



Instructions for conducting land registration (Torrens) proceedings in Hennepin County

Contents

Instructions for conducting land registration (Torrens) proceedings in Hennepin County	1
REGISTRATION BY COURT PROCEEDINGS	2
SECTION 1: OVERVIEW.....	2
SECTION 2: APPLICATION	2
SECTION 3: ABSTRACTING.....	5
SECTION 4: EXAMINER’S REPORT	5
SECTION 5: LAND TITLE SUMMONS.....	5
1. Affidavit in Support of Summons.....	6
2. Petition and Order for Summons	6
3. Land Title Summons.....	8
4. Submit documents to the Examiner’s office	8
SECTION 6: SERVICE OF PROCESS.....	8
1. Publication	8
2. Non-resident Defendants.....	9
3. Resident Individuals	9
4. Legal Entities	10
SECTION 7: PROOF OF SERVICE	14
SECTION 8: CALENDAR REVIEW	15
SECTION 9: EXAMPLES.....	19

Hennepin County Examiner of Titles

Government Center A-703
300 South Sixth Street, Minneapolis, MN 55487
612-348-3191 | ex.titles@hennepin.us

Hennepin County

300 South Sixth Street, Minneapolis, MN 55487
HennepinCounty.gov

REGISTRATION BY COURT PROCEEDINGS

SECTION 1: OVERVIEW

The following sequence of events occurs in registration proceedings in District Court:

- The proceedings are initiated by the filing of an **application** approved by the Examiner.
- Applicant files the required **abstracting** into the court file.
- The Examiner issues a **report**.
- A **land title summons** is issued, published, and served on defendants.
- After administrative review, the Court issues its **order and decree of registration**.
- Applicant files the order and decree of registration with the Registrar of Titles who issues a **certificate of title**, and with the County Recorder to show the disposition of the registration case.

SECTION 2: APPLICATION

The Application must contain the information required by Minn Stat 508.03. The Hennepin County Examiner of Titles webpage provides Application forms for individual, joint tenants, and business entity applicants. The following suggestions apply to all forms.

1. Name all the fee owners of the land being registered as Applicant(s).

The Applicant may be the record owner of the land or may be a person having a claim of title based on such matters as adverse possession, unrecorded deed or inheritance.

Owners of separate tracts of land may join in one application if the tracts share a common title defect requiring substantially the same evidence for adjudication. Minn Stat 508.08, Subd 2

2. Insert a “good” description in the Application.

An ambiguous or indefinite description should not be used in the Application even if it has appeared in deeds in the Applicant’s chain of title.

Hennepin County

300 South Sixth Street, Minneapolis, MN 55487

HennepinCounty.gov

It is advisable to request assistance from the Examiner's office in preparing the form of the description before submitting the signed Application. The Examiner may suggest or require that a survey of the property be submitted in certain cases. Minn Stat 508.11

If the land is described by metes and bounds and borders on a public road, consider using the center line of the road as a boundary line.

The description cannot conflict with the description of adjoining registered (Torrens) land.

Any number of tracts of land owned by the same person may be included in one application. Minn Stat 508.08, Subd 1

3. State whether the Applicant wishes to have the boundary lines adjudicated in the proceeding and marked by the placement of judicial landmarks.

Include in the Application the names of owners, post office addresses, and legal descriptions of all adjoining registered and abstract parcels affected by the boundary registration. It is not practical to monument certain boundary lines, such as shorelines. It is generally unnecessary to mark public land survey section lines since the corners of sections in Hennepin County have been relocated and monumented pursuant to Minn Stat 381.12.

For more information on adjudicating boundaries, see:

- a) Survey Requirements for Boundary Registration found on the Hennepin County Examiner of Titles webpage
- b) Minn Gen R Prac Rule 211 and Minn Stat 559.25
- c) [Section 8: Calendar Review](#) (below)

4. Consider including the written assent of any person having an interest or claim in the land being registered.

The assenting person will not have to be served with the summons in the matter.

The Assent must be acknowledged. Minn Stat 508.06

Hennepin County

300 South Sixth Street, Minneapolis, MN 55487
HennepinCounty.gov

The Individual Application form provides a place for the Assent of the Applicant's spouse.

