

# House Research Act Summary

**CHAPTER:** 116

**SESSION:** 2011 Regular Session

**TOPIC:** Judiciary policy/Common Interest Ownership Act

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Section

## Article 1: Judiciary

### Overview

This article makes various changes relating to the judiciary, including: streamlining notary provisions and certain lien filing and record procedures; modifying service provisions for OFP dismissals; amending record retention provisions for probate records; authorizing the court to issue protective orders for Safe at Home participants in legal proceedings; and clarifying supervision of court reporters.

- 1 **Legal proceedings; protective order.** Provides that if a Safe at Home participant is involved in a legal proceeding as a party or witness, the court may issue a protective order to prevent disclosure of the program participant's location.
- 2 **Fees.** Streamlines the procedures for processing the fee on a confession of judgment for delinquent taxes by eliminating the step of paying the fee to the court administrator and instead paying it directly to the county.
- 3-4 **Notaries.** Eliminates a reference requiring a district court administrator to record the commission of a notary and indicates that the recording duty is with the county.
- 5 **Duties.** Provides that court reporters who are appointed by individual judges shall be supervised by the appointing judge. All other court reporters shall be supervised by the

district court administrator as agreed upon with the collective bargaining representative.

- 6-7 Filing hospital liens.** Directs that hospital and public assistance liens be filed in the appropriate county office rather than with the court administrator.
- 8 Service; OFP dismissals.** Authorizes personal service or service by mail of an order for dismissal of an order for protection.
- 9-10 Documents in probate proceedings.** Authorizes immediate destruction of probate documents if approved copies are on file. (Currently, destruction of documents cannot occur until the proceeding is closed.) Updates list of approved archive copies to include digitally imaged and electronic copies of the original.

## **Article 2: Minnesota Common Interest Ownership Act**

### **Overview**

This article contains proposed amendments from the Minnesota State Bar Association to the Minnesota Common Interest Ownership Act. Most of the bill recodifies and reinserts sections of the law that were repealed or amended prospectively last session but that continue to apply to common interest communities created before August 1, 2010.

- 1, 2, 5, 6, 10, 12, 14 to 21 Recodification.** Contain the recodification provisions.
- 3 Recording.** Amends reporting requirements to clarify that if an instrument changes the boundaries of an existing tax parcel, certification as to payment of current and delinquent taxes is only required as to parcels whose boundaries are changed.
- 4 Common elements and limited common elements.** Amends the statute governing common elements and limited common elements to require that a license instrument provided in connection with the grant of a common element license must be provided to the unit owner and the association and to require that a license be held only by a unit owner in the common interest community.
- 7 Master associations.** Makes a technical correction in the statute governing master associations to delete an inadvertent use of the word "master" in a reference to the board of directors of a sub-association under an association.
- 8 Severance of common interest community.** Addresses severance of a common interest community. Matters that require unanimous consent of the owners under the law that governs amendment of existing declarations would also require unanimous agreement by all unit owners in the severed property.
- 9 Powers of unit owners' association.** Corrects an omission in the 2010 legislation in the powers of the unit owners' association to include amendments to previously granted easements, leases, and licenses.
- 11 Special declaration of rights.** Requires a transfer of special declarant rights to be recorded against all units in the common interest community.

- 13**      **Termination of contracts, leases, licenses.** Amends the law authorizing an association to terminate certain types of contracts, leases, or licenses entered into before expiration of the declarant control period to provide an exception for licenses granted by declarant pursuant to the law governing common elements and limited common elements.
- 22**      **Statute of limitations for warranties.** Includes the recodification provisions from section 21, and provides that for common interest communities created on or after August 1, 2011, an agreement reducing the period of limitation is binding on the purchaser's successors and assigns only if it is recorded in compliance with applicable law.