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Senate
State of Minnesota


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S.F. No. 262 - Relating to Technical Changes to Filing and Recording Laws

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S.F. No. 262 was prepared by the Minnesota County Recorders Association's legislative committee, along with the Minnesota Real Estate Services Association and the Minnesota Land Title Association, to update the statutes that relate to real estate filing and recording to more accurately reflect the process that takes place at present.

Sections 1 to 14 clarify that documents are recorded and not filed with the County Recorder/Registrar of Titles.

Sections 15 to 18 clarify the recording process and information required for timber lands.

Sections 19 to 65 clarify that documents are recorded and not filed with the County Recorder/Registrar of Titles.

Section 66 updates the requirements for county support of the office to include technology.

Section 67 establishes that filing applies to plats only.

Sections 68 to 72 clarify that documents are recorded and not filed with the County Recorder/Registrar of Titles.

Sections 73 and 74 establish requirements for the content of grantor/grantee indexes regardless of the format maintained.

Section 75 requires a tract index be maintained and allows for use of electronic media.

— **Sections 76 and 77** delete obsolete language.

Section 78 allows for manual or electronic means of maintaining a grantor/grantee index.

Sections 79, 82, 84, and 86 delete obsolete language.

Sections 80, 81, and 83 allow for the use of electronic media in record keeping methods.

Section 85 clarifies the requirements of consecutive recording.

Sections 87 and 89 to 103 clarify that documents are recorded and not filed.

Section 88 sets forth the requirements for counties that abstract.

Section 104 provides clarifying language.

Sections 105 to 113 clarify that documents are recorded and not filed.

Section 114 establishes that plats are filed.

Sections 115 to 119 clarify that documents are recorded and not filed.

Section 120 provides that a document to be recorded must be legible.

Sections 121, 122, 123, 137, and 153 provide technical clarifications related to Torrens property.

Sections 124 to 134 clarify that documents are recorded and not filed.

Sections 135 and 141 provide clarification.

— **Section 136** will be deleted by an author's amendment.

Sections 138 to 140 and 142 to 152 clarify that documents are recorded and not filed.

Section 154 repeals obsolete language.

DPM:vs

Senators Murphy, Rosen, Kierlin, Koering and Vickerman introduced--

S.F. No. 262: Referred to the Committee on State and Local Government Operations.

1

A bill for an act

2 relating to local government; making technical changes
3 to filing and recording laws; amending Minnesota
4 Statutes 2004, sections 41.65, subdivision 3; 49.05,
5 subdivision 2; 49.215, subdivision 3; 52.20,
6 subdivisions 2, 3; 60B.16, subdivision 1; 60B.21,
7 subdivision 1; 60B.25; 60B.52, subdivision 2; 60B.53,
8 subdivision 2; 60B.55, subdivision 2; 66A.21,
9 subdivision 2; 88.14, subdivision 3; 88.41; 88.49,
10 subdivisions 2, 3, 5; 88.491, subdivision 2; 92.17;
11 93.52, subdivision 2; 93.55, subdivisions 1, 1a, 2, 5;
12 93.551; 94.19; 103I.341, subdivisions 1, 4; 117.065;
13 164.06, subdivision 2; 164.07, subdivision 11; 222.29;
14 238.25, subdivision 10; 273.165, subdivision 1;
15 281.322; 281.328, subdivision 1; 284.07; 284.08;
16 284.11; 284.18; 306.02, subdivision 1; 306.24; 307.06;
17 307.07; 315.01, subdivisions 3, 4; 315.17, subdivision
18 3; 315.19; 315.20, subdivisions 2, 3; 315.32; 315.365,
19 subdivision 2; 315.44; 316.09; 317A.021, subdivision
20 4; 317A.051, subdivision 2; 318.02, subdivision 3;
21 322.02; 322.25, subdivision 4; 322A.86; 327A.04,
22 subdivision 3; 327C.095, subdivisions 8, 11; 344.06;
23 344.08; 375.14; 381.12, subdivision 1; 382.08; 382.10;
24 384.02; 384.08; 385.02, subdivision 1; 386.03; 386.04;
25 386.05; 386.13; 386.16; 386.19; 386.20, subdivisions
26 1, 3; 386.23, subdivisions 1, 2; 386.26, subdivision
27 3; 386.29; 386.31; 386.32; 386.36; 386.37; 386.45;
28 387.01; 387.33, subdivision 2; 388.01; 388.10;
29 389.011, subdivisions 1, 3; 390.05; 394.27,
30 subdivision 8; 394.301, subdivision 4; 394.33,
31 subdivision 1; 394.35; 395.18; 395.22; 398.19; 410.11;
32 412.851; 429.061, subdivision 2; 444.17; 447.31,
33 subdivision 4; 462.359, subdivision 2; 462.3595,
34 subdivision 4; 462.36, subdivision 1; 462A.31,
35 subdivision 7; 463.15, subdivision 4; 465.19; 471.928;
36 485.01; 485.03; 485.05; 489.03; 507.24, subdivision 1;
37 508.35; 508.37; 508.38; 519.091, subdivision 2;
38 541.023, subdivisions 2, 2a, 4, 6; 548.09, subdivision
39 1; 548.25; 550.31; 550.32; 559.17, subdivisions 2, 3;
40 559.209, subdivision 2; 559.21, subdivisions 3, 4;
41 559.23; 570.061, subdivision 2; 570.11; 570.14;
42 576.01, subdivision 2; 577.02; 577.10; 580.032,
43 subdivisions 1, 3; 580.09; 580.15; 580.17; 580.23,
44 subdivision 4; 580.24; 580.29; 600.21; repealing
45 Minnesota Statutes 2004, sections 386.183; 386.34;
46 386.53; 580.16.

1 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

2 Section 1. Minnesota Statutes 2004, section 41.65,
3 subdivision 3, is amended to read:

4 Subd. 3. [RESTRICTED AGRICULTURAL USE.] (a) Acquired
5 property that has marginal land as defined in section 103F.511,
6 subdivision 7, or wetlands must be restricted from agricultural
7 use on the marginal land or wetlands.

8 (b) If the commissioner determines that all or a portion of
9 acquired property should be taken out of agricultural use or
10 particular agricultural uses should be restricted, the
11 commissioner shall have the attorney general prepare an easement
12 restricting the agricultural use and ~~file~~ record the easement
13 with the county recorder where the property is located.

14 Sec. 2. Minnesota Statutes 2004, section 49.05,
15 subdivision 2, is amended to read:

16 Subd. 2. [CERTIFICATES PRIOR TO FORECLOSURE SALES.] Prior
17 to any sale under any foreclosure proceedings, the commissioner
18 shall ~~file-for~~ record in the office of the county recorder of
19 the county where any land affected by any such foreclosure sale
20 is situated, a certificate under the commissioner's hand, as
21 such commissioner, stating therein the corporate name of the
22 financial institution affected; its principal place of business;
23 that possession of its property and business has been taken by
24 the commissioner under the laws of the state, and the date of
25 taking possession thereof; and that it is in process of
26 liquidation by the commissioner, pursuant to the laws of this
27 state, if such be the fact. A like certificate shall be ~~filed~~
28 ~~for-record~~ recorded by the commissioner in the office where any
29 such mortgage or lien is recorded. This certificate, or a duly
30 certified copy thereof, shall be prima facie evidence of the
31 facts therein set forth. Only one such certificate need
32 be ~~filed~~ recorded as hereinbefore provided in this section, for
33 each financial institution in liquidation. All foreclosure
34 proceedings heretofore conducted, whether the certificate was
35 ~~filed-for-record~~ recorded as to each such foreclosure or not,
36 are hereby validated if one such certificate has been ~~filed~~

1 recorded as to each financial institution in liquidation, or if
2 the commissioner shall after any foreclosure sale ~~file~~ record a
3 certificate reciting the facts required to be set out in an
4 original certificate, as they existed prior to the foreclosure
5 sale.

6 Sec. 3. Minnesota Statutes 2004, section 49.215,
7 subdivision 3, is amended to read:

8 Subd. 3. [CERTIFICATE OF LIQUIDATION.] Upon compliance
9 with the foregoing and upon filing with the commissioner an
10 affidavit of the president and cashier or vice president
11 conducting the duties of cashier of said financial institution
12 that the provisions of subdivision 4 have been complied with and
13 that all depositors and other creditors have been paid in full,
14 or, if any dividends or any moneys set apart for the payment of
15 claims remain unpaid and the places of residence of the
16 depositors or other creditors are unknown to the persons making
17 the affidavit, that sufficient funds have been turned over to
18 the commissioner for payment into the state treasury to pay said
19 depositors and other creditors, in the manner provided by
20 subdivision 5, the commissioner shall issue a certificate of
21 liquidation, and, upon the filing for record of said certificate
22 of liquidation in the Office of the Secretary of State and the
23 recording in the office of the county recorder of the county of
24 the principal place of business of such financial institution
25 immediately prior to its voluntary liquidation, the liquidation
26 of said financial institution shall be complete, and its
27 corporate existence shall thereupon terminate.

28 Sec. 4. Minnesota Statutes 2004, section 52.20,
29 subdivision 2, is amended to read:

30 Subd. 2. [~~FILING~~ RECORDING DOCUMENTS; COMMISSIONER'S
31 APPROVAL; BOND.] Immediately after this meeting and before the
32 committee shall proceed with the liquidation, the officers of
33 the credit union shall file with the commissioner of commerce a
34 certified copy of the minutes of this meeting, a written
35 statement outlining the plan of liquidation, and a verified
36 statement, in writing, signed by a majority of the officers,

1 consenting to this liquidation containing the names and
2 addresses of all officers and directors of the credit union.
3 After the commissioner of commerce shall, by proper examination,
4 determine that the credit union is solvent, the commissioner
5 shall, within 60 days, issue a certificate of approval of the
6 liquidation, which certificate shall be ~~filed~~ recorded with the
7 county recorder in the county where the credit union is located.
8 A "solvent" credit union is one which is able to pay all of its
9 debts and deposits. From and after this special meeting the
10 credit union shall cease to do business except for purposes of
11 liquidation. Before commencing the liquidation the committee
12 shall execute and file with the commissioner of commerce a bond
13 running to the state of Minnesota for the benefit of the members
14 and creditors of the credit union in such amount and with such
15 sureties and in such form as shall be approved by the
16 commissioner of commerce, conditioned for the faithful
17 performance of all duties of its trust. A bond may be waived in
18 case of a bulk sale of assets to one or more purchasers upon
19 terms approved by the commissioner of commerce. Such purchasers
20 may include other credit unions or an association of credit
21 unions.