5. If the Applicant is not a resident of Minnesota.

Use the form on the Hennepin County Examiner of Titles webpage and prepare an Appointment of Agent for Non-resident Applicant, obtain the Applicant's acknowledged signature and record the document with the County Recorder. Minn Stat 508.07. We believe it is best practice to file this in the court file, and we request this be done even if a foreign corporation is registered with the Minnesota Secretary of State.

6. Application approval and filing.

- a) Email the Application to the Examiner's office for approval. If the Applicant has a survey, please include the survey when emailing the Application for approval.

The Examiner reviews the legal description and contents of the Application for compliance with the statutory requirements. A page endorsed by the Examiner will be attached to the executed Application and it will be emailed back to you.

- b) The Applicant's attorney e-files the approved Application with the Court. Do not e-file a survey, unless instructed to file it.

To e-file, select the Hennepin Examiner of Titles e-filing queue and pay the civil filing fee. The attorney must also add his/her name as a service contact on the case in eFS (the court's eFile and eServe system).

If the Applicant is not represented by an attorney, the Applicant is not required to e-file. Please contact the Examiner's office for information on alternative filing procedures.

- c) The Applicant obtains a certified copy of the Application from the court file.

To obtain a certified copy of the filed Application, please submit a copy request through eFS and attach the certified copy fee. Your correspondence should be e-filed with the event code Copy Request. The certified copy will be sent to you via U.S. Mail unless you indicate in the comments section of the filing that an electronic

Hennepin County

300 South Sixth Street, Minneapolis, MN 55487

HennepinCounty.gov

certified copy should be emailed to [insert your email address]. District Court Records issues all certified copies.

- d) Once the Applicant receives the certified copy of the filed Application from District Court Records, the Applicant will need to record it with the County Recorder. Minn Stat 508.11

SECTION 3: ABSTRACTING

An abstract, or other evidence of title satisfactory to the Examiner, is required. The Applicant's attorney should work with the Examiner who approved the application to determine what title evidence is necessary. That evidence must be e-filed into the court file. Minn Stat 508.11 and Minn Gen R Prac Rule 14.01 (b)(1)

A certificate of searches made following Minnesota Title Standard No. 82, as against the names of persons who have an interest or estate in the land through the date of filing of the Application with the County Recorder, is required in all cases.

SECTION 4: EXAMINER'S REPORT

The Examiner will conduct an examination and issue a report. The Report will include the Examiner's opinion on the title, the names of parties to be made defendants, and recommended evidence and findings to establish title in the Applicant.

The Examiner's Report may change the legal description of the land being registered, may require changes to the survey and may require you to record a certified copy of the Application on affected certificates of title in Torrens before going further.

The Report is filed in the court file and served on the Applicant's attorney through eFS. Minn Stat 508.13 and Minn Gen R Prac Rule 205

SECTION 5: LAND TITLE SUMMONS

The procedures for issuance of Summons in registration proceedings are governed by Minn Stat 508.15 and 508.16 and are different from typical civil proceedings. The Hennepin County

Hennepin County

300 South Sixth Street, Minneapolis, MN 55487
HennepinCounty.gov

Examiner of Titles webpage provides forms for Petition and Order for Summons, Land Title Summons, and Affidavit in Support of Petition for Summons.

1. Affidavit in Support of Summons

Prepare and e-file the Affidavit in Support of Summons, and any supporting documentation. Documentation containing confidential information (like a death certificate) must be filed separately from the Affidavit.

The Affidavit and supporting documentation provide evidence that the correct parties are listed in the Petition and Order for Summons. The Affidavit should address any substitution, omission, or addition of defendants. For example, if Bank One is a defendant in the Examiner's Report, but Bank One merged into Bank Two, the Affidavit should explain why Bank Two was substituted for the named defendant, and include document numbers of recorded name change documents, or other evidence.

2. Petition and Order for Summons

To prepare the Petition and Order for Summons, determine the names and addresses of all defendants for inclusion. The Examiner's Report lists defendants by name. Minn Stat 508.15 requires that the names and addresses of defendants be included in the Order for Summons. Make a diligent search for current addresses.

Minn Stat 508.16 distinguishes between residents and non-residents for method of service. The address for a non-resident is important and listing more than one address may be appropriate. A foreign corporation's address is the corporate headquarters and should always be included in the Order for Summons. A registered agent address according to the Secretary of State office where the entity is incorporated could be listed as an additional out-of-state address. A resident's address is required, but the resident may be served at any location within Minnesota, by personal service.

