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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 56

01/05/2023

Authored by Feist

The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act

1.2 relating to real property; modifying and updating certain recording and title

1.3 provisions; making clarifying and technical changes; repealing obsolete provisions;

1.4 amending Minnesota Statutes 2022, sections 336.9-601; 507.07; 508.52; 518.191,

1.5 subdivisions 1, 3; 550.365, subdivision 2; 559.209, subdivision 2; 582.039,

1.6 subdivision 2; 583.25; 583.26, subdivision 2; 600.23; repealing Minnesota Statutes

1.7 2022, sections 346.02; 582.14.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 Section 1. Minnesota Statutes 2022, section 336.9-601, is amended to read:

1.10 **336.9-601 RIGHTS AFTER DEFAULT; JUDICIAL ENFORCEMENT;**

1.11 **CONSIGNOR OR BUYER OF ACCOUNTS, CHATTEL PAPER, PAYMENT**

1.12 **INTANGIBLES, OR PROMISSORY NOTES.**

1.13 (a) **Rights of secured party after default.** After default, a secured party has the rights

1.14 provided in this part and, except as otherwise provided in section 336.9-602, those provided

1.15 by agreement of the parties. A secured party:

1.16 (1) may reduce a claim to judgment, foreclose, or otherwise enforce the claim, security

1.17 interest, or agricultural lien by any available judicial procedure; and

1.18 (2) if the collateral is documents, may proceed either as to the documents or as to the

1.19 goods they cover.

1.20 (b) **Rights and duties of secured party in possession or control.** A secured party in

1.21 possession of collateral or control of collateral under section 336.7-106, 336.9-104,

1.22 336.9-105, 336.9-106, or 336.9-107 has the rights and duties provided in section 336.9-207.

2.1 (c) **Rights cumulative; simultaneous exercise.** The rights under subsections (a) and
2.2 (b) are cumulative and may be exercised simultaneously.

2.3 (d) **Rights of debtor and obligor.** Except as otherwise provided in subsection (g) and
2.4 section 336.9-605, after default, a debtor and an obligor have the rights provided in this part
2.5 and by agreement of the parties.

2.6 (e) **Lien of levy after judgment.** If a secured party has reduced its claim to judgment,
2.7 the lien of any levy that may be made upon the collateral by virtue of an execution based
2.8 upon the judgment relates back to the earliest of:

2.9 (1) the date of perfection of the security interest or agricultural lien in the collateral;

2.10 (2) the date of filing a financing statement covering the collateral; or

2.11 (3) any date specified in a statute under which the agricultural lien was created.

2.12 (f) **Execution sale.** A sale pursuant to an execution is a foreclosure of the security interest
2.13 or agricultural lien by judicial procedure within the meaning of this section. A secured party
2.14 may purchase at the sale and thereafter hold the collateral free of any other requirements
2.15 of this article.

2.16 (g) **Consignor or buyer of certain rights to payment.** Except as otherwise provided
2.17 in section 336.9-607 (c), this part imposes no duties upon a secured party that is a consignor
2.18 or is a buyer of accounts, chattel paper, payment intangibles, or promissory notes.

2.19 (h) **Security interest in collateral that is agricultural property; enforcement.** A
2.20 person may not begin to enforce a security interest in collateral that is agricultural property
2.21 subject to sections 583.20 to 583.32 that has secured a debt of more than the amount provided
2.22 in section 583.24, subdivision 5, unless: a mediation notice under subsection (i) is served
2.23 on the debtor after a condition of default has occurred in the security agreement and a copy
2.24 served on the director of the ~~agricultural~~ Minnesota extension service; and the debtor and
2.25 creditor have completed mediation under sections 583.20 to 583.32; or as otherwise allowed
2.26 under sections 583.20 to 583.32.

2.27 (i) **Mediation notice.** A mediation notice under subsection (h) must contain the following
2.28 notice with the blanks properly filled in.

2.29 "TO: ...(Name of Debtor)...