22 Sec. 5. Minnesota Statutes 2004, section 52.20,
23 subdivision 3, is amended to read:

24 Subd. 3. [TIME OF DISSOLUTION.] Upon ~~filing~~ recording this
25 certificate with the county recorder, the credit union shall be
26 deemed dissolved and its corporate existence terminated except
27 for the purpose of discharging its debts, collecting and
28 distributing its assets, and doing all other acts required in
29 order to liquidate. The credit union shall have a corporate
30 existence and may sue and be sued.

31 Sec. 6. Minnesota Statutes 2004, section 60B.16,
32 subdivision 1, is amended to read:

33 Subdivision 1. [APPOINTMENT OF REHABILITATOR.] An order to
34 rehabilitate the business of a domestic insurer, or an alien
35 insurer domiciled in this state, shall appoint the commissioner
36 and successors in office rehabilitator and shall direct the

1 rehabilitator forthwith to take possession of the assets of the
2 insurer and to administer them under the orders of the court.
3 The ~~filing-or~~ recording of the order with any county recorder in
4 the state imparts the same notice as a deed, bill of sale, or
5 other evidence of title duly ~~filed-or~~ recorded with that county
6 recorder.

7 Sec. 7. Minnesota Statutes 2004, section 60B.21,
8 subdivision 1, is amended to read:

9 Subdivision 1. [ORDER TO LIQUIDATE.] An order to liquidate
10 the business of a domestic insurer shall appoint the
11 commissioner and successors in office liquidator and shall
12 direct the liquidator forthwith to take possession of the assets
13 of the insurer and to administer them under the orders of the
14 court. The liquidator shall be vested by operation of law with
15 the title to all of the property, contracts, and rights of
16 action and all of the books and records of the insurer ordered
17 liquidated, wherever located, as of the date of the filing of
18 the petition for liquidation. The commissioner may recover and
19 reduce the same to possession except that ancillary receivers in
20 reciprocal states shall have, as to assets located in their
21 respective states, the rights and powers which are prescribed in
22 section 60B.55, subdivision 3, for ancillary receivers appointed
23 in this state as to assets located in this state. The ~~filing-or~~
24 recording of the order with any county recorder in this state
25 imparts the same notice as a deed, bill of sale, or other
26 evidence of title duly ~~filed-or~~ recorded with that county
27 recorder.

28 Sec. 8. Minnesota Statutes 2004, section 60B.25, is
29 amended to read:

30 60B.25 [POWERS OF LIQUIDATOR.]

31 The liquidator shall report to the court monthly, or at
32 other intervals specified by the court, on the progress of the
33 liquidation in whatever detail the court orders. The liquidator
34 shall coordinate activities with those of each guaranty
35 association having an interest in the liquidation and shall
36 submit a report detailing how coordination will be achieved to

1 the court for its approval within 30 days following appointment,
2 or within the time which the court, in its discretion, may
3 establish. Subject to the court's control, the liquidator may:

4 (1) Appoint a special deputy to act under sections 60B.01
5 to 60B.61 and determine the deputy's compensation. The special
6 deputy shall have all powers of the liquidator granted by this
7 section. The special deputy shall serve at the pleasure of the
8 liquidator.

9 (2) Appoint or engage employees and agents, actuaries,
10 accountants, appraisers, consultants, and other personnel deemed
11 necessary to assist in the liquidation without regard to chapter
12 14.

13 (3) Fix the compensation of persons under clause (2),
14 subject to the control of the court.

15 (4) Defray all expenses of taking possession of,
16 conserving, conducting, liquidating, disposing of, or otherwise
17 dealing with the business and property of the insurer. If the
18 property of the insurer does not contain sufficient cash or
19 liquid assets to defray the costs incurred, the liquidator may
20 advance the costs so incurred out of the appropriation made to
21 the Department of Commerce. Any amounts so paid shall be deemed
22 expense of administration and shall be repaid for the credit of
23 the Department of Commerce out of the first available money of
24 the insurer.

25 (5) Hold hearings, subpoena witnesses and compel their
26 attendance, administer oaths, examine any person under oath and
27 compel any person to subscribe to testimony after it has been
28 correctly reduced to writing, and in connection therewith
29 require the production of any books, papers, records, or other
30 documents which the liquidator deems relevant to the inquiry.

31 (6) Collect all debts and money due and claims belonging to
32 the insurer, wherever located, and for this purpose institute
33 timely action in other jurisdictions, in order to forestall
34 garnishment and attachment proceedings against such debts; do
35 such other acts as are necessary or expedient to collect,
36 conserve, or protect its assets or property, including sell,

1 compound, compromise, or assign for purposes of collection, upon
2 such terms and conditions as the liquidator deems best, any bad
3 or doubtful debts; and pursue any creditor's remedies available
4 to enforce claims.

5 (7) Conduct public and private sales of the property of the
6 insurer in a manner prescribed by the court.

7 (8) Use assets of the estate to transfer coverage
8 obligations to a solvent assuming insurer, if the transfer can
9 be arranged without prejudice to applicable priorities under
10 section 60B.44.

11 (9) Acquire, hypothecate, encumber, lease, improve, sell,
12 transfer, abandon, or otherwise dispose of or deal with any
13 property of the insurer at its market value or upon such terms
14 and conditions as are fair and reasonable, except that no
15 transaction involving property the market value of which exceeds
16 \$10,000 shall be concluded without express permission of the
17 court. The liquidator may also execute, acknowledge, and
18 deliver any deeds, assignments, releases, and other instruments
19 necessary or proper to effectuate any sale of property or other
20 transaction in connection with the liquidation. In cases where
21 real property sold by the liquidator is located other than in
22 the county where the liquidation is pending, the liquidator
23 shall cause to be ~~filed~~ recorded with the county recorder for
24 the county in which the property is located a certified copy of
25 the order of appointment.

26 (10) Borrow money on the security of the insurer's assets
27 or without security and execute and deliver all documents
28 necessary to that transaction for the purpose of facilitating
29 the liquidation.

30 (11) Enter into such contracts as are necessary to carry
31 out the order to liquidate, and affirm or disavow any contracts
32 to which the insurer is a party.

33 (12) Continue to prosecute and institute in the name of the
34 insurer or in the liquidator's own name any suits and other
35 legal proceedings, in this state or elsewhere, and abandon the
36 prosecution of claims the liquidator deems unprofitable to

1 pursue further. If the insurer is dissolved under section
2 60B.23, the liquidator may apply to any court in this state or
3 elsewhere for leave to be substituted for the insurer as
4 plaintiff.

5 (13) Prosecute any action which may exist in behalf of the
6 creditors, members, policyholders, or shareholders of the
7 insurer against any officer of the insurer, or any other person.

8 (14) Remove any records and property of the insurer to the
9 offices of the commissioner or to such other place as is
10 convenient for the purposes of efficient and orderly execution
11 of the liquidation.

12 (15) Deposit in one or more banks in this state such sums
13 as are required for meeting current administration expenses and
14 dividend distributions.

15 (16) Deposit with the State Board of Investment for
16 investment pursuant to section 11A.24, all sums not currently
17 needed, unless the court orders otherwise.

18 (17) Record or file any necessary documents for record in
19 the office of any county recorder or record office in this state
20 or elsewhere where property of the insurer is located.

21 (18) Assert all defenses available to the insurer as
22 against third persons, including statutes of limitations,
23 statutes of frauds, and the defense of usury. A waiver of any
24 defense by the insurer after a petition for liquidation has been
25 filed shall not bind the liquidator.

26 (19) Exercise and enforce all the rights, remedies, and
27 powers of any creditor, shareholder, policyholder, or member,
28 including any power to avoid any transfer or lien that may be
29 given by law and that is not included within sections 60B.30 and
30 60B.32.

31 (20) Intervene in any proceeding wherever instituted that
32 might lead to the appointment of a receiver or trustee, and act
33 as the receiver or trustee whenever the appointment is offered.

34 (21) Enter into agreements with any receiver or
35 commissioner of any other state relating to the rehabilitation,
36 liquidation, conservation, or dissolution of an insurer doing

1 business in both states.

2 (22) Collect from an insured any unpaid earned premium or
3 retrospectively rated premium due the insurer based on the
4 termination of coverage under section 60B.22. Premium on surety
5 business is considered earned at inception if no policy term can
6 be determined. All other premium will be considered earned and
7 will be prorated over the determined policy term, regardless of
8 any provision in the bond, guaranty, contract, or other
9 agreement.

10 (23) Exercise all powers now held or hereafter conferred
11 upon receivers by the laws of this state not inconsistent with
12 sections 60B.01 to 60B.61.

13 (24) The enumeration in this section of the powers and
14 authority of the liquidator is not a limitation, nor does it
15 exclude the right to do such other acts not herein specifically
16 enumerated or otherwise provided for as are necessary or
17 expedient for the accomplishment of or in aid of the purpose of
18 liquidation.

19 (25) The power of the liquidator of a health maintenance
20 organization includes the power to transfer coverage obligations
21 to a solvent and voluntary health maintenance organization,
22 insurer, or nonprofit health service plan, and to assign
23 provider contracts of the insolvent health maintenance
24 organization to an assuming health maintenance organization,
25 insurer, or nonprofit health service plan permitted to enter
26 into such agreements. The liquidator is not required to meet
27 the notice requirements of section 62D.121. Transferees of
28 coverage obligations or provider contracts shall have no
29 liability to creditors or obligees of the health maintenance
30 organization except those liabilities expressly assumed.

31 Sec. 9. Minnesota Statutes 2004, section 60B.52,
32 subdivision 2, is amended to read:

33 Subd. 2. [TERMS OF ORDER.] The court may issue the order
34 in whatever terms it deems appropriate. The filing-or recording
35 of the order with any county recorder in this state imparts the
36 same notice as a deed, bill of sale, or other evidence of title

1 duly ~~filed-or~~ recorded with that county recorder.

2 Sec. 10. Minnesota Statutes 2004, section 60B.53,
3 subdivision 2, is amended to read:

4 Subd. 2. [TERMS OF ORDER.] If it appears to the court that
5 the best interests of creditors, policyholders, and the public
6 so require, the court may issue an order to liquidate in
7 whatever terms it deems appropriate. The ~~filing-or~~ recording of
8 the order with any county recorder in this state imparts the
9 same notice as a deed, bill of sale, or other evidence of title
10 duly ~~filed-or~~ recorded with that county recorder.

11 Sec. 11. Minnesota Statutes 2004, section 60B.55,
12 subdivision 2, is amended to read:

13 Subd. 2. [TERMS OF ORDER.] The court may issue an order
14 appointing an ancillary receiver in whatever terms it deems
15 appropriate. The ~~filing-or~~ recording of the order with any
16 county recorder in this state imparts the same notice as a deed,
17 bill of sale, or other evidence of title duly ~~filed-or~~ recorded
18 with that county recorder.