Minn Stat 508.16 provides an alternative method of service on non-residents, which is personal service on the non-resident at a Minnesota location. As a non-resident, a foreign corporation may be served in Minnesota if an officer (e.g. President or CEO) or registered

Hennepin County

300 South Sixth Street, Minneapolis, MN 55487
HennepinCounty.gov

agent is found in Minnesota for personal service. If you intend to serve a foreign corporation in Minnesota, list the Minnesota address in the Order for Summons. If a foreign corporation has a registered agent in Minnesota, serving the Minnesota registered agent is recommended.

If a person or entity has changed its name, substitute the current name. If a person named in the Report is deceased, substitute the person's heirs, as determined by a Probate Court. However, if there has not been a court determination of heirs, conduct a diligent search to locate heirs at law, and substitute their names and addresses instead of the decedent's name. Also include as a defendant "the unknown heirs of _____, deceased" (with address unknown) if there is no court determination of heirs.

Do not presume that a person is deceased. If the address of a person, even a person whose interest dates back many years, cannot be ascertained, state the address as "unknown" unless you have evidence that the person is deceased.

The Examiner's Report may also direct the Applicant to ascertain names and list them as defendants in the Summons. For example, the Report may name as defendants "occupants of the land adjoining to the west" or "parties using the utility easement." Determine the actual names and addresses and list those in the Order for Summons. If you are concerned that additional unidentified parties may be occupying the property, you may also include the phrase "any other occupants of _____ (insert address or legal description of the adjoining land)" in the Order for Summons. If the process server finds other parties occupying the property who were not named in the Summons, the affidavit of service should specify the name of the person served and that he/she is "an occupant of (address or legal description)."

The Applicant must also include in the Order for Summons the names and addresses of other parties the Applicant deems to be necessary defendants. Minn Stat 508.15

On the Order for Summons, list each defendant's name and address individually, even if two or more defendants are married or related to each other or have the same address.

Sign and verify the Petition for Summons. The Petition is executed by the Applicant's attorney (not by the Applicant).

Hennepin County

300 South Sixth Street, Minneapolis, MN 55487
HennepinCounty.gov

3. Land Title Summons

Prepare a proposed Land Title Summons listing the names of the defendants and insert the description of the land from paragraph 1 in the Examiner's Report.

The defendants' names should be listed sequentially as they appear in the Order for Summons and be separated by semicolons. The defendants' addresses are not included in the Land Title Summons.

4. Submit documents to the Examiner's office

Email the Petition and Order for Summons and the Land Title Summons to the Examiner of Titles office, do not e-file either document. After the Petition and Order for Summons has been approved, the Court Administrator will obtain a judge's signature on the Order for Summons and file the Petition and Order for Summons. The Court Administrator will issue the Land Title Summons and serve it on the Applicant's attorney via eFS.

SECTION 6: SERVICE OF PROCESS

Notice is given and jurisdiction is obtained in a registration proceeding by service of the filed Land Title Summons. The Application is not served (except in the case of service on the United States). Minn Stat 508.16

Service requirements are set out in Minn Stat 508.16 and differ from other civil actions. Specific requirements and issues are addressed by defendant type.

1. Publication

Publication is required in every case. Publish the filed Land Title Summons once a week for three successive weeks in a legal newspaper in the county where the land is located. Minn Stat 508.16

Service by publication is complete 21 days after the first publication. Minn R Civ P Rule 4.04(a). The deadline to Answer is 41 days after the first date of publication.

Hennepin County

300 South Sixth Street, Minneapolis, MN 55487
HennepinCounty.gov

2. Non-resident Defendants

Service is by publication. Also, the court administrator mails a copy of the summons to the address in the Order for Summons.

Prepare a Notice to Court Administrator to Mail Summons form available from the Hennepin County Examiner of Titles webpage. List the names and addresses of the defendants shown on the Order for Summons as having addresses outside of Minnesota. Email the Notice form to the Examiner's office. The Examiner's office will provide additional instructions relating to the Notice.

The Court Administrator will deposit the envelopes in the mail, complete the Certificate of Mailing on the Notice form, and file it in the court file. The clerk mails at least 20 days before entry of the decree.

Minn Stat 508.16 provides two additional options for serving an individual who is not a resident of Minnesota. The non-resident may be personally served in Minnesota. A non-resident defendant may be personally served outside of Minnesota, but only if the Order for Summons so directs. Consult the Examiner before preparing the Order for Summons if personal service out-of-state is intended.