2.30 YOU HAVE DEFAULTED ON THE ...(Debt in Default)... SECURED BY

2.31 AGRICULTURAL PROPERTY DESCRIBED AS ...(Reasonable Description of Agricultural

3.1 Property Collateral). THE AMOUNT OF THE OUTSTANDING DEBT IS ...(Amount of
3.2 Debt)...

3.3 AS A SECURED PARTY, ...(Name of Secured Party)... INTENDS TO ENFORCE
3.4 THE SECURITY AGREEMENT AGAINST THE AGRICULTURAL PROPERTY
3.5 DESCRIBED ABOVE BY REPOSSESSING, FORECLOSING ON, OR OBTAINING A
3.6 COURT JUDGMENT AGAINST THE PROPERTY.

3.7 YOU HAVE THE RIGHT TO HAVE THE DEBT REVIEWED FOR MEDIATION.
3.8 IF YOU REQUEST MEDIATION, A DEBT THAT IS IN DEFAULT WILL BE
3.9 MEDIATED ONLY ONCE. IF YOU DO NOT REQUEST MEDIATION, THIS DEBT
3.10 WILL NOT BE SUBJECT TO FUTURE MEDIATION IF THE SECURED PARTY
3.11 ENFORCES THE DEBT.

3.12 IF YOU PARTICIPATE IN MEDIATION, THE DIRECTOR OF THE
3.13 ~~AGRICULTURAL~~ MINNESOTA EXTENSION SERVICE WILL PROVIDE AN
3.14 ORIENTATION MEETING AND A FINANCIAL ANALYST TO HELP YOU TO
3.15 PREPARE FINANCIAL INFORMATION. IF YOU DECIDE TO PARTICIPATE IN
3.16 MEDIATION, IT WILL BE TO YOUR ADVANTAGE TO ASSEMBLE YOUR FARM
3.17 FINANCE AND OPERATION RECORDS AND TO CONTACT A COUNTY EXTENSION
3.18 OFFICE AS SOON AS POSSIBLE. MEDIATION WILL ATTEMPT TO ARRIVE AT
3.19 AN AGREEMENT FOR HANDLING FUTURE FINANCIAL RELATIONS.

3.20 TO HAVE THE DEBT REVIEWED FOR MEDIATION YOU MUST FILE A
3.21 MEDIATION REQUEST WITH THE DIRECTOR WITHIN 14 DAYS AFTER YOU
3.22 RECEIVE THIS NOTICE. THE MEDIATION REQUEST FORM IS AVAILABLE ~~AT~~
3.23 ~~ANY COUNTY RECORDER'S OR COUNTY EXTENSION OFFICE~~ FROM THE
3.24 DIRECTOR OF THE MINNESOTA EXTENSION SERVICE.

3.25 FROM: ...(Name and Address of Secured Party)..."

3.26 Sec. 2. Minnesota Statutes 2022, section 507.07, is amended to read:

3.27 **507.07 WARRANTY AND QUITCLAIM DEEDS; FORMS.**

3.28 Warranty and quitclaim deeds may be substantially in the following forms:

3.29 **WARRANTY DEED**

3.30 A.B., grantor, of (here insert the place of residence), for and in consideration of (here
3.31 insert the consideration), conveys and warrants to C.D., grantee, of (here insert the place

4.1 of residence), the following described real estate in the county of, in the
4.2 state of Minnesota: (here describe the premises).

4.3 Dated this day of,

4.4 (Signature)

4.5 Every such instrument, duly executed as required by law, shall be a conveyance in fee
4.6 simple of the premises described to the grantee, the grantee's heirs and assigns, with
4.7 covenants on the part of the grantor, the grantor's heirs and personal representatives, that
4.8 the grantor is lawfully seized of the premises in fee simple and has good right to convey
4.9 the same; that the premises are free from all encumbrances; that the grantor warrants to the
4.10 grantee, the grantee's heirs and assigns, the quiet and peaceable possession thereof; and that
4.11 the grantor will defend the title thereto against all persons who may lawfully claim the same.
4.12 Such covenants shall be obligatory upon any grantor, the grantor's heirs and personal
4.13 representatives, as fully and with like effect as if written at length in such deed.