19 Sec. 12. Minnesota Statutes 2004, section 66A.21,
20 subdivision 2, is amended to read:

21 Subd. 2. [EXISTING DOMESTIC MUTUAL INSURANCE COMPANIES,
22 JOINT AGREEMENT; APPROVAL.] The separation can be effected only
23 as a result of a joint agreement entered into, approved and
24 filed as follows:

25 (1) The board of directors of the ceding and assuming
26 corporations shall, by majority vote, enter into a joint
27 agreement, prescribing the terms and conditions of the
28 separation and the mode of carrying the same into effect, with
29 such other details and provisions as they deem necessary. The
30 agreement shall provide for an adjustment of final figures as
31 may be necessary after a verifying examination of the
32 corporation by the commissioner of commerce as hereinafter
33 provided.

34 (2) The agreement shall be submitted to the members of the
35 ceding corporation, at a special meeting duly called for the
36 purpose of considering and acting upon the agreement. Notice

1 for such special meeting shall be deemed sufficient if mailed to
2 the policyholders' last known address as shown on the policy
3 records of the corporation. If the holders of two-thirds of the
4 voting power of the members present or represented at the
5 meeting shall vote for the adoption of the agreement, then that
6 fact shall be certified on the agreement by the secretary of the
7 corporation and the agreement so adopted and certified shall be
8 signed and acknowledged by the president and secretary of both
9 the ceding and assuming corporations.

10 (3) The agreement so adopted, certified and acknowledged
11 shall be delivered to the commissioner of commerce. It shall be
12 the duty of the commissioner to determine, after a verifying
13 examination, if the provisions thereof are fair and equitable to
14 all concerned and to verify the reasonableness and accuracy of
15 the apportionment of assets, liabilities, and surplus provided
16 for in the agreement.

17 If the commissioner is satisfied that the agreement is fair
18 and reasonable and that its provisions relating to transfers of
19 assets and assumption of liabilities are equitable to claimants
20 and policyholders, the commissioner shall place a certificate of
21 approval on the agreement and shall file it in the
22 commissioner's office. A copy of the agreement, certified by
23 the commissioner of commerce shall be filed for record in the
24 Office of the Secretary of State and recorded in the office of
25 the county recorder of the counties in this state in which any
26 of the corporate parties to the agreement have their home
27 offices and of any counties in which any of the corporate
28 parties have land, title to which will be transferred under the
29 terms of the agreement.

30 Sec. 13. Minnesota Statutes 2004, section 88.14,
31 subdivision 3, is amended to read:

32 Subd. 3. [ENTRY TO DISPOSE; LIEN.] When any such
33 slashings, debris, or refuse are not disposed of or are left
34 unattended for a period exceeding 30 days, contrary to the
35 instructions of the commissioner, or forest officer, the
36 commissioner, or any forest officer or fire warden, may go upon

1 the premises with as many workers as may be necessary and burn
2 or otherwise dispose of the same and the expense thereof shall
3 be a lien upon the land on which they are situated and upon all
4 contiguous lands of the same owner, and also upon all logs and
5 other timber products cut or manufactured upon all these lands.
6 This lien shall have the same effect and may be enforced in the
7 same manner as a judgment in favor of the state for money. An
8 itemized statement verified by the oath of the commissioner, or
9 forest officer, of the amount of the costs and expenses incurred
10 in burning or otherwise disposing of these slashings, debris, or
11 refuse shall be ~~filed~~ recorded, within 90 days from the time the
12 disposal thereof is completed, in the office of the county
13 recorder, or, if the property is registered, in the office of
14 the registrar of titles of the county in which the timber or
15 timber products were cut or manufactured; and the amount of the
16 lien shall be a valid claim that may be collected in a civil
17 action from the person who cut or manufactured the wood, timber,
18 or timber products from which the slashings, debris, or refuse
19 were produced. Any moneys so collected shall be paid into the
20 state treasury and credited to the general fund.

21 Sec. 14. Minnesota Statutes 2004, section 88.41, is
22 amended to read:

23 88.41 [COUNTY AUDITORS; TABULAR STATEMENTS; POWERS AND
24 DUTIES.]

25 At as early a date as possible after letting the contract
26 or contracts under any improvement authorized by sections 88.28
27 to 88.46, and as soon as the cost of the improvement and
28 expenses connected therewith can be ascertained, the auditor of
29 the county shall make in tabular form a list and statement as
30 provided by General Statutes 1923, section 6703, and the cost of
31 making the improvement of each tract, together with its
32 proportionate share of the total expense, shall be assessed
33 against such tract, and the provisions of General Statutes 1923,
34 section 6703, so far as applicable, shall govern the proceedings
35 under sections 88.28 to 88.46. The auditor is hereby authorized
36 to exercise all the rights and authority granted by General

1 Statutes 1923, section 6703, and in all places where the term
2 "ditch" or "drainage ditch" shall appear therein, the same, for
3 all purposes of sections 88.28 to 88.46 shall be construed as
4 reading "improvement," and General Statutes 1923, section 6703,
5 used and applied accordingly. The auditor, after preparing this
6 statement, shall cause a duplicate thereof to be ~~filed~~ recorded
7 in the office of the county recorder in and for the county, as
8 provided in General Statutes 1923, section 6705, and the
9 provisions thereof shall apply to the proceedings under sections
10 88.28 to 88.46. The auditor and county recorder are hereby
11 authorized to exercise the rights and authority and perform the
12 duties here specified, and the provisions of General Statutes
13 1923, sections 6712 and 6713, shall apply to and govern the
14 proceedings under sections 88.28 to 88.46. The county auditor,
15 the county treasurer, and the county recorder are each hereby
16 authorized and required to perform in all proceedings under
17 sections 88.28 to 88.46 the duties specified in General Statutes
18 1923, sections 6712 and 6713; and in all cases where the term
19 "ditch" or "ditches" or any other similar term appears therein,
20 the same, for all purposes of sections 88.28 to 88.46, shall be
21 construed as reading "improvement."

22 Sec. 15. Minnesota Statutes 2004, section 88.49,
23 subdivision 2, is amended to read:

24 Subd. 2. [PREPARATION, FORM, APPROVAL.] The contract shall
25 be prepared by the director of the Division of Lands and
26 Forestry on a recordable form approved by the attorney general
27 and prescribe such terms and conditions as will reasonably tend
28 to produce merchantable timber upon the lands described therein
29 and specify the kind or species of seeds to be planted or
30 seedlings to be set out and the quantity or number thereof, or
31 other acts or steps that the commissioner shall deem necessary
32 in respect to afforestation or reforestation of the lands; the
33 time or times when the same shall be done; the kind and amount,
34 if any, of culture or other attention to be given in aid of the
35 growth of timber thereon; the uses, if any, which may be made of
36 the land while the same remains an auxiliary forest; the period

1 of time, not exceeding 50 years, during which the land may
2 continue to be an auxiliary forest, with privilege of renewal by
3 mutual agreement between the owner and the state acting through
4 the commissioner, with the approval of the county board and the
5 Executive Council, for an additional period not exceeding 50
6 years; the rate of taxation which may be levied annually on the
7 land, exclusive of merchantable timber growing thereon at the
8 time of the making of the contract and exclusive of mineral or
9 other things of value thereunder, the rate to be determined as
10 hereinafter provided; the keeping open to the public, as public
11 hunting and fishing grounds, of all approved auxiliary forest
12 lands, except when such lands are closed to public hunting or
13 fishing by order of the director of the Division of Lands and
14 Forestry in order to protect such lands from fire, loss of life
15 or property provided, however, that the term keeping open shall
16 not apply to private roads or improvements should the owner
17 desire to close same; and such other conditions, provisions, and
18 stipulations, as the commissioner, in the exercise of scientific
19 knowledge and business judgment, may deem necessary or proper.

20 Every such contract shall be approved by the Executive Council.

21 As far as practicable all contracts shall be uniform and
22 equal in respect to all lands or classes of lands substantially
23 similar in capacity for, or adaptability to, any particular kind
24 or species of tree culture or forest growth.

25 Sec. 16. Minnesota Statutes 2004, section 88.49,
26 subdivision 3, is amended to read:

27 Subd. 3. [RECORDING.] The commissioner shall submit such
28 contract in recordable form to the owner of the land covered
29 thereby. If the owner shall indicate to the commissioner an
30 unwillingness to execute the same, or if the owner or any of the
31 persons having an interest therein or lien thereon fail to
32 execute it within 60 days from the time of its submission to the
33 owner, all proceedings relating to the making of this land into
34 an auxiliary forest shall be at an end.

35 When the contract shall have been executed it shall
36 forthwith be recorded in the office of the county recorder at

1 the expense of the owner ~~in a permanent book or record which~~
2 ~~shall be designated "record of auxiliary forests" and shall~~
3 ~~always be open to public inspection, and~~ or, if the title to the
4 land be registered, ~~there shall in addition to such record be~~
5 ~~filed~~ with the registrar of titles ~~a duplicate of the contract.~~
6 At the time the contract is ~~filed~~ recorded with the county
7 recorder for record the owner, at the owner's expense, shall
8 ~~furnish to~~ record with the county recorder a certificate from
9 the county attorney to the effect that no change in record title
10 thereof has occurred, that no liens or other encumbrances have
11 been placed thereon, and that no taxes have accrued thereon
12 since the making of the previous certificate. It shall be the
13 duty of the county attorney to furnish this certificate without
14 further compensation.

15 All the provisions of the contract shall be deemed
16 covenants running with the land from the date of the filing of
17 the contract for record.

18 Sec. 17. Minnesota Statutes 2004, section 88.49,
19 subdivision 5, is amended to read:

20 Subd. 5. [CANCELLATION.] Upon the failure of the owner
21 faithfully to fulfill and perform such contract or any provision
22 thereof, or any requirement of sections 88.47 to 88.53, or any
23 rule adopted by the commissioner thereunder, the commissioner
24 may cancel the contract in the manner herein provided. The
25 commissioner shall give to the owner, in the manner prescribed
26 in section 88.48, subdivision 4, 60 days' notice of a hearing
27 thereon at which the owner may appear and show cause, if any,
28 why the contract should not be canceled. The commissioner shall
29 thereupon determine whether the contract should be canceled and
30 make an order to that effect. Notice of the commissioner's
31 determination and the making of the order shall be given to the
32 owner in the manner provided in section 88.48, subdivision 4.
33 On determining that the contract should be canceled and no
34 appeal therefrom be taken, the commissioner shall send notice
35 thereof to the auditor of the county and to the town clerk of
36 the town affected and file with the recorder a certified copy of

1 the order, who shall forthwith note the cancellation upon the
2 record thereof, and thereupon the land therein described shall
3 cease to be an auxiliary forest and, together with the timber
4 thereon, become liable to all taxes and assessments that
5 otherwise would have been levied against it had it never been an
6 auxiliary forest from the time of the making of the contract,
7 any provisions of the statutes of limitation to the contrary
8 notwithstanding, less the amount of taxes paid under the
9 provisions of section 88.51, subdivision 1, together with
10 interest on such taxes and assessments at six percent per annum,
11 but without penalties.

