

HOUSE RESEARCH

Bill Summary

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Subject: Updating terms for real property ownership and mortgage redemption periods

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Section

- 1 Designated transfer.** Adds gender-neutral language related to spouses.
- 2 Married persons.** Adds gender-neutral language related to spouses.
- 3 Conveyances by spouses; powers of attorney.** Adds gender-neutral language related to spouses.
- 4 Definitions.** Clarifies that the term “grantor owners” includes individuals, including when the individual is a joint tenant or a tenant in common and that “owner” can be someone who has an interest either when the deed is executed or when the transfer on death deed becomes effective. This section adds a new definition for “property” and “interest in real property,” which is real property owned in Minnesota and includes ownership interest such as mortgage, liens, contracts for deed, and other forms of purchase agreements and securities on real property.
- 5 Effect of transfer on death deed.** Removes examples of real property as the term is now defined in the statute.
- 6 Rights of creditors and rights of state and county under sections 246.53, 256B.16, 261.04, and 514.981.** Clarifies that the transfer of property in a transfer on death deed is subject to any mortgage or encumbrance, including the rights of the surviving spouse if the surviving spouse did not join in executing the transfer on death deed and any legal claims by the state or county available under the law such as medical assistance liens against the estate. Adds new language that a spouse who is not a grantor owner or an owner but executes a transfer on death deed, or consents in writing to the transfer on death deed, can be proof that once the transfer has become effective the spouse no longer has a claim in the real property.

Section

- 7 **Multiple joint tenant grantors.** Clarifies that when multiple joint owners are executing a transfer on death deed, the spouses to those owners if required by the law and even if the spouse is not a recorded owner, must also execute the deed.
- 8 **Recording requirements and authorization.** Clarifies that when recording a transfer on death deed the grantors needs to have an interest in ownership or other interest in the real property.
- 9 **Revocation or modification of transfer on death deed.** Clarifies that when a grantor owner or any of the grantor owners when there is more than one revokes a transfer on death deed, the revocation is in its entirety. This section clarifies that if the land transferred is located in more than one county the revocation only needs to be recorded in one of the counties the property is located in and removes language allowing only the last surviving grantor owner to have executed the transfer on death deed.
- 10 **Liability.** Clarifies that when a person or an entity wrongfully or erroneously executes a satisfaction for a mortgage or release from a mortgage, it is the person who executed the release, not the person who recorded it, who is liable for the damages.
- 11 **Certificate of redemption; record.** Clarifies that when a person is redeeming property after a foreclosure the certificate must be recorded four days after the period allowed by law for the redemption, instead of one year, as redemption periods can vary.