4.14 QUITCLAIM DEED

4.15 A.B., grantor, of (here insert the place of residence), for the consideration of (here insert
4.16 the consideration), conveys and quitclaims to C.D., the grantee, of (here insert the place of
4.17 residence), all interest in the following described real estate in the county of,
4.18 in the state of Minnesota: (here describe the premises).

4.19 Dated this day of,

4.20 (Signature)

4.21 Every such instrument, duly executed, shall be a conveyance to the grantee, the grantee's
4.22 heirs and assigns, of all right, title, and interest of the grantor in the premises described, but
4.23 shall not extend to after acquired title, unless words expressing such intention be added.

4.24 Sec. 3. Minnesota Statutes 2022, section 508.52, is amended to read:

4.25 **508.52 CONVEYANCE; CANCELLATION OF OLD AND ISSUANCE OF NEW**
4.26 **CERTIFICATE.**

4.27 An owner of registered land who desires to convey the land, or a portion thereof, in fee,
4.28 shall execute a deed of conveyance, and record the deed with the registrar. The deed of
4.29 conveyance shall be recorded and endorsed with the number and place of registration of
4.30 the certificate of title. Before canceling the outstanding certificate of title the registrar shall
4.31 show by memorial thereon the registration of the deed on the basis of which it is canceled.
4.32 The encumbrances, claims, or interests adverse to the title of the registered owner shall be

5.1 stated upon the new certificate, except so far as they may be simultaneously released or
5.2 discharged. The registrar shall not carry forward as a memorial on the new certificate of
5.3 title any memorials of a transfer on death deed if the grantors of the transfer on death deed
5.4 retain no fee interest in the land covered by the new certificate. The certificate of title shall
5.5 be marked "Canceled" by the registrar, who shall enter in the register a new certificate of
5.6 title to the grantee and prepare ~~and deliver to the grantee a copy of the~~ new certificate of
5.7 title. The registrar, upon request, shall deliver to the grantee a copy of the new certificate
5.8 of title. If a deed in fee is for a portion of the land described in a certificate of title, the
5.9 memorial of the deed entered by the registrar shall include the legal description contained
5.10 in the deed and the registrar shall enter a new certificate of title to the grantee for the portion
5.11 of the land conveyed and, except as otherwise provided in this section, issue a residue
5.12 certificate of title to the grantor for the portion of the land not conveyed. The registrar shall
5.13 prepare and, upon request, deliver to each of the parties a copy of their respective certificates
5.14 of title. In lieu of canceling the grantor's certificate of title and issuing a residue certificate
5.15 to the grantor for the portion of the land not conveyed, the registrar may if the grantor's
5.16 deed does not divide a parcel of unplatted land, and in the absence of a request to the contrary
5.17 by the registered owner, mark by the land description on the certificate of title "Part of land
5.18 conveyed, see memorials." The fee for a residue certificate of title shall be paid to the
5.19 registrar only when the grantor's certificate of title is canceled after the conveyance by the
5.20 grantor of a portion of the land described in the grantor's certificate of title. When two or
5.21 more successive conveyances of the same property are filed for registration on the same
5.22 day the registrar may enter a certificate in favor of the grantee or grantees in the last of the
5.23 successive conveyances, and the memorial of the previous deed or deeds entered on the
5.24 prior certificate of title shall have the same force and effect as though the prior certificate
5.25 of title had been entered in favor of the grantee or grantees in the earlier deed or deeds in
5.26 the successive conveyances. The fees for the registration of the earlier deed or deeds shall
5.27 be the same as the fees prescribed for the entry of memorials. The registrar of titles, with
5.28 the consent of the transferee, may mark "See memorials for new owner(s)" by the names
5.29 of the registered owners on the certificate of title and also add to the memorial of the
5.30 transferring conveyance a statement that the memorial shall serve in lieu of a new certificate
5.31 of title in favor of the grantee or grantees therein noted and may refrain from canceling the
5.32 certificate of title until the time it is canceled by a subsequent transfer, and the memorial
5.33 showing such transfer of title shall have the same effect as the entry of a new certificate of
5.34 title for the land described in the certificate of title; the fee for the registration of a conveyance
5.35 without cancellation of the certificate of title shall be the same as the fee prescribed for the
5.36 entry of a memorial.