3. Resident Individuals

Serve individuals who are residents of Minnesota under Minn Stat 508.16 either:

- (a) personally, under Rule 4.03 (a), Minn R Civ P, or
- (b) by requesting a waiver, under Rule 4.05, Minn R Civ P.

If a person is a Minnesota resident, but cannot be found in the state for service, service is by publication. If your due and diligent search for a resident discovers information about the location of the resident outside Minnesota, consult the Examiner. A Supplemental Order for Summons permitting mailing to a seasonal or temporary out-of-state address or permitting personal service out-of-state may be appropriate. If you determine that the person has moved permanently and is no longer a Minnesota resident, a Petition for Supplemental

Hennepin County

300 South Sixth Street, Minneapolis, MN 55487
HennepinCounty.gov

Summons and Order for Supplemental Summons including the new address must be submitted.

4. Legal Entities

Non-Minnesota entity

A non-Minnesota entity may be served by publication and mailing by the court administrator to the out-of-state address in the Order for Summons. See [#2](#) above regarding Notice to Court Administrator to Mail Summons and [Section 5: Land Title Summons](#).

A non-resident entity that can be found in Minnesota may be served personally in Minnesota. Serve a registered agent, or an officer, manager, or partner found in Minnesota, depending on the type of entity. Service may be made on the Minnesota Secretary of State for a foreign corporation authorized to do business in Minnesota, if permitted under Minn Stat 5.25, Subd. 4.

Minnesota corporations and corporations shown in the Order for Summons as having a Minnesota address under Minn Stat 302A.901

- (a) By serving the registered agent, if any, as shown on the Secretary of State's website,
- (b) by serving an officer of the corporation,
- (c) by requesting a waiver signed by an officer of the corporation, following Rule 4.05, Minn R Civ P, or
- (d) the Secretary of State following Minn Stat 5.25, or
- (e) a "managing agent or other agent authorized expressly or impliedly or designated by statute to receive service of summons" under Rule 4.03 (c), Minn R Civ P.

Do not serve a "managing agent" or other "agent" pursuant to Rule 4.03 (c) unless evidence of authority of the agent to accept service (e.g. corporate resolution) is filed with the affidavit of service. Merely stating in the affidavit of service that the person is an agent authorized to accept service, or that the person stated he/she is authorized to accept service, is not sufficient.

Hennepin County

300 South Sixth Street, Minneapolis, MN 55487
HennepinCounty.gov

Service on the Secretary of State under Minn Stat 5.25, Subd 1 (3) is allowed if no agent or officer can be found “at the address on file with the secretary of state.” It is not clear if “address on file” means only the corporation’s registered office address, or includes other addresses shown on the Secretary of State website. If more than one address is shown, affidavits of not found at all addresses should be filed along with the affidavit of service on the Secretary of State.

If a Minnesota corporation’s charter has terminated by dissolution, expiration, or otherwise, service is by delivering a copy of the Summons to a person who held office in the corporation at the time of dissolution who can be found in the state. Minn Stat 508.16

Minnesota partnerships or limited liability partnerships shown in the Order for Summons as having a Minnesota address under Minn Stat Ch 323A

- (a) By serving a partner under Rule 4.03 (b), Minn R Civ P,
- (b) by requesting a waiver signed by a partner under Rule 4.05, Minn R Civ P, or
- (c) under Minn Stat 5.25.

Minnesota limited partnerships or limited liability limited partnerships

- (a) By serving a general partner under Rule 4.03 (b), Minn R Civ P,
- (b) by requesting a waiver signed by a general partner under Rule 4.05, Minn R Civ P, or
- (c) under Minn Stat 5.25.

Minn Stat 321.0114, 321.0115, 321.0116, and 321.0117

Minnesota limited liability companies under Minn Stat 322C.0116

- (a) By serving a registered agent,
- (b) by serving a manager,
- (c) by requesting a waiver signed by a manager under Rule 4.05, Minn R Civ P, or
- (d) under Minn Stat 5.25.

Hennepin County

300 South Sixth Street, Minneapolis, MN 55487
HennepinCounty.gov

State of Minnesota

(a) By serving the attorney general, a deputy attorney general or an assistant attorney general under Rule 4.03 (d), Minn R Civ P and Minn Stat 508.16, or

(b) by requesting a waiver by the attorney general under Rule 4.05, Minn R Civ P.