12 The commissioner may in like manner and with like effect
13 cancel the contract upon written application of the owner.

14 The commissioner shall cancel any contract if the owner has
15 made successful application under sections 290C.01 to 290C.11,
16 the Sustainable Forest Incentive Act, and has paid to the county
17 treasurer the difference between the amount which would have
18 been paid had the land under contract been subject to the
19 Minnesota Tree Growth Tax Law and the Sustainable Forest
20 Incentive Act from the date of the filing recording of the
21 contract and the amount actually paid under section 88.51,
22 subdivisions 1 and 2. This tax difference must be calculated
23 based on the years the lands would have been taxed under the
24 Tree Growth Tax Law and the Sustainable Forest Incentive Act.
25 The sustainable forest tax difference is net of the incentive
26 payment of section 290C.07. If the amount which would have been
27 paid, had the land under contract been under the Minnesota Tree
28 Growth Tax Law and the Sustainable Forest Incentive Act from the
29 date of the filing of the contract, is less than the amount
30 actually paid under the contract, the cancellation shall be made
31 without further payment by the owner.

32 When the execution of any contract creating an auxiliary
33 forest shall have been procured through fraud or deception
34 practiced upon the county board or the commissioner or any other
35 person or body representing the state, it may be canceled upon
36 suit brought by the attorney general at the direction of the

1 commissioner. This cancellation shall have the same effect as
2 the cancellation of a contract by the commissioner.

3 Sec. 18. Minnesota Statutes 2004, section 88.491,
4 subdivision 2, is amended to read:

5 Subd. 2. [EFFECT OF EXPIRED CONTRACT.] When auxiliary
6 forest contracts expire, or prior to expiration by mutual
7 agreement between the land owner and the appropriate county
8 office, the lands previously covered by an auxiliary forest
9 contract automatically qualify for inclusion under the
10 provisions of the Sustainable Forest Incentive Act; provided
11 that when such lands are included in the Sustainable Forest
12 Incentive Act prior to expiration of the auxiliary forest
13 contract they will be transferred and a tax paid as provided in
14 section 88.49, subdivision 5, upon application and inclusion in
15 the sustainable forest incentive program. The land owner shall
16 pay taxes in an amount equal to the difference between:

17 (1) the sum of:

18 (i) the amount which would have been paid from the date of
19 the ~~filing~~ recording of the contract had the land under contract
20 been subject to the Minnesota Tree Growth Tax Law; plus

21 (ii) beginning with taxes payable in 2003, the taxes that
22 would have been paid if the land had been enrolled in the
23 sustainable forest incentive program; and

24 (2) the amount actually paid under section 88.51,
25 subdivisions 1 and 2.

26 Sec. 19. Minnesota Statutes 2004, section 92.17, is
27 amended to read:

28 92.17 [EFFECT OF CERTIFICATE; RECORD.]

29 A certificate of sale entitles the holder to possession of
30 the land described in it, but the fee remains in the state until
31 a patent is issued. The certificates, assignments, and patents
32 may be ~~filed-for-record~~ recorded with the county recorder.

33 Sec. 20. Minnesota Statutes 2004, section 93.52,
34 subdivision 2, is amended to read:

35 Subd. 2. [VERIFIED STATEMENT FILING REQUIREMENT.] Except
36 as provided in subdivision 3, from and after January 1, 1970,

1 every owner of a fee simple interest in minerals, hereafter
2 referred to as a mineral interest, in lands in this state, which
3 interest is owned separately from the fee title to the surface
4 of the property upon or beneath which the mineral interest
5 exists, shall ~~file-for~~ record in the office of the county
6 recorder ~~office~~ or, if registered property, in the office of the
7 registrar of titles ~~office~~ in the county where the mineral
8 interest is located a verified statement, in triplicate, citing
9 sections 93.52 to 93.58 and setting forth the owner's address,
10 interest in the minerals, and both (1) the legal description of
11 the property upon or beneath which the interest exists, and (2)
12 the book and page number or the document number, in the records
13 of the county recorder or registrar of titles, of the instrument
14 by which the mineral interest is created or acquired. No
15 statement may be ~~filed-for-record~~ recorded which contains
16 mineral interests from more than one government section unless
17 the instrument by which the mineral interest is created or
18 acquired includes mineral interests from more than one
19 government section. The county recorder and registrar of titles
20 shall file with the county auditor a copy of each document so
21 recorded within 60 days after recording in the office of county
22 recorder or registrar of titles.

23 Sec. 21. Minnesota Statutes 2004, section 93.55,
24 subdivision 1, is amended to read:

25 Subdivision 1. [FORFEITURE; FAILURE TO FILE RECORD.] If
26 the owner of a mineral interest fails to ~~file~~ record the
27 verified statement required by section 93.52, before January 1,
28 1975, as to any interests owned on or before December 31, 1973,
29 or within one year after acquiring such interests as to
30 interests acquired after December 31, 1973, and not
31 previously ~~filed~~ recorded under section 93.52, the mineral
32 interest shall forfeit to the state after notice and opportunity
33 for hearing as provided in this section. However, before
34 completing the procedures set forth in subdivision 2, the
35 commissioner of natural resources may lease the severed mineral
36 interest as provided in subdivisions 1a and 3.

1 Sec. 22. Minnesota Statutes 2004, section 93.55,
2 subdivision 1a, is amended to read:

3 Subd. 1a. [LEASE OF FORFEITED INTEREST.] If the owner of a
4 severed mineral interest fails to ~~file~~ record the verified
5 statement required by section 93.52 before the dates specified
6 in subdivision 1, the commissioner of natural resources may
7 lease the mineral interest as provided in this subdivision and
8 subdivision 3 before completing the procedures set forth in
9 subdivision 2. In any lease issued under this subdivision, the
10 commissioner shall cite, as authority for issuing the lease,
11 this subdivision, subdivision 3, and the United States Supreme
12 Court decision in *Texaco, Inc., et al. v. Short, et al.*, 454
13 U.S. 516 (1982), where the Supreme Court determined, under
14 Amendment XIV to the Constitution of the United States, that
15 enactment of a state law requiring an owner of severed mineral
16 interests to timely ~~file~~ record a statement of claim to the
17 mineral interests was constitutional, without individual advance
18 notice of operation of the law, before the owner loses the
19 mineral interests for failing to timely ~~file~~ record the
20 statement of claim. A lessee holding a lease issued under this
21 subdivision may not mine under the lease until the commissioner
22 completes the procedures set forth in subdivision 2 and a court
23 has adjudged the forfeiture of the mineral interest to be
24 absolute. "Mine" for the purposes of this subdivision is
25 defined to exclude exploration activities, exploratory boring,
26 trenching, test pitting, test shafts and drifts, and related
27 activities.

28 Sec. 23. Minnesota Statutes 2004, section 93.55,
29 subdivision 2, is amended to read:

30 Subd. 2. [NOTICE AND HEARING.] The commissioner shall
31 notify the last owner of record ~~on-file~~ in either the county
32 recorder's or registrar of titles' office of a hearing on an
33 order to show cause why the mineral interest should not forfeit
34 to the state absolutely. The notice shall be served in the same
35 manner as provided for the service of summons in a civil action
36 to determine adverse claims under chapter 559 and shall contain

1 the following: (1) the legal description of the property upon
2 or beneath which the interest exists; (2) a recitation that the
3 statement of severed mineral interest either did not comply with
4 the requirements specified by section 93.52 for such a statement
5 or was not ~~filed~~ recorded within the time specified in this
6 section, or both; and (3) that the court will be requested to
7 enter an order adjudging the forfeiture of the mineral interest
8 to be absolute in the absence of a showing that there was
9 substantial compliance with laws requiring the registration and
10 taxation of severed mineral interests. For the purposes of this
11 section, substantial compliance with laws requiring the
12 registration and taxation of severed mineral interests means:
13 (1) that the records in the office of the county recorder or
14 registrar of titles specified the true ownership of the severed
15 mineral interest during the time period within which the
16 statement of severed mineral interest should have
17 been ~~registered~~ recorded with the county recorder or the
18 registrar of titles, or that probate, divorce, bankruptcy,
19 mortgage foreclosure, or other proceedings affecting the title
20 had been timely initiated and diligently pursued by the true
21 owner during the time period within which the severed mineral
22 interest statement should have been ~~registered~~ recorded, and (2)
23 that all taxes relating to severed mineral interests had been
24 timely paid, including any taxes which would have been due and
25 owing under section 273.165, subdivision 1, had the interest
26 been properly ~~filed-for-record~~ recorded as required by section
27 93.52 within the time specified in this section. For the
28 purposes of this section, "timely paid" means paid within the
29 time period during which tax forfeiture would not have been
30 possible had a real property tax been assessed against the
31 property.

32 Sec. 24. Minnesota Statutes 2004, section 93.55,
33 subdivision 5, is amended to read:

34 Subd. 5. [APPLICABILITY.] The forfeiture provisions of
35 this section do not apply to mineral interests valued and taxed
36 under other laws relating to the taxation of minerals, gas,

1 coal, oil, or other similar interests, so long as a tax is
2 imposed and no forfeiture under the tax laws is complete.
3 However, if the mineral interest is valued under other tax laws,
4 but no tax is imposed, the mineral interest forfeits under this
5 section if not ~~filed~~ recorded as required by this section.

6 Sec. 25. Minnesota Statutes 2004, section 93.551, is
7 amended to read:

8 93.551 [VALIDATION OF CERTAIN STATEMENTS; CORRECTION OF
9 CERTAIN ERRORS.]

10 A statement of severed mineral interests which was ~~filed~~
11 recorded within the time limits specified by section 93.55 is
12 validly and timely ~~filed~~ recorded even if the interest claimed
13 by the owner does not correctly set forth the whole or
14 fractional interest actually owned; the statement erroneously
15 contained interests from more than one government section; the
16 statement was not properly verified; or the interest, if
17 registered property, was erroneously ~~filed~~ recorded with the
18 county recorder, or, if the interest was not registered
19 property, was ~~filed~~ recorded with the registrar of titles. The
20 owner may ~~file~~ record an amendment or supplement to the original
21 statement for the purpose of correcting any or all of the errors
22 described in this section.

