existing and very outdated partition chapter, to actions commenced before August 1, 2025.

- A partition is a legal process that can force the sale or division of land owned by multiple individuals.

Article 2 establishes the new Chapter 558A for partition actions commenced on or after August 1, 2025.

- Article 2 clarifies existing law, codifies modern practices, and incorporates much of the salient Court of Appeals case *Neumann v. Anderson*.

Article 3 corrects the eminent domain statute to fix language that has resulted in conflicting Minnesota court decisions that have caused parties to be denied due process.

- This article clarifies how to initiate an appeal of a commissioner's panel decision determining the value of damages caused by the condemning authority.
- This clarification will benefit courts, practitioners, landowners, and government entities.

Article 4 modifies the effective date of a 2024 law related to Transfer on Death Deeds (TODDs).

- TODDs are a popular property tool that function like a "payable on death" designation on a bank account and enable beneficiaries to bypass probate and take ownership of a property when the current owner dies.
- A 2024 law made it easier to fix recording mistakes (which are frequently made by unrepresented parties) for TODDs recorded on or after August 1, 2024. This proposal would modify those provisions so they can also apply to TODDs recorded *before* August 1, 2024.
- Language in the 2024 TODD law that extends homeowner's insurance coverage post-death to protect beneficiaries would be excluded from this effective date change.