If the applicant is challenging the validity of a tax forfeiture or use restrictions or other interests after the tax forfeiture, see Minn Stat 284.08 regarding service on the County.

If service is made under Rule 4.05, the waiver must be signed by the attorney general, a deputy attorney general or an assistant attorney general. Contact the Attorney General's office before mailing, obtain the name of a specific deputy or assistant attorney general who is willing to sign the waiver and address the envelope to that person.

City

(a) By serving the chief executive officer (usually the mayor) or the city clerk (or, if the entity lacks such officer or clerk, to an officer performing a corresponding function under another name) under Rule 4.03 (e)(2), Minn R Civ P, or

(b) by requesting a waiver signed by the mayor or city clerk (or, if the entity lacks such officer or clerk, by an officer performing a corresponding function under another name) under Rule 4.05, Minn R Civ P.

Do not serve an "assistant" or "deputy" city clerk.

Do not serve someone who says they are authorized to accept service unless you are able to support the affidavit of service with documents establishing that (a) the chief executive officer or city clerk is legally authorized to delegate the responsibility to accept service, and (b) the delegation was made in the manner authorized.

County

(a) By serving the county attorney or chair of the county board under Rule 4.03 (e)(1), Minn R Civ P, or

(b) by requesting a waiver under Rule 4.05, Minn R Civ P. signed by the county attorney or chair of the county board.

Hennepin County

300 South Sixth Street, Minneapolis, MN 55487
HennepinCounty.gov

United States made under the requirements of federal law, 28 USC § 2410:

(a) The Application must set forth with particularity the nature of the interest or lien of the United States. If the interest of the United States involves a lien under the Internal Revenue laws, the Application must include the name and address of the taxpayer whose liability created the lien, the identity of the internal revenue office which filed the notice of lien, and the date and place the notice was filed.

If the Application does not contain the required information, prepare and file an Amended Application containing the information.

(b) Serve a copy of the Land Title Summons and a copy of the Application (or Amended Application) on the United States Attorney for the District of Minnesota, or on an Assistant United States Attorney, or on a clerical employee designated by the United States Attorney in a writing filed with the Hennepin County District Court Administrator.

(c) Mail a copy of the Land Title Summons and a copy of the Application (or Amended Application) to the Attorney General of the United States at Washington, D.C. by registered mail or certified mail, return receipt requested.

Town

(a) By serving the chair of the town board or the town clerk (or, if the town lacks such chair or clerk, to an officer performing a corresponding function under another name) under Rule 4.03 (e)(3), Minn R Civ P, or

(b) by requesting a waiver signed by the chair of the town board or the town clerk (or, if the town lacks such chair or clerk, to an officer performing a corresponding function under another name) under Rule 4.05, Minn R Civ P.

Do not serve an “assistant” or “deputy” town clerk. (See [City](#) for further information.)

School District

(a) By serving the chair of the school board or other governing body of a school district (or if the school district lacks such chair, clerk, treasurer, or superintendent, to an officer

Hennepin County

300 South Sixth Street, Minneapolis, MN 55487

HennepinCounty.gov

performing a corresponding function under another name) under Rule 4.03 (e)(4), Minn R Civ P, or

(b) by requesting a waiver signed by the chair of the school board or other governing body of a school district (or if the school district lacks such chair, clerk, treasurer, or superintendent, by an officer performing a corresponding function under another name) under Rule 4.05, Minn R Civ P.

Other public body not enumerated above

(a) By serving a member of the board or other governing body under Rule 4.03 (e)(5), Minn R Civ P, or

(b) by requesting a waiver signed by a member of the board under Rule 4.05, Minn R Civ P.

SECTION 7: PROOF OF SERVICE

Publication

Publication is proved by an Affidavit of Publication provided by the printer. Rule 4.06, Minn R Civ P; Minn Stat 600.10 and 600.11

Personal Service

Personal service is proved by an Affidavit of Service, or written Admission of Service. Rule 4.06, Minn R Civ P

An Affidavit of Service which states that the Land Title Summons was delivered to a person who is identified as the “attorney at law” for the named defendant will generally not be sufficient. *Thompson Yards v Standard Home Bldg Co*, 161 Minn 143, 201 NW 300 (1924).