23 Sec. 26. Minnesota Statutes 2004, section 94.19, is
24 amended to read:

25 94.19 [CERTIFICATE OF ACCEPTANCE; RECORD.]

26 (a) The certificate of acceptance shall be executed in
27 duplicate and one filed in the Office of the Secretary of State
28 and the other ~~filed-for-record~~ recorded in the office of the
29 county recorder of the county in which the land is situated;
30 and, after being recorded, kept with the records of the
31 institution in connection with which the land is used.

32 ~~Upon~~ (b) After the certificates of acceptance ~~being-so~~ are
33 filed and recorded under paragraph (a), the conveyance and
34 transfer of the rights, interests, and estates involved shall be
35 deemed complete.

36 Sec. 27. Minnesota Statutes 2004, section 103I.341,

1 subdivision 1, is amended to read:

2 Subdivision 1. [LIEN FOR SEALING COSTS.] The commissioner
3 and the Board of Water and Soil Resources have a governmental
4 services lien under section 514.67 for the costs of sealing a
5 well or boring that the commissioner or board has contracted to
6 be sealed under section 103I.315, subdivision 2; or 103I.335.
7 The lien attaches to the real property where the well or boring
8 is located. The lien is perfected by ~~fileing~~ recording the lien
9 with the county recorder or registrar of titles where the well
10 or boring and the property are located and serving or mailing by
11 return receipt a copy of the lien to the property owner.

12 Sec. 28. Minnesota Statutes 2004, section 103I.341,
13 subdivision 4, is amended to read:

14 Subd. 4. [SATISFACTION OF LIEN.] The amount due and
15 interest of a lien under this section may be paid at any time.
16 When the amount of the lien including accrued interest is paid,
17 the commissioner or board must execute a satisfaction of the
18 lien and record the satisfaction with the county recorder or
19 registrar of titles where the lien was ~~filed~~ recorded.

20 Sec. 29. Minnesota Statutes 2004, section 117.065, is
21 amended to read:

22 117.065 [NOTICES OF PENDENCY AND ABANDONMENT; REQUIRED
23 ~~FILEINGS~~ RECORDINGS.]

24 At the time of filing the petition the petitioner shall
25 ~~file-for~~ record a notice of the pendency of the proceeding,
26 describing with reasonable certainty the lands affected and for
27 what purpose they are to be taken. The notice shall be ~~filed~~
28 recorded as follows:

29 (1) if the lands are registered lands, with the registrar
30 of titles;

31 (2) if the lands are nonregistered, with the county
32 recorder;

33 (3) if the lands are both registered and nonregistered,
34 with both the registrar and the county recorder.

35 If the proceeding be abandoned in whole or in part the
36 petitioner shall within ten days thereafter ~~file~~ record a notice

1 to that effect, describing with reasonable certainty the lands
2 so abandoned. The notice of abandonment shall be ~~filed~~ recorded
3 in the same places as the notice of the pendency of the
4 proceeding.

5 Sec. 30. Minnesota Statutes 2004, section 164.06,
6 subdivision 2, is amended to read:

7 Subd. 2. [EXTINGUISHING INTEREST IN ABANDONED ROAD.] (a)
8 After providing notice under section 366.01, subdivision 8, the
9 town board may by resolution disclaim and extinguish a town
10 interest in a town road without action under subdivision 1 if:

11 (1) the extinguishment is found by the town board to be in
12 the public interest;

13 (2) the interest is not a fee interest;

14 (3) the interest was established more than 25 years
15 earlier;

16 (4) the interest is not recorded or filed with the county
17 recorder;

18 (5) no road improvement has been constructed on a
19 right-of-way affected by the interest within the last 25 years;
20 and

21 (6) no road maintenance on a right-of-way affected by the
22 interest has occurred within the last 25 years.

23 (b) The resolution shall be filed ~~and-recorded~~ with the
24 county auditor and recorded with the county recorder.

25 Sec. 31. Minnesota Statutes 2004, section 164.07,
26 subdivision 11, is amended to read:

27 Subd. 11. [ORDER.] The order establishing, altering or
28 vacating any road shall be recorded by the town clerk, and a
29 copy thereof certified as true and correct by the town clerk
30 shall be forthwith ~~filed-for-record~~ recorded with the county
31 recorder or registrar of titles of the county within which the
32 land and premises are located. The certified copy of the order
33 shall be first presented to the county auditor who shall enter
34 the same in the transfer records and note upon the certified
35 copy over the auditor's official signature, the words "entered
36 in the transfer record." The order or a certified copy shall be

1 received in all courts as competent evidence of the facts
2 therein contained and be prima facie evidence of the regularity
3 of the proceedings prior to the making thereof, except upon the
4 hearing of an appeal.

5 Sec. 32. Minnesota Statutes 2004, section 222.29, is
6 amended to read:

7 222.29 [CONTRACTOR'S BOND; LIABILITY OF COMPANY.]

8 Any railway contracting for the construction or repair of
9 its road shall take from the contractor a sufficient bond,
10 conditioned that the contractor will pay all laborers,
11 mechanics, and other persons performing any part of the work,
12 all just debts due them or incurred in carrying on such work,
13 which bond or a certified copy thereof shall be ~~filed~~ recorded
14 with the county recorder of each county where any part of the
15 work is done. All persons to whom such contractor shall be
16 indebted for any such work, and such railway company in case it
17 shall have paid any debt, claim, or demand as hereinafter
18 provided, may bring an action on such bond for the price of such
19 work or amount of such payment. If the contractor giving the
20 bond shall fail to pay any indebtedness for such work or
21 services; or, if any railway company shall fail to take and file
22 such bond, such company shall be liable for the amount of all
23 such debts incurred by such contractor under or pursuant to such
24 contract. Such laborers, mechanics, or other persons shall give
25 the notice and take the action prescribed in section 222.30.

26 Sec. 33. Minnesota Statutes 2004, section 238.25,
27 subdivision 10, is amended to read:

28 Subd. 10. [FINAL CERTIFICATE.] Upon completion of the
29 proceedings, the attorney for the person operating the cable
30 communications system shall make a certificate describing the
31 access acquired and the purpose or purposes for which acquired,
32 and reciting the fact of final payment of all awards or
33 judgments in relation thereto. The certificate must be filed
34 with the court administrator and a certified copy thereof ~~filed~~
35 ~~for-record~~ recorded with the county recorder. The record is
36 notice to all parties of the access to the premises described in

1 the petition.

2 Sec. 34. Minnesota Statutes 2004, section 273.165,
3 subdivision 1, is amended to read:

4 Subdivision 1. [MINERAL INTEREST.] "Mineral interest," for
5 the purpose of this subdivision, means an interest in any
6 minerals, including but not limited to gas, coal, oil, or other
7 similar interest in real estate, which is owned separately and
8 apart from the fee title to the surface of such real property.
9 Mineral interests which are ~~filed-for-record~~ recorded in the
10 ~~offices~~ office of either the county recorder or registrar of
11 titles, whether or not filed pursuant to sections 93.52 to
12 93.58, are taxed as provided in this subdivision unless
13 specifically excluded by this subdivision. A tax of 40 cents
14 per acre or portion of an acre of mineral interest is imposed
15 and is payable annually. If an interest is a fractional
16 undivided interest in an area, the tax due on the interest per
17 acre or portion of an acre is equal to the product obtained by
18 multiplying the fractional interest times 40 cents, computed to
19 the nearest cent. However, the minimum annual tax on any
20 mineral interest is \$3.20. No such tax on mineral interests is
21 imposed on the following: (1) mineral interests valued and
22 taxed under other laws relating to the taxation of minerals,
23 gas, coal, oil, or other similar interests; or (2) mineral
24 interests which are exempt from taxation pursuant to
25 constitutional or related statutory provisions. Taxes received
26 under this subdivision must be apportioned to the taxing
27 districts included in the area taxed in the same proportion as
28 the surface interest local tax rate of a taxing district bears
29 to the total local tax rate applicable to surface interests in
30 the area taxed. The tax imposed by this subdivision is not
31 included within any limitations as to rate or amount of taxes
32 which may be imposed in an area to which the tax imposed by this
33 subdivision applies. The tax imposed by this subdivision does
34 not cause the amount of other taxes levied or to be levied in
35 the area, which are subject to any such limitation, to be
36 reduced in any amount. Twenty percent of the revenues received

1 from the tax imposed by this subdivision must be distributed
2 under the provisions of section 116J.64.

3 Sec. 35. Minnesota Statutes 2004, section 281.322, is
4 amended to read:

5 281.322 [FAILURE TO SERVE NOTICES TO EXTINGUISH LIEN.]

6 No notice of expiration of the time of redemption upon any
7 real estate tax judgment sale certificate, forfeited tax sale
8 certificate, or state assignment certificate issued pursuant to
9 any law of this state at or pursuant to any such sale held
10 between January 1, 1936, and April 24, 1941, or held thereafter,
11 shall be issued or served after the expiration of six years from
12 the date of the certificate, nor shall such certificate be
13 recorded in the office of the county recorder or ~~filed~~ in the
14 office of the registrar of titles of the proper county after the
15 expiration of seven years from the date of the certificate.

16 Sec. 36. Minnesota Statutes 2004, section 281.328,
17 subdivision 1, is amended to read:

18 Subdivision 1. [VALIDATION OF CERTIFICATES.] Any state
19 assignment certificate duly issued prior to January 1, 1972, for
20 which the time for redemption expired as certified by the county
21 auditor of the county issuing the certificate, and the person to
22 whom the certificate was issued, or the person's heirs and
23 assigns, paid the taxes on the real property described in the
24 certificate since the date thereof, is hereby validated and
25 legalized as against the objection that such certificate was not
26 recorded ~~or-filed~~ in the office of the county recorder or
27 registrar of titles within seven years from the date of the
28 certificate, as provided by this chapter. Any such state
29 assignment certificate may, after April 6, 1979, be recorded or
30 ~~filed~~ in the office of the proper county recorder or registrar
31 of titles.

32 Sec. 37. Minnesota Statutes 2004, section 284.07, is
33 amended to read:

34 284.07 [COUNTY AUDITOR'S CERTIFICATE TO BE PRIMA FACIE
35 EVIDENCE.]

36 The county auditor's certificate of forfeiture filed as

1 provided by section 281.23, subdivision 9, and acts supplemental
2 thereto, or by any other law hereafter enacted providing for the
3 ~~filing-and~~ recording of such a certificate or a certified copy
4 of such certificate or of the record thereof, shall, for all
5 purposes, be prima facie evidence that all requirements of the
6 law respecting the taxation and forfeiture of the lands therein
7 described were complied with, and that at the date of the
8 certificate absolute title to such lands had vested in the state
9 by reason of forfeiture for delinquent taxes, as set forth in
10 the certificate.

