

# HOUSE RESEARCH

## Bill Summary

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**Authors:** House Research Bill Summary

**Subject:** Real property, county recording and registration fees

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### Overview

This bill modifies real estate recording and registering fees charged by counties, setting flat, uniform statewide rates. The bill also increases the contribution from recording fees to the technology fund.

#### Section

##### **1 County recorder.**

**Subd. 1. County recorder fees.** Sets a flat fee of \$40 for indexing and recording any deed or other instrument. Under current law the fee is \$1 per page with a minimum of \$15. Provides for allocation of the \$40 fee to the state general fund, the county for administrative costs, the technology fund, and the county general fund.

Increases the maximum fee from \$5 to \$10 for every entry of an abstract of title, from \$50 to \$100 for an abstract certificate, and from \$2 to \$5 per name for each required name search certification.

Increases from \$9.50 to \$10 the fee for a copy of an official plat filed, and from \$0.50 to \$5 for certification of each plat.

Increases from \$30 to \$50 the minimum fee for filing an amended floor plan of a multiunit building.

## **Section**

Sets a fee of \$50 for recording any plat. Under current law, the fee is 50 cents per lot with a minimum of \$30. Provides for the allocation of the \$50 fee to the State General Fund, county administrative costs, the Technology Fund and the County General Fund.

**Subd. 2. Fees for recording instruments in county recorder office.** States that the fees established in subdivision 1 are the fees in all counties, notwithstanding any special law.

**Subd. 3. (new) Technology fund.** Eliminates a surcharge for certain filings. Changes the name of the equipment fund to the technology fund and expands its potential use while clarifying that it is a supplemental fund not meant to relieve the county of its recording duties.

### **2 County fees and recording standards.**

**Subd. 1. Application.** This section applies to all Minnesota counties effective August 1, 2005, notwithstanding any law to the contrary. Provides a 60-day grace period for certain documents.

**Subd. 2. Fee restrictions.** Provides that no county may charge any fees other than those provided in state law for recording of real estate documents or for certain acts or services associated with the recording of real estate documents.

**Subd. 3. Recording requirements.** Requires that documents be recorded within 15 days of receipt unless the instrument to be recorded requires certification of no delinquent taxes, payment of state deed tax, mortgage registration tax or conservation fee. In the case of these documents, each county is to establish a policy for timely handling which may allow an additional five business days. For calendar years 2009 and 2010, the maximum time allowed for recording is 15 business days, and for 2011 and after, ten business days. Instruments recorded electronically are to be returned within five days of receipt.

**Subd. 4. Compliance.** Sets a phase-in schedule for compliance with subdivision 3. Counties are deemed to be in compliance if the following percentages of documents are recorded within the required time frames: for 2007, 60%; for 2008, 70%; for 2009, 80%; for 2010 and after, 90%.

**Subd. 5. Temporary suspension of compliance requirements.** Permits the suspension of the compliance percentages in subdivision 4 for six months (with a possible six-month extension) when a county undertakes material enhancements to its systems.

**Subd. 6. Report required.** Requires a report of compliance with subdivision 3 requirements to the county commissioners along with county recorder's or registrar of titles' budget request.

**Subd. 7. Use of recording fees.** Provides that additional unallocated fees authorized

**Section**

by this act are to be segregated and available for enhancements to the registration process. Provides that the funds are to remain in the segregated account until expended and are not available for normal operating expenses of the recorder or registrar.

- 3 Deeds recorded within 15 business days.** Reduces the time the recorder has to record any instrument from 30 days to 15 days.
- 4 Plat filing fee.** Eliminates the 50-cent per plot, \$30 minimum plat filing fee (replaced by \$50 fee in section 1, subdivision 1).
- 5 Standards for recording documents.** Clarifies standards for recording documents. Eliminates references to a pilot project for electronic filing and a nonstandard document fee.
- 6 Registrar of titles' fees (Torrens).**

**Subd. 1. Standard documents.** Increases and provides for distribution of a number of fees paid related to registered real estate.

**Subd. 1a. Fees for recording instruments with registrar of titles' office.** Provides that the fees in subdivision 1 apply in all counties, to all instruments other than UCC documents, notwithstanding any general or special law.

- 7 Subd. 2. Variance from standards.** Eliminates fee for nonstandard documents.  
**Registrar of titles' fees (registration without court proceedings).**

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**Subd. 1a. Fees for recording instruments with registrar of titles' office.** Provides that the fees in subdivision 1 apply in all counties, to all instruments other than UCC documents, notwithstanding any general or special law.

- 8 Subd. 2. Variance from standards.** Eliminates fee for nonstandard documents.  
**Recording (common interest community).** Modifies fees applicable to common interest community property filings.