6.1 Sec. 4. Minnesota Statutes 2022, section 518.191, subdivision 1, is amended to read:

6.2 Subdivision 1. **Abbreviated judgment and decree.** If real estate is described in a
 6.3 judgment and decree of dissolution, the court ~~may~~ shall direct either of the parties or their
 6.4 legal counsel to prepare and submit to the court a proposed summary real estate disposition
 6.5 judgment. Upon approval by the court and filing of the summary real estate disposition
 6.6 judgment with the court administrator, the court administrator shall provide to any party
 6.7 upon request certified copies of the summary real estate disposition judgment.

6.8 Sec. 5. Minnesota Statutes 2022, section 518.191, subdivision 3, is amended to read:

6.9 Subd. 3. **Court order.** An order or provision in a judgment and decree that provides
 6.10 that the judgment and decree must be recorded in the office of the county recorder or filed
 6.11 in the office of the registrar of titles means, if a summary real estate disposition judgment
 6.12 has been approved by the court, that the summary real estate disposition judgment, rather
 6.13 than the judgment and decree, must be recorded in the office of the county recorder or filed
 6.14 in the office of the registrar of titles. The recorder or registrar of titles is not responsible for
 6.15 determining if a summary real estate disposition judgment has been approved by the court.

6.16 Sec. 6. Minnesota Statutes 2022, section 550.365, subdivision 2, is amended to read:

6.17 Subd. 2. **Contents.** A mediation notice must contain the following notice with the blanks
 6.18 properly filled in.

6.19 "TO:(Name of Judgment Debtor)....

6.20 A JUDGMENT WAS ORDERED AGAINST YOU BY(Name of Court).... ON
 6.21(Date of Judgment).

6.22 AS A JUDGMENT CREDITOR,(Name of Judgment Creditor).... INTENDS TO
 6.23 TAKE ACTION AGAINST THE AGRICULTURAL PROPERTY DESCRIBED
 6.24 AS....(Description of Agricultural Property).... TO SATISFY THE JUDGMENT IN THE
 6.25 AMOUNT OF(Amount of Debt)....

6.26 YOU HAVE THE RIGHT TO HAVE THE DEBT REVIEWED FOR MEDIATION.
 6.27 IF YOU REQUEST MEDIATION, A DEBT THAT IS IN DEFAULT WILL BE
 6.28 MEDIATED ONLY ONCE. IF YOU DO NOT REQUEST MEDIATION, THIS DEBT
 6.29 WILL NOT BE SUBJECT TO FUTURE MEDIATION IF THE SECURED PARTY
 6.30 ENFORCES THE DEBT.

6.31 IF YOU PARTICIPATE IN MEDIATION, THE DIRECTOR OF THE
 6.32 ~~AGRICULTURAL~~ MINNESOTA EXTENSION SERVICE WILL PROVIDE AN

7.1 ORIENTATION MEETING AND A FINANCIAL ANALYST TO HELP YOU PREPARE
 7.2 FINANCIAL INFORMATION. IF YOU DECIDE TO PARTICIPATE IN MEDIATION,
 7.3 IT WILL BE TO YOUR ADVANTAGE TO ASSEMBLE YOUR FARM FINANCE AND
 7.4 OPERATION RECORDS AND TO CONTACT A COUNTY EXTENSION OFFICE AS
 7.5 SOON AS POSSIBLE. MEDIATION WILL ATTEMPT TO ARRIVE AT AN
 7.6 AGREEMENT FOR HANDLING FUTURE FINANCIAL RELATIONS.

7.7 TO HAVE THE DEBT REVIEWED FOR MEDIATION YOU MUST FILE A
 7.8 MEDIATION REQUEST WITH THE DIRECTOR WITHIN 14 DAYS AFTER YOU
 7.9 RECEIVE THIS NOTICE. THE MEDIATION REQUEST FORM IS AVAILABLE ~~AT~~
 7.10 ~~ANY COUNTY RECORDER'S OR COUNTY EXTENSION OFFICE~~ FROM THE
 7.11 DIRECTOR OF THE MINNESOTA EXTENSION SERVICE.