11 Sec. 38. Minnesota Statutes 2004, section 284.08, is
12 amended to read:

13 284.08 [ACTIONS TO TRY TITLE; VENUE; LIS PENDENS; SERVICE.]

14 Any person claiming adversely to the state, or its
15 successor in interest, any right, title, or interest in or lien
16 upon any land claimed to have been forfeited to the state for
17 taxes may maintain an action against the state, or its successor
18 in interest, for the purpose of determining the title to such
19 land and the adverse claims and the rights of the parties,
20 respectively, therein. Such action shall be brought in the
21 district court of the county in which the land lies. The
22 complaint shall be filed in the office of the court
23 administrator before the commencement of the action. A notice
24 of the pendency of the action, describing the land, shall be
25 ~~filed-for-record~~ recorded in the office of the county recorder
26 of the county, or, in the case of registered land, ~~shall-be~~
27 ~~filed-with~~ in the office of the registrar of titles, and the
28 action shall not be deemed to be commenced unless, in addition
29 to other requirements, such notice is so filed. In the case of
30 such lands held by the state in trust for its taxing districts
31 and agencies, the summons, together with a copy of the
32 complaint, shall be served upon the county auditor, also upon
33 the county attorney, who shall defend the action. In the case
34 of such lands otherwise held by the state the summons, together
35 with a copy of the complaint, shall be served upon the attorney
36 general, who shall defend the action.

1 Sec. 39. Minnesota Statutes 2004, section 284.11, is
2 amended to read:

3 284.11 [STATE MAY BRING ACTION TO QUIET TITLE.]

4 The title of the state, or its successor in interest, to
5 any lands claimed to have been absolutely forfeited to the state
6 for delinquent taxes may be quieted and all adverse claims
7 thereto and the rights of all parties therein, respectively, may
8 be determined, and, in the case of registered lands, the
9 issuance of new certificates of title thereto may be obtained,
10 by action brought by the state, or its successor in interest, as
11 herein provided; provided, that before any such action shall be
12 commenced the county auditor's certificate of forfeiture shall
13 be filed as provided by section 281.23, subdivision 8, and acts
14 supplementary thereto, or by any other law hereafter enacted
15 providing for the ~~file~~ and recording of such a certificate.

16 Sec. 40. Minnesota Statutes 2004, section 284.18, is
17 amended to read:

18 284.18 [REGISTERED LANDS; ~~FILE~~ RECORDING WITH REGISTRAR.]

19 In case any of the lands involved in the action are
20 registered, a copy of the summons, embracing a description of
21 the registered lands but omitting the unregistered lands, shall
22 be ~~filed~~ recorded with the registrar of titles, and such further
23 notice shall be given as the court may direct before the
24 issuance of any new certificate of title shall be ordered;
25 provided, that failure to ~~file~~ record such copy of the summons
26 or to give such other notice shall not otherwise affect the
27 validity of the proceedings.

28 Sec. 41. Minnesota Statutes 2004, section 306.02,
29 subdivision 1, is amended to read:

30 Subdivision 1. [PURPOSE AND METHOD OF FORMATION.] A
31 corporation or association may: (1) be formed to procure and
32 hold or sell lands or lots exclusively for the purpose of a
33 public cemetery; (2) acquire and manage all real and personal
34 property necessary or proper to establish, embellish, care for,
35 and manage a cemetery, and may construct and operate on that
36 property a crematory and other proper means of disposing of the

1 dead; and (3) sell and convey cemetery lots or sell and convey
2 real or personal property acquired by it but not needed for
3 cemetery purposes. The corporation or association may be formed
4 by three or more persons, who shall execute and verify the
5 certificate or articles of incorporation as required in the
6 matter of the formation of other corporations. The certificate
7 of incorporation shall be ~~filed-for-record~~ recorded in the
8 office of the county recorder of the county where the cemetery
9 is located and upon filing, the association is a corporation.

10 Sec. 42. Minnesota Statutes 2004, section 306.24, is
11 amended to read:

12 306.24 [~~FILED~~ RECORDING OF JUDGMENT.]

13 A certified copy of the judgment in an action to quiet
14 title under section 306.22 may be ~~filed~~ recorded in the office
15 of the county recorder in the county in which the parcel is
16 located.

17 Sec. 43. Minnesota Statutes 2004, section 307.06, is
18 amended to read:

19 307.06 [TRANSFER TO ASSOCIATION; HOW EFFECTED.]

20 Any private cemetery established, platted, and recorded
21 under the laws of this state may consolidate with and transfer
22 its property, for cemetery purposes only, to any cemetery
23 association or corporation organized under the laws of this
24 state which is contiguous to, or adjacent to, such cemetery
25 corporation.

26 To so consolidate and transfer its property it shall be
27 necessary:

28 (1) that a resolution be passed by a two-thirds vote of the
29 lot owners and members of such private cemetery, represented,
30 present, and voting at a special meeting called for that
31 purpose, which resolution shall recite what cemetery corporation
32 or association it is proposed to consolidate with and transfer
33 its property to, and the terms and conditions thereof; and 30
34 days' notice of such meeting shall be previously given by mail
35 to each lot owner of such private cemetery whose address can be
36 determined using reasonable diligence of the time and place when

1 such meeting is to be held, reciting the purpose thereof, which
2 notice shall be signed by at least five lot owners; and

3 (2) that the resolution shall be signed and acknowledged by
4 the presiding officer and secretary of such meeting and shall be
5 ~~filed~~ recorded with the county recorder of the county in which
6 the private cemetery is situated.

7 Sec. 44. Minnesota Statutes 2004, section 307.07, is
8 amended to read:

9 307.07 [EFFECT OF TRANSFER.]

10 When such resolution shall have been passed and certified
11 to by the presiding officer and secretary of such meeting and
12 ~~filed-for-record~~ recorded in the office of the county recorder,
13 as aforesaid, and the terms and conditions of consolidation
14 shall have been accepted by the board of directors or trustees
15 of such cemetery corporation, such private cemetery shall become
16 a part of such cemetery corporation or association, and subject
17 thereafter to all the rules and regulations and laws governing
18 such cemetery corporation or association. It shall be lawful
19 for the owners of such private cemetery to transfer and convey
20 to such cemetery corporation or association all unsold lots in
21 such private cemetery to such cemetery corporation or
22 association to be used for burial purposes only, and any such
23 conveyance heretofore made is hereby legalized and such cemetery
24 corporation or association shall hold in trust, to and for the
25 uses and purposes aforesaid, all streets, alleys, ways, and
26 commons, and the other public uses, in such private cemetery in
27 lieu of the owner thereof.

28 Sec. 45. Minnesota Statutes 2004, section 315.01,
29 subdivision 3, is amended to read:

30 Subd. 3. [APPOINTMENT.] When the constitution, rules, or
31 usages of a church, denomination, congregation, or religious
32 society require that trustees be chosen by a minister, presiding
33 elder, or other officers, or by a body, the person who chose the
34 trustees, or the presiding officer and secretary of the body
35 shall execute, acknowledge, and deliver to the trustees a
36 certificate, stating the names of the trustees, the time when

1 and the person or body by which they were chosen, and their
2 corporate name. When the certificate is ~~filed-for-record~~
3 recorded as required by law, the trustees and their successors
4 become a corporate body under the name specified in the
5 certificate, and have the rights, powers, and privileges of
6 other religious corporations organized under this chapter.

7 Sec. 46. Minnesota Statutes 2004, section 315.01,
8 subdivision 4, is amended to read:

9 Subd. 4. [DESIGNATION.] When the constitution, rules, and
10 usages of a church or religious denomination declare that the
11 ministers, elders, deacons, or other officers elected by a
12 church or congregation according to the constitution, rules, or
13 usages, are the trustees of the church or congregation, those
14 designated persons may assemble and execute and acknowledge a
15 certificate stating their corporate name. When this certificate
16 is ~~filed~~ recorded with the county recorder of the proper county,
17 they and their successors are a corporate body under the name in
18 the certificate.

19 Sec. 47. Minnesota Statutes 2004, section 315.17,
20 subdivision 3, is amended to read:

21 Subd. 3. [~~FILING~~ RECORDING CERTIFICATE; POWERS.] Upon
22 signing, acknowledging, and ~~filing~~ recording the certificate for
23 ~~record~~ with the county recorder of the county of its location,
24 the parish becomes a corporation by the name specified in its
25 certificate. Through its officers, it may transact parish
26 business, including calling a rector and determining the
27 rector's salary. In its corporate name, it may acquire or
28 receive, by purchase, gift, grant, devise, or bequest, any
29 property, real, personal, or mixed, and hold, sell, transfer,
30 mortgage, convey, loan, let, or otherwise use the property for
31 the use and benefit of the parish if the use does not contravene
32 the laws and usages of the Protestant Episcopal church of the
33 state. It may not divert a gift, grant, or bequest from the
34 purpose specified in writing by the donor, or deviser. It may
35 not sell, convey, or mortgage its church or church site unless
36 first authorized so to do in a meeting of the parish called for

1 that purpose, nor in contravention of the canons of the diocese
2 or of the general convention of the Protestant Episcopal church
3 of the United States.

4 Sec. 48. Minnesota Statutes 2004, section 315.19, is
5 amended to read:

6 315.19 [ARTICLES AMENDED.]

7 A parish of the Protestant Episcopal church, incorporated
8 under the laws of the state or territory of Minnesota, may amend
9 its articles of incorporation and change and fix the time of its
10 annual parish meeting. To do so, it must adopt, at its annual
11 parish meeting by majority vote of those present, a resolution
12 fixing or changing the date of its annual parish meeting. It
13 must put the resolution in a certificate executed by its rector
14 or other presiding officer and by its clerk and ~~file~~ record the
15 certificate ~~for-record~~ with the county recorder of the county of
16 its location.

17 Sec. 49. Minnesota Statutes 2004, section 315.20,
18 subdivision 2, is amended to read:

19 Subd. 2. [CERTIFICATE, BY WHOM SIGNED.] The certificate
20 must be signed and acknowledged by the bishop of the diocese and
21 by a majority of the members of the chapter, and ~~filed-for~~
22 record recorded with the county recorder of the county where the
23 cathedral is located.

