

MINNESOTA STATE BAR ASSOCIATION

HF2841: Torrens Registration Modifications

Background

- Minnesota has two real estate recording systems: Abstract (non-registered) and Torrens (registered).
- With the Torrens system, a new Certificate of Title is produced every time a property is transferred. Unlike the extensive chain of historical documents involved with an Abstract, the Certificate of Title only shows information that is currently relevant to title.

This Bill

This bill is intended to reduce the time and costs associated with Torrens registration and make the statutory system more user-friendly. The provisions of the bill do the following:

- Allows parcels with common title defects to be combined in one registration proceeding, for judicial economy and property owner economy of scale.
- Clarifies that all initial applications for registration should be approved as to form before filing with the court. This will save judicial economy and applicant attorney fees by ameliorating potential issues before formal pleadings are filed with the district court.
- Clarifies procedures for filing the initial registration application with the court and recording a certified copy by the applicant with the county recorder. This more effectively provides for notice of the registration in the abstract title records.
- Clarifies surveyor qualifications and requires that the survey be filed with the court administrator during the registration for better record preservation. Clarifies that the applicant must: (1) deliver a certified copy of the final order for registration to the registrar of titles, so the registrar will then issue the first certificate of title; and (2) record the final order for registration with the county recorder, to show the disposition of the application which was previously recorded. As a result, future title examiners will look to the certificate of title, rather than the county recorder's records, for future title examinations.
- Allows interested persons to assent to registration, for judicial economy and to reduce the applicant's costs for a title registration.
- Clarifies procedures for examiner's directives when used for issuing certificates of possessory title, which is a more economical but slower method of registering title to real property under chapter 508A. The examiner's directive will now be recorded with the county recorder so future title examiners will be on notice that the property has been registered under chapter 508A.