An Affidavit of Service which states that the Land Title Summons was delivered to a person who is identified as “an agent” for the named defendant (with no further information or explanation) will generally not be sufficient.

Waiver of Service

Service made under Rule 4.05, Minn R Civ P is proved by a written waiver of service as provided in the rule; see Form 22B.

Hennepin County

300 South Sixth Street, Minneapolis, MN 55487
HennepinCounty.gov

Service on the Minnesota Secretary of State

Service made under Minn Stat 5.25 is proved by Receipt/Invoice provided by the Secretary of State.

Assent to Registration

A defendant may assent to the proceeding instead of being served with the Land Title Summons. The Assent must be in writing and must be acknowledged. Minn Stat 508.06 and 358.66

SECTION 8: CALENDAR REVIEW

Answer

If an Answer is filed, see Contested Torrens Cases in Hennepin County on the Hennepin County Examiner of Titles webpage.

If an Answer only sets up rights admitted in the Application, the matter may proceed as in case of default. Minn Gen R Prac Rule 209

Calendar Date and Administrative Review

Default Torrens registration cases are placed on the regular Land Title Calendar on Thursdays for administrative review. Minn Stat 508.19

Contact the Examiner's office to set the calendar date. Provide the case number and Applicant name(s).

Order and Decree of Registration

The Hennepin County Examiner of Titles webpage provides a form Order and Decree of Registration meeting the requirements of Minn Stat 508.23. Prepare a (proposed) Order and Decree of Registration:

- (a) If an Answer has been filed and withdrawn, add to Finding 2 a statement such as:
"except the Answer of _____ which has been withdrawn."
- (b) Insert a numbered Finding to cover each matter as to which a "finding" was recommended in the Examiner's Report.

Hennepin County

300 South Sixth Street, Minneapolis, MN 55487
HennepinCounty.gov

(c) If the Applicant has requested that boundary lines be marked by the placement of judicial landmarks, review the Examiner's Report for additional Findings and Orders to include.

(d) Paragraph 3 of the Decree portion of the standard form of Order and Decree of Registration is known as the "subject clause." Insert in the "subject clause" of the Decree the concluding statements recommended in the Examiner's Report.

Torrens Affidavit of Default

The Hennepin County Examiner of Titles webpage provides a form for Torrens Affidavit of Default and Court Administrator's Certificate of No Answer. Minn Gen R Prac Rule 207

Prepare a Torrens Affidavit of Default after the time for Answering for all defendants has expired.

If an Answer has been filed and withdrawn, add to the Affidavit a statement such as: "except the Answer of _____ which has been withdrawn."

If other "exceptions" should be added to the Affidavit, it may be advisable to request the assistance of the Examiner in drafting proper wording.

Defendants are in default when all the following times have expired:

- 41 days after the first date of publication;
- 20 days after the last day of personal service on a Defendant residing in the state;
- 23 days after the last day the Court Administrator mailed a copy of the Summons to a Defendant who is a non-resident of the state;
- 30 days from the date of mailing by the Secretary of State. Minn Stat 5.25, Subd 7;
- 60 days after service upon the United States of America or any of its agents and officers.

Hennepin County

300 South Sixth Street, Minneapolis, MN 55487
HennepinCounty.gov

Submit Papers Before Calendar Date

At least 7 days before the calendar date, under Rule 208, Minn Gen R Prac, e-file the following:

- (a) an Affidavit of Publication and other proofs of service;
- (b) a Torrens Affidavit of Default;
- (c) any evidence called for in the Examiner's Report and documentary evidence proposed to be used by the Applicant.

Email (but do not e-file) a proposed Order and Decree of Registration to the Examiner's office. If the Applicant has requested that boundary lines be marked by the placement of judicial landmarks, also email (but do not e-file) a proposed Interlocutory Order using the form available on the Hennepin County Examiner of Titles webpage. Minn Gen R Prac Rule 211

Applicant's Affidavit

No more than two days before the calendar date, an Applicant should execute an Affidavit addressing whether the Applicant(s):

- (a) has/have sold, mortgaged or otherwise conveyed an interest in the premises since the Application was filed;
- (b) is/are the subject of a judgment, tax lien, or bankruptcy proceeding not mentioned in the Examiner's Report;
- (c) is/are married, single, or involved in a divorce proceeding, if the Applicant is a natural person.

This Affidavit should be e-filed before the calendar date.