24 Sec. 50. Minnesota Statutes 2004, section 315.20,
25 subdivision 3, is amended to read:

26 Subd. 3. [CERTIFICATE FILED; POWERS.] Upon the signing,
27 acknowledging, and ~~filing~~ recording of the certificate ~~for~~
28 record with the county recorder of the county of its location,
29 the cathedral becomes a corporation under the name in its
30 certificate. Through its chapter, it may transact the business
31 of the cathedral. In its corporate name, it may acquire or
32 receive, by purchase, gift, grant, devise, or bequest, any
33 property, real, personal, or mixed, and hold, sell, transfer,
34 mortgage, convey, loan, let, or otherwise use the property for
35 the use and benefit of the cathedral if the use does not
36 contravene the laws and usages of the Protestant Episcopal

1 church in the United States of America of this state. It may
2 not divert any gift, grant, or bequest from the purpose
3 specified in writing by the donor or devisor. It may not sell,
4 convey, or mortgage its church or church site, except with the
5 consent of the bishop, in writing, and when first authorized to
6 do so at a meeting of the chapter called for that purpose, nor
7 in contravention of the canons of the diocese or of the general
8 convention of the Protestant Episcopal church in the United
9 States of America.

10 Sec. 51. Minnesota Statutes 2004, section 315.32, is
11 amended to read:

12 315.32 [TRUSTEES, POWERS; CERTIFICATE, RECORDING.]

13 The board of trustees or other governing body of a
14 religious organization under section 315.21 may, by unanimous
15 vote of its members, alter or amend the articles of
16 incorporation under section 315.31, when authorized by
17 resolution so to do at a special meeting of the religious
18 organization. The meeting must be called for that expressly
19 stated purpose, and a majority of the members of the religious
20 organization must be present. The resolution must be passed by
21 vote of a majority of the members present and voting. The board
22 of trustees or other governing body shall record the resolution
23 in a certificate executed and acknowledged by its president and
24 secretary, or by its other presiding and recording officers,
25 under the corporate seal of the religious organization. The
26 certificate is presumptive evidence of the facts stated in it.
27 The certificate must be ~~filed-for-record~~ recorded with the
28 county recorder of the county where the religious organization
29 is located. The amendment is effective on filing.

30 Sec. 52. Minnesota Statutes 2004, section 315.365,
31 subdivision 2, is amended to read:

32 Subd. 2. [HOW MERGER EFFECTED.] To accomplish the merger
33 and consolidation, the property corporations must execute an
34 agreement containing:

35 (1) the names of the property corporations who are parties
36 to it;

1 (2) the name and location of the principal office of the
2 surviving corporation with which the property corporations are
3 to be merged and consolidated;

4 (3) the persons who constitute the governing board of the
5 surviving corporation until their successors are elected and
6 qualified;

7 (4) the general purposes of the surviving corporation and
8 the general description of the area to be served by it;

9 (5) the date of adoption of the authorization for the
10 merger and consolidation by the meeting of the united, reunited,
11 merged, or consolidated religious body to which the merging or
12 consolidating property corporations pertain; and

13 (6) other provisions appropriate for the certificate of
14 incorporation of property corporations of this character formed
15 under Minnesota law.

16 The agreement must be executed by the corporate officers of
17 each property corporation that is party to it and must be
18 accompanied by the certificate of the secretary or other
19 recording officer of the new religious body. The certificate
20 must certify that the body has adopted in accordance with its
21 constitution, canon law, or other general provisions for the
22 governance of its affairs, a resolution authorizing the merger
23 and consolidation. The agreement must also be accompanied by a
24 certificate of the secretary or other recording officer of each
25 of the property corporations, certifying that the members and
26 governing body of each property corporation have adopted
27 resolutions directing the execution of the agreement.

28 The agreement, when executed and certified, must be filed
29 for record with the county recorder of the county where the
30 surviving corporation's principal place of business is to
31 locate. It must also be ~~filed-for-record~~ recorded with the
32 county recorder of each other county of this state where the
33 principal place of business of any of the property corporations
34 was located according to the property corporation's certificate
35 of incorporation.

36 The merger and consolidation takes effect when the

1 agreement and certificates are filed for record with the county
2 recorder.

3 Sec. 53. Minnesota Statutes 2004, section 315.44, is
4 amended to read:

5 315.44 [YMCA, YWCA; FORMATION, CERTIFICATE.]

6 Three or more persons may form a corporation known as a
7 Young Men's Christian Association or a Young Women's Christian
8 Association by adopting, signing, and acknowledging a
9 certificate of incorporation containing:

10 (1) the names and places of residence of the incorporators;

11 (2) the name of the corporation, the location of its
12 principal place of business, and the period of its duration;

13 (3) the objects of its organization expressly stated;

14 (4) the number of its directors, not less than five, who
15 shall manage its affairs, how and when elected, and the time and
16 place of annual meetings; and

17 (5) the terms of admission to active membership.

18 The certificate must be ~~filed~~ recorded with the county
19 recorder of the county of its principal place of business.

20 Sec. 54. Minnesota Statutes 2004, section 316.09, is
21 amended to read:

22 316.09 [CERTIFIED COPY OF ORDER FILED.]

23 A certified copy of the order or judgment of dissolution
24 shall be filed for record with the secretary of state and
25 thereafter recorded with the county recorder of the county of
26 the principal place of business of the corporation, and the
27 dissolution of the corporation shall not be deemed complete
28 until such copy is so filed ~~for-record~~ and recorded.

29 Sec. 55. Minnesota Statutes 2004, section 317A.021,
30 subdivision 4, is amended to read:

31 Subd. 4. [METHOD OF ELECTION.] An election by a
32 corporation to become governed by this chapter must be made by
33 resolution approved by the affirmative vote of the members with
34 voting rights of the same proportion that is required for
35 amendment of the articles of the corporation before the
36 election. If there are no members with voting rights, the

1 corporation must elect to be governed by this chapter by a
2 resolution adopted by a majority vote of the directors entitled
3 to vote at a meeting of the board, with proper notice given.
4 The notice must include a statement that a purpose of the
5 meeting is to consider an election to become governed by this
6 chapter. The resolution, articles of amendment, if required,
7 and a certified copy of corporate documents previously ~~filed~~
8 recorded with the county recorder that would be filed with the
9 secretary of state under this chapter, must be filed with the
10 secretary of state and are effective upon filing. If an
11 amendment of the articles is not required, the resolution must
12 state that the articles of the corporation conform to the
13 requirements of this chapter.

14 Sec. 56. Minnesota Statutes 2004, section 317A.051,
15 subdivision 2, is amended to read:

16 Subd. 2. [RELIGIOUS CORPORATIONS.] This chapter does not
17 apply to a religious corporation authorized by chapter 315
18 unless it is formed under this chapter or elects to be governed
19 by this chapter as provided in section 317A.021. Regardless of
20 whether it is formed or elects to be governed by this chapter, a
21 religious corporation may elect to be governed by sections
22 317A.601 to 317A.671 without electing to come under the entire
23 chapter. If a religious corporation elects to be governed by
24 sections 317A.601 to 317A.671, it shall ~~file~~ record its
25 documents with the county recorder of the county where its
26 registered office is located instead of the secretary of state.

27 Sec. 57. Minnesota Statutes 2004, section 318.02,
28 subdivision 3, is amended to read:

29 Subd. 3. [POWERS.] Any such association heretofore or
30 hereafter organized shall have the power in its name:

31 (1) To continue as a business trust for the time limited in
32 its "declaration of trust" or in any amendments, or if no time
33 limit is specified, then perpetually;

34 (2) To sue and be sued;

35 (3) To adopt, use, and, at will, alter a business trust
36 seal, but failure to affix the business trust seal, if any,

1 shall not affect the validity of any instrument;

2 (4) To conduct in this state and elsewhere the business to
3 be engaged in by such association and to contract and enter into
4 obligations and do any acts necessary and incidental to the
5 transaction of its business or expedient for the attainment of
6 the purposes stated in its "declaration of trust" or in any
7 amendments;

8 (5) To acquire including by will or gift, purchase, sell,
9 contract for, hold, lease, mortgage, encumber, convey, transfer,
10 or otherwise deal in and dispose of real and personal property
11 within or without the state by and through its officers, agents
12 or trustees in the manner provided in its "declaration of trust"
13 or in any amendments. All deeds, contracts, mortgages and other
14 legal instruments heretofore or hereafter acquired by or
15 executed by any such association, and whether or not recorded in
16 the office of the county recorder ~~or-filed~~ in the office of the
17 registrar of titles, shall have the same force and effect as a
18 like instrument would have if executed, or recorded or filed in
19 said offices, as in the case of corporations.

20 Sec. 58. Minnesota Statutes 2004, section 322.02, is
21 amended to read:

22 322.02 [FORMATION.]

23 Two or more persons desiring to form a limited partnership
24 shall:

25 (1) Sign and acknowledge or swear to a certificate, which
26 shall state:

27 (a) the name of the partnership;

28 (b) the character of the business;

29 (c) the location of the principal place of business;

30 (d) the name and place of residence of each member; general
31 and limited partners being, respectively designated;

32 (e) the term for which the partnership is to exist;

33 (f) the amount of cash and a description of and the agreed
34 value of the other property contributed by each limited partner;

35 (g) the additional contributions, if any, agreed to be made
36 by each limited partner and the times at which or events on the

1 happening of which they shall be made;

2 (h) the time, if agreed upon, when the contribution of each
3 limited partner is to be returned;

4 (i) the share of the profits or the other compensation by
5 way of income which each limited partner shall receive by reason
6 of that partner's contribution;

7 (j) the right, if given, of a limited partner to substitute
8 an assignee as contributor in that partner's place, and the
9 terms and conditions of the substitution;

10 (k) the right, if given, of the partners to admit
11 additional limited partners;

12 (l) the right, if given, of one or more of the limited
13 partners to priority over other limited partners, as to
14 contributions or as to compensation by the way of income, and
15 the nature of such priority;

16 (m) the right, if given, of the remaining general partner
17 or partners to continue the business on the death, retirement,
18 or insanity of a general partner; and

19 (n) the right, if given, of a limited partner to demand and
20 receive property other than cash in return for that partner's
21 contribution; and

22 (2) ~~File-for~~ Record the certificate in the office of the
23 county recorder of the county where the principal place of
24 business is situated.

25 A limited partnership is formed if there has been
26 substantial compliance in good faith with the requirements of
27 this section.

28 Sec. 59. Minnesota Statutes 2004, section 322.25,
29 subdivision 4, is amended to read:

30 Subd. 4. [DECREE OF COURT.] If the court finds that the
31 petitioner has a right to have the writing executed by a person
32 who refuses to do so, it shall order the county recorder in the
33 office where the certificate is recorded to record the
34 cancellation or amendment of the certificate; and where the
35 certificate is to be amended, the court shall also cause to be
36 ~~filed-for-record~~ recorded in that office a certified copy of its

1 decree setting forth the amendment.

2 Sec. 60. Minnesota Statutes 2004, section 322A.86, is
3 amended to read:

4 322A.86 [RELATIONSHIP TO SECTIONS 322.01 TO 322.31.]