7.12 FROM:(Name and Address of Judgment Creditor)...."

7.13 Sec. 7. Minnesota Statutes 2022, section 559.209, subdivision 2, is amended to read:

7.14 Subd. 2. **Contents.** A mediation notice must contain the following notice with the blanks
 7.15 properly filled in.

7.16 "TO:(Name of Contract for Deed Purchaser)....

7.17 YOU HAVE DEFAULTED ON THE CONTRACT FOR DEED OF THE
 7.18 AGRICULTURAL PROPERTY DESCRIBED AS(Size and Reasonable Location of
 7.19 Property, Not Legal Description). THE AMOUNT OF THE OUTSTANDING DEBT IS
 7.20(Amount of Debt)....

7.21 AS THE CONTRACT FOR DEED VENDOR,(Contract for Deed Vendor)....
 7.22 INTENDS TO TERMINATE THE CONTRACT AND TAKE BACK THE PROPERTY.

7.23 YOU HAVE THE RIGHT TO HAVE THE CONTRACT FOR DEED DEBT
 7.24 REVIEWED FOR MEDIATION. IF YOU REQUEST MEDIATION, A DEBT THAT IS
 7.25 IN DEFAULT WILL BE MEDIATED ONLY ONCE. IF YOU DO NOT REQUEST
 7.26 MEDIATION, THIS DEBT WILL NOT BE SUBJECT TO FUTURE MEDIATION IF
 7.27 THE CONTRACT FOR DEED VENDOR BEGINS REMEDIES TO ENFORCE THE
 7.28 DEBT.

7.29 IF YOU PARTICIPATE IN MEDIATION, THE DIRECTOR OF THE
 7.30 ~~AGRICULTURAL~~ MINNESOTA EXTENSION SERVICE WILL PROVIDE AN
 7.31 ORIENTATION MEETING AND A FINANCIAL ANALYST TO HELP YOU PREPARE
 7.32 FINANCIAL INFORMATION. IF YOU DECIDE TO PARTICIPATE IN MEDIATION,
 7.33 IT WILL BE TO YOUR ADVANTAGE TO ASSEMBLE YOUR FARM FINANCE AND

8.1 OPERATION RECORDS AND TO CONTACT A COUNTY EXTENSION OFFICE AS
 8.2 SOON AS POSSIBLE. MEDIATION WILL ATTEMPT TO ARRIVE AT AN
 8.3 AGREEMENT FOR HANDLING FUTURE FINANCIAL RELATIONS.

8.4 TO HAVE THE CONTRACT FOR DEED DEBT REVIEWED FOR MEDIATION
 8.5 YOU MUST FILE A MEDIATION REQUEST WITH THE DIRECTOR WITHIN 14
 8.6 DAYS AFTER YOU RECEIVE THE NOTICE. THE MEDIATION REQUEST FORM
 8.7 IS AVAILABLE ~~AT ANY COUNTY EXTENSION OFFICE~~ FROM THE DIRECTOR
 8.8 OF THE MINNESOTA EXTENSION SERVICE.

8.9 FROM:(Name and Address of Contract for Deed Vendor)...."

8.10 Sec. 8. Minnesota Statutes 2022, section 582.039, subdivision 2, is amended to read:

8.11 Subd. 2. **Contents.** A mediation notice must contain the following notice with the blanks
 8.12 properly filled in.

8.13 "TO:(Name of Record Owner)....

8.14 YOU HAVE DEFAULTED ON THE MORTGAGE OF THE AGRICULTURAL
 8.15 PROPERTY DESCRIBED AS(Size and Reasonable Location, Not Legal Description).
 8.16 THE AMOUNT OF THE OUTSTANDING DEBT ON THIS PROPERTY IS(Amount
 8.17 of Debt)....

8.18 AS HOLDER OF THE MORTGAGE,(Name of Holder of Mortgage).... INTENDS
 8.19 TO FORECLOSE ON THE PROPERTY DESCRIBED ABOVE.