Order and Decree of Registration

After the administrative review, if the Applicant has not requested a boundary determination, the Examiner endorses the Examiner's approval on the Order and Decree of Registration. (An Interlocutory Order directing the placement of judicial landmarks is issued if the Applicant

Hennepin County

300 South Sixth Street, Minneapolis, MN 55487
HennepinCounty.gov

has requested a boundary determination.) Minn Gen R Prac Rule 212; Minn Stat 508.671 and 508.82

The Deputy Court Administrator in the Examiner's office will obtain a judge's signature on the Order and Decree of Registration (or Interlocutory Order).

To obtain a certified copy of the filed Order, and survey (if judicial landmarks will be set), please submit a copy request through eFS and attach the certified copy fee for each document requested. Your correspondence should be e-filed with the event code Copy Request. The certified copy(ies) will be sent to you via U.S. Mail unless you indicate in the comments section of the filing that an electronic certified copy should be emailed to [insert your email address].

Once the Applicant receives the certified copy of the filed Order (and survey, if applicable) from District Court Records, the Applicant will need to record it with the County Recorder and file it with the Registrar of Titles, paying two document recording fees. Minn Stat 508.11 The Order is recorded and indexed in abstract to show the property was converted to the registered land system. The Order is recorded in Torrens to cause the Registrar of Titles to issue the first certificate of title. Minn Stat 508.34

e-recording note: If e-recording the Order, the filer should submit the Order twice in the same recording package, both indicated as land type abstract, and include two recording fees. Then send an email to PIP@hennepin.us indicating the date and time submitted, the Package ID, if known, and the legal description. The recording department will change the land type of one of the submitted orders to Torrens and then process the package.

If the action included judicial determination of a boundary, additional fees will be needed to file the survey on the first Certificate of Title, on affected adjoining certificates of title, and with the County Recorder.

Interlocutory Order

If boundary lines will be marked with judicial landmarks, obtain a copy of the Interlocutory Order from the Deputy Court Administrator and deliver it to the Applicant's surveyor, together

Hennepin County

300 South Sixth Street, Minneapolis, MN 55487
HennepinCounty.gov

with the Instructions: next steps after an interlocutory order is signed found on the Hennepin County Examiner of Titles webpage. The instructions explain the final survey requirements and steps for obtaining the Order and Decree of Registration.

Special Case: Separate Parcels with Different Owners

If separate parcels are being registered in one proceeding but are not all owned by the same Applicant or Applicants, then a separate Order and Decree of Registration should be issued as to the land owned by each different Applicant.

Entitle each separate Order and Decree of Registration as a “Partial Order and Decree of Registration.” The last Order and Decree of Registration in a proceeding may be entitled “Final Partial Order and Decree of Registration.”

Insert findings in each Partial Order and Decree of Registration relevant to the land included in that Partial Order and Decree of Registration.

Partial Orders and Decrees of Registration may be placed on the Land Title Calendar on the same date or on different dates. See [Calendar Date](#).

SECTION 9: EXAMPLES

Part or all the land being registered is transferred during the registration proceeding

A person who acquires the original Applicant’s estate in all or part of the land being registered by voluntary instrument from the original Applicant may be substituted for the Applicant as to the land acquired by executing an Amended Application. The Amended Application should be emailed to the Examiner’s office for approval using the same procedure for the original application. The approved Amended Application should be e-filed. There is no fee for the filing of an Amended Application. The Examiner will decide if the Amended Application also needs to be recorded with the County Recorder. Generally, not unless additional land is added. Minn Stat 508.09

A standard Application form may be used for an Amended Application by inserting the word Amended before the word Application on the form. The caption of the Amended Application

Hennepin County

300 South Sixth Street, Minneapolis, MN 55487
HennepinCounty.gov

should read: “In the Matter of the Application of (name of the original Applicant), original Applicant; and (name of the new owner), Cross Applicant, To Register the Title to Certain Land.”

Part or all the land being registered is platted during the registration proceeding

The Order and Decree of Registration should describe the land by reference to the new plat. If a Supplemental Examiner’s Report referring to the new plat has not been issued, the Order and Decree of Registration should contain a Finding regarding the plat.

If the plat is filed before the Land Title Summons is issued, the Examiner may require that the Land Title Summons contain both the land description set out in the Examiner’s Report and a description referring to lots in the new plat.