8.20 YOU HAVE THE RIGHT TO HAVE THE MORTGAGE DEBT REVIEWED FOR
 8.21 MEDIATION. IF YOU REQUEST MEDIATION, A DEBT THAT IS IN DEFAULT WILL
 8.22 BE MEDIATED ONLY ONCE. IF YOU DO NOT REQUEST MEDIATION, THIS DEBT
 8.23 WILL NOT BE SUBJECT TO FUTURE MEDIATION IF THE SECURED PARTY
 8.24 ENFORCES THE DEBT.

8.25 IF YOU PARTICIPATE IN MEDIATION, THE DIRECTOR OF THE
 8.26 ~~AGRICULTURAL~~ MINNESOTA EXTENSION SERVICE WILL PROVIDE AN
 8.27 ORIENTATION MEETING AND A FINANCIAL ANALYST TO HELP YOU PREPARE
 8.28 FINANCIAL INFORMATION. IF YOU DECIDE TO PARTICIPATE IN MEDIATION,
 8.29 IT WILL BE TO YOUR ADVANTAGE TO ASSEMBLE YOUR FARM FINANCE AND
 8.30 OPERATION RECORDS AND TO CONTACT A COUNTY EXTENSION OFFICE AS
 8.31 SOON AS POSSIBLE. MEDIATION WILL ATTEMPT TO ARRIVE AT AN
 8.32 AGREEMENT FOR HANDLING FUTURE FINANCIAL RELATIONS.

9.1 TO HAVE THE MORTGAGE DEBT REVIEWED FOR MEDIATION YOU MUST
 9.2 FILE A MEDIATION REQUEST WITH THE DIRECTOR WITHIN 14 DAYS AFTER
 9.3 YOU RECEIVE THIS NOTICE. THE MEDIATION REQUEST FORM IS AVAILABLE
 9.4 ~~AT ANY COUNTY RECORDER'S OR COUNTY EXTENSION OFFICE~~ FROM THE
 9.5 DIRECTOR OF THE MINNESOTA EXTENSION SERVICE.

9.6 FROM:(Name and Address of Holder of Mortgage)...."

9.7 Sec. 9. Minnesota Statutes 2022, section 583.25, is amended to read:

9.8 **583.25 VOLUNTARY MEDIATION PROCEEDINGS.**

9.9 A debtor that owns agricultural property or a creditor of the debtor may request mediation
 9.10 of the indebtedness by a farm mediator by applying to the director. The director shall ~~make~~
 9.11 provide voluntary mediation application forms ~~available at the county recorder's and county~~
 9.12 ~~extension office in each county~~ when requested. The director must evaluate each request
 9.13 and may direct a mediator to meet with the debtor and creditor to assist in mediation.

9.14 Sec. 10. Minnesota Statutes 2022, section 583.26, subdivision 2, is amended to read:

9.15 Subd. 2. **Mediation request.** (a) A debtor must file a mediation request form with the
 9.16 director by 14 days after receiving a mediation notice. The debtor must state all known
 9.17 creditors with debts secured for agricultural property and must authorize the director to
 9.18 obtain the debtor's credit report from one or more credit reporting agencies. The mediation
 9.19 request form must include an instruction that the debtor must state all known creditors with
 9.20 debts secured by agricultural property and unsecured creditors that are necessary for the
 9.21 farm operation of the debtor. It is the debtor's discretion as to which unsecured creditors
 9.22 are necessary for the farm operation but the mediation request form must notify the debtor
 9.23 that omission of a significant unsecured creditor could result in a bad-faith determination
 9.24 pursuant to section 583.27, subdivisions 1, paragraph (a), clause (2), and 2. The mediation
 9.25 request must state the date that the notice was served on the debtor. The director shall ~~make~~
 9.26 provide mediation request forms ~~available in the county recorder's and county extension~~
 9.27 ~~office of each county~~ when requested.

9.28 (b) Except as provided in section 583.24, subdivision 4, paragraph (a), clause (3), a
 9.29 debtor who fails to file a timely mediation request waives the right to mediation for that
 9.30 debt under the Farmer-Lender Mediation Act. The director shall notify the creditor who
 9.31 served the mediation notice stating that the creditor may proceed against the agricultural
 9.32 property because the debtor has failed to file a mediation request.

10.1 (c) If a debtor has not received a mediation notice and is subject to a proceeding of a
 10.2 creditor enforcing a debt against agricultural property under chapter 580 or 581 or sections
 10.3 336.9-601 to 336.9-628, terminating a contract for deed to purchase agricultural property
 10.4 under section 559.21, or garnishing, levying on, executing on, seizing, or attaching
 10.5 agricultural property, the debtor may file a mediation request with the director. The mediation
 10.6 request form must indicate that the debtor has not received a mediation notice.

10.7 Sec. 11. Minnesota Statutes 2022, section 600.23, is amended to read:

10.8 **600.23 RECORDERS AND COURT ADMINISTRATORS.**

10.9 Subdivision 1. **Deposit of papers.** Every county recorder, upon being paid the legal fees
 10.10 therefor, ~~shall~~ may receive and deposit in the office any instruments or papers which ~~shall~~
 10.11 ~~be~~ are offered for that purpose and, if ~~required~~ requested, shall give to the person depositing
 10.12 the same a receipt therefor.

10.13 Subd. 2. **Endorsed and filed.** Any such instruments or papers so received shall be filed
 10.14 by the officer receiving the same, and so endorsed as to indicate their general nature, the
 10.15 names of the parties thereto, and time when received, and shall be deposited and kept by
 10.16 the officer and successors in office in the same manner as the officer's official papers, but
 10.17 in a place separate therefrom.

10.18 Subd. 3. **Withdrawal.** Papers and instruments so deposited shall not be made public or
 10.19 withdrawn from the office except upon the written order of the person depositing the same,
 10.20 or the person's executors or administrators, or on the order of some court for the purpose
 10.21 of being read in the court, and then to be returned to the office.

10.22 Subd. 3a. **Retention and disposal.** Papers and instruments deposited for safekeeping
 10.23 shall be retained, at a minimum, until the earlier of:

10.24 (1) the county recorder learns of the depositor's death, at which time the county recorder
 10.25 may deliver the paper or instrument to the appropriate court, or deliver the paper or instrument
 10.26 to the depositor's executors or administrators; or

10.27 (2) 20 years following the deposit of the paper or instrument, at which time the county
 10.28 recorder shall dispose of the paper or instrument pursuant to its county's retention policy.

10.29 Subd. 4. **Certificate that instrument cannot be found.** The certificate of any officer
 10.30 to whom the legal custody of any instrument belongs, stating that the officer has made
 10.31 diligent search for such instrument and that it cannot be found, shall be prima facie evidence
 10.32 of the fact so certified to in all cases, matters, and proceedings.

11.1 Sec. 12. **REPEALER.**

11.2 Minnesota Statutes 2022, sections 346.02; and 582.14, are repealed.

346.02 FINDER TO GIVE NOTICE; PENALTY.

A person who finds an estray and knows who owns it shall notify the owner within seven days after finding the estray and request the owner to pay all reasonable charges and take such estray away. A finder who does not know who owns the estray shall within ten days file a notice with the town clerk. The clerk shall transmit a copy thereof to the county recorder, who shall record the same in a book designated "estrays book." The finder shall give posted notice of the finding of the estray in said town. The notice shall briefly describe the estray, giving its marks, natural and artificial, as nearly as practicable, naming the residence of the finder, and specifying the town, section, and time when taken up. For failure to give such notice, the finder shall be liable to the owner of the estray in double the amount of damages sustained by the owner thereby.

582.14 LIMITATION ON OLD FORECLOSURE ACTIONS.

No action or proceeding to foreclose a real estate mortgage executed prior to November 1, 1909, shall be maintained after January 1, 1946, unless prior to said date the owner of said mortgage shall have filed in the office of the county recorder of the county in which is located the real estate covered thereby, a notice setting forth the name of the claimant, a description of said real estate and of said mortgage including the volume and page at which it is of record and a statement of the amount claimed to be due thereon. Such notices may be discharged in the same manner as notices of lis pendens, and, so discharged, shall, together with all information included therein, cease to constitute either actual or constructive notice.