Applicant gives a mortgage or another interest in the land being registered is created during the registration proceeding

Interests, such as mortgages, which are created after a certified copy of the Application has been filed with the County Recorder, are subject to the Decree of Registration. Minn Stat 508.27. Persons holding such interests need not be given notice of the proceeding unless the Examiner requires notice.

The Order and Decree of Registration should contain findings regarding such interests and, if appropriate, concluding statements regarding the interests should be included in the “subject clause” of the Decree. If an interest has not been mentioned in the Examiner’s Report or in a Supplemental Examiner’s Report, the Applicant should present evidence before the calendar date regarding the interest. Minn Gen R Prac Rule 212

A defendant listed in the order for summons as having a Minnesota address, but when service of the land title summons is attempted, the defendant cannot be found within the state for purposes of personal service

If the defendant has moved out of the state, a Supplemental Petition and Order for Summons should be submitted, listing only the one defendant and that defendant’s out-of-state address. A Supplemental Land Title Summons, listing only the one defendant, should also be

Hennepin County

300 South Sixth Street, Minneapolis, MN 55487
HennepinCounty.gov

submitted for issuance by the Court Administrator. The Supplemental Land Title Summons should be served on the defendant. See [Service on Non-resident Defendants](#).

If the defendant cannot be found, it may be possible to insert in the Order and Decree of Registration a finding, such as: “That the Order for Summons contained an error, in that it listed _____ as a resident of Minnesota, whereas in fact at the time the Land Title Summons was issued the defendant’s address was unknown; and that the defendant has been given notice by publication.” The finding should be supported by evidence before the calendar date, including evidence regarding the inquiry and search that preceded the original Petition for Summons.

The Examiner’s Report recommends the occupants of a parcel of land be made defendants in the proceeding, the applicant’s attorney ascertains the name of an occupant and lists it in the petition and order for summons, but the occupancy is discontinued before the land title summons is served on the person

If the person was recommended as a defendant only because of the person’s occupancy of land, a finding, such as the following, may be inserted in the Order and Decree of Registration: “That at the time the Land Title Summons was issued, _____ was an occupant of (describe the land occupied), but is no longer an occupant and need not be given notice of this proceeding.” Evidence to support the finding should be submitted before the calendar date.

Land title summons contains an error

If there is a substantial error in the land description, an Amended Petition and Order for Summons and an Amended Land Title Summons should be prepared and emailed to the Examiner’s office. The Amended Land Title Summons should be published and served as provided in the section [Service of Process](#).

If a defendant’s name is missing or is substantially misspelled, a Supplemental Petition and Order for Summons should be emailed to the Examiner’s office, listing only the one defendant and that defendant’s address. A Supplemental Land Title Summons, listing only the one defendant, should also be emailed to the Examiner’s office for issuance by the Court

Hennepin County

300 South Sixth Street, Minneapolis, MN 55487
HennepinCounty.gov

Administrator. The Supplemental Land Title Summons should be served on the defendant as provided in the section [Service of Process](#). If the defendant's address is "unknown" or if the defendant is served by mail out-of-state, the Supplemental Land Title Summons must be published.

Applicant wishes to dismiss the application

The Application may be dismissed only by Order of the Court. Minn Stat 508.21

If the Applicant wishes to dismiss the Application as to all or part of the land described in the Application either (a) before the issuance of the Land Title Summons, or (b) after the time for filing Answers has passed without an Answer being filed, the Applicant may e-file a Petition for Dismissal and email a proposed Order for Dismissal to the Examiner's office. Contact the Deputy Court Administrator in the Examiner's office for samples of the Petition for Dismissal and an Order for Dismissal. If the Examiner approves the Order for Dismissal, the Deputy Court Administrator in the Examiner's office will obtain a judge's signature on the Order and file the Order in the court file. The Applicant should obtain a certified copy of the order and record the certified copy with the County Recorder.

To obtain a certified copy of the filed Order, please submit a copy request through eFS and attach the certified copy fee. Your correspondence should be e-filed with the event code Copy Request. The certified copy will be sent to you via U.S. Mail unless you indicate in the comments section of the filing that an electronic certified copy should be emailed to [insert your email address].

Once the Applicant receives the certified copy of the filed Order from District Court Records you will need to record it.

If an Answer has been filed, the Applicant may by motion request an Order dismissing the Application.

Hennepin County

300 South Sixth Street, Minneapolis, MN 55487
HennepinCounty.gov