5 A domestic limited partnership existing on January 1, 1981,
6 shall be governed by sections 322.01 to 322.31 unless (1) the
7 limited partnership elects to come under the provisions of
8 sections 322A.01 to 322A.85, and the certificate of limited
9 partnership is amended to reflect the intention, the election
10 and a certified copy of all previously filed limited partnership
11 documents is filed with the secretary of state, and the election
12 is ~~filed~~ recorded with the county recorder; and (2) to so elect
13 is not prohibited by the terms of the certificate of limited
14 partnership in effect prior to January 1, 1981. A domestic
15 limited partnership formed after December 31, 1980 shall be
16 governed by sections 322A.01 to 322A.85.

17 Sec. 61. Minnesota Statutes 2004, section 327A.04,
18 subdivision 3, is amended to read:

19 Subd. 3. [EXCEPTION.] If a major construction defect is
20 discovered prior to the sale of a dwelling, the statutory
21 warranty set forth in section 327A.02, subdivision 1, clause (c)
22 may be waived for the defect identified in the waiver
23 instrument, after full oral disclosure of the specific defect,
24 by an instrument which sets forth in detail: the specific
25 defect; the difference between the value of the dwelling without
26 the defect and the value of the dwelling with the defect, as
27 determined and attested to by an independent appraiser,
28 contractor, insurance adjuster, engineer or any other similarly
29 knowledgeable person selected by the vendee; the price
30 reduction; the date the construction was completed; the legal
31 description of the dwelling; the consent of the vendee to the
32 waiver; and the signatures of the vendee, the vendor, and two
33 witnesses.

34 A single waiver agreed to pursuant to this subdivision may
35 not apply to more than one major construction defect in a
36 dwelling.

1 The waiver shall not be effective unless ~~filed-for~~
2 ~~recording~~ recorded with the county recorder or registrar of
3 titles who shall file the waiver for record.

4 Sec. 62. Minnesota Statutes 2004, section 327C.095,
5 subdivision 8, is amended to read:

6 Subd. 8. [REQUIRED FILING OF NOTICE.] Subdivisions 6 and 7
7 apply to manufactured home parks upon which notice has
8 been ~~filed~~ recorded with the county recorder or registrar of
9 titles in the county where the manufactured home park is
10 located. Any person may file the notice required under this
11 subdivision with the county recorder or registrar of titles.
12 The notice must be in the following form:

13 "MANUFACTURED HOME PARK NOTICE

14 THIS PROPERTY IS USED AS A MANUFACTURED HOME PARK

15

16 PARK OWNER

17

18

19

20 LEGAL DESCRIPTION OF PARK

21

22 COOPERATIVE ASSOCIATION (IF APPLICABLE)"

23 Sec. 63. Minnesota Statutes 2004, section 327C.095,
24 subdivision 11, is amended to read:

25 Subd. 11. [AFFIDAVIT OF COMPLIANCE.] After a park is sold,
26 a park owner or other person with personal knowledge may
27 ~~file~~ record an affidavit with the county recorder or registrar
28 of titles in the county in which the park is located certifying
29 compliance with subdivision 6 or 7 or that subdivisions 6 and 7
30 are not applicable. The affidavit may be used as proof of the
31 facts stated in the affidavit. A person acquiring an interest
32 in a park or a title insurance company or attorney who prepares,
33 furnishes, or examines evidence of title may rely on the truth
34 and accuracy of statements made in the affidavit and is not
35 required to inquire further as to the park owner's compliance
36 with subdivisions 6 and 7. When an affidavit is ~~filed~~ recorded,

1 the right to purchase provided under subdivisions 6 and 7
2 terminate, and if registered property, the registrar of titles
3 shall delete the memorials of the notice and affidavit from
4 future certificates of title.

5 Sec. 64. Minnesota Statutes 2004, section 344.06, is
6 amended to read:

7 344.06 [CONTROVERSY; DECISION BY FENCE VIEWERS.]

8 If a controversy arises concerning the rights in partition
9 fences of the respective occupants or their obligation to
10 maintain the fences, either party may apply to the fence
11 viewers, who, after due notice to the parties, may assign to
12 each a share in the fence and direct the time within which the
13 fence must be erected or repaired. The assignment may be ~~filed~~
14 ~~for-record~~ recorded with the county recorder after which it is
15 binding upon the parties and upon all succeeding occupants of
16 the lands.

17 Sec. 65. Minnesota Statutes 2004, section 344.08, is
18 amended to read:

19 344.08 [RECORDED DIVISION; BINDING ON HEIRS AND ASSIGNS.]

20 All divisions of fences which are made by fence viewers
21 under this chapter, or which are made by owners of adjoining
22 lands, in writing, witnessed by two witnesses, signed and
23 acknowledged by the parties, and ~~filed-for-record~~ recorded with
24 the county recorder, are valid against the parties to the
25 divisions and their heirs and assigns.

26 Sec. 66. Minnesota Statutes 2004, section 375.14, is
27 amended to read:

28 375.14 [OFFICES AND SUPPLIES FURNISHED FOR COUNTY
29 OFFICERS.]

30 The county board shall provide offices at the county seat
31 for the auditor, treasurer, county recorder, sheriff, court
32 administrator of the district court, and an office for the
33 county engineer at a site determined by the county board, with
34 suitable furniture and safes and vaults for the security and
35 preservation of the books and papers of the offices, and provide
36 heating, lighting, and maintenance of the offices. The board

1 shall furnish all county officers with all books, stationery,
2 letterheads, envelopes, postage, telephone service, office
3 equipment, electronic technology, and supplies necessary to the
4 discharge of their respective duties and make like provision for
5 the judges of the district court as necessary to the discharge
6 of their duties within the county or concerning matters arising
7 in it. The board is not required to furnish any county officer
8 with professional or technical books or instruments except when
9 the board deems them directly necessary to the discharge of
10 official duties as part of the permanent equipment of the office.

11 Sec. 67. Minnesota Statutes 2004, section 381.12,
12 subdivision 1, is amended to read:

13 Subdivision 1. [SURVEYOR, EMPLOYMENT.] When the county
14 board determines that the monuments established by the United
15 States in the public lands survey to mark section, quarter
16 section, and meander corners have been destroyed or are becoming
17 obscure, it may employ a licensed surveyor to preserve, restore
18 and mark the corners with a durable magnetic monument. The
19 surveyor shall make full and accurate notes and records from
20 which the entire survey can be relocated, and shall file a
21 certified copy of the same, with a filed plat, in the office of
22 the county recorder or the office of the county surveyor if an
23 office is maintained in a building maintained by the county for
24 county purposes on a full-time basis. The monuments are prima
25 facie evidence of the original United States public land survey
26 corners.

27 Sec. 68. Minnesota Statutes 2004, section 382.08, is
28 amended to read:

29 382.08 [RECORDING FEES PAID BY COUNTY.]

30 The fees for ~~filing~~ and recording official bonds, oaths of
31 office, certificates, or other evidences of election or
32 qualification for office, required by law to be ~~filed~~ or
33 recorded with the county recorder or court administrator of the
34 district court, shall be paid by the county.

35 Sec. 69. Minnesota Statutes 2004, section 382.10, is
36 amended to read:

1 382.10 [BONDS RECORDED.]

2 Official bonds of county officers when approved by the
3 county board, and their oaths of office and the bonds and oaths
4 of their deputies, except county recorder, shall be ~~filed and~~
5 recorded in the office of the county recorder.

6 Sec. 70. Minnesota Statutes 2004, section 384.02, is
7 amended to read:

8 384.02 [BOND.]

9 Each county auditor, before entering upon the duties of
10 office, shall give a bond to the state to be approved by the
11 county board in such penal sum not less than \$5,000 nor more
12 than \$20,000 as such board requires, conditioned for the
13 faithful discharge of the duties of office, upon which shall be
14 endorsed an oath of office. The bond so endorsed shall be ~~filed~~
15 ~~and~~ recorded in the office of the county recorder.

16 Sec. 71. Minnesota Statutes 2004, section 384.08, is
17 amended to read:

18 384.08 [DEPUTIES.]

19 Any county auditor may by certificate in writing appoint
20 deputies who, before entering upon their duties, shall ~~file~~
21 record with the county recorder such certificates, with their
22 oaths of office endorsed thereon. Such deputies may sign all
23 papers and do all other things which county auditors may do.
24 Auditors shall require bonds of their deputies in such amount
25 and with such sureties as they deem proper, shall be responsible
26 for their acts, and may revoke their appointment at pleasure.

27 Sec. 72. Minnesota Statutes 2004, section 385.02,
28 subdivision 1, is amended to read:

29 Subdivision 1. [APPOINTMENT OF DEPUTIES.] County
30 treasurers may by certificate in writing appoint one or more
31 deputies, who, before entering upon their duties, shall ~~file~~
32 record with the county recorder such certificates, with their
33 oaths of office endorsed thereon. Such deputies may sign all
34 papers and do all other things which county treasurers may
35 themselves do. County treasurers are responsible for the acts
36 of their deputies and may revoke their appointments at pleasure.

1 Sec. 73. Minnesota Statutes 2004, section 386.03, is
2 amended to read:

3 386.03 [RECEPTION BOOKS INDEX.]

4 Every county recorder shall keep ~~two-books~~ an index, to be
5 denominated ~~respectively, the~~ as a grantor's and grantee's
6 reception book index, ~~each-page-of-which-shall-be-divided-into~~
7 ~~seven-columns, in the following forms:~~ which shall contain the
8 following information: date of reception, year, month, day,
9 hour and minute, grantor and grantee, where situated, to whom
10 delivered after recording, fees received, instrument number, and
11 kind of instrument.

13	Date-of		To-Whom		Book
14	Reception,	Where	Delivered	Fees	and
15	Year,	Grantor-Grantee-Situated	after	Received	Page
16	Day,		Record		Record-
17	Hour				ed-and
18	and-Minute				Kind-of
19					Instru-
20					ment

21	Date-of		To-Whom		Book
22	Reception,	Where	Delivered	Fees	and
23	Year,	Grantee-Grantor-Situated	after	Received	Page
24	Day,		Record		Record-
25	Hour				ed-and
26	and-Minute				Kind-of
27					Instru-
28					ment

29 The recorder shall enter in ~~each-book~~ the index, in the
30 order and manner aforesaid, as soon as the same are received,
31 all deeds and other instruments left, and all copies left, as
32 cautions or notices of liens, authorized by law to be recorded.
33 ~~The-pages-of-each-of~~ The reception books index shall be lettered
34 maintained in alphabetical order, ~~a-convenient-number-of~~
35 ~~consecutive-pages-being-allotted-to-each-letter-of-the-alphabet,~~
36 and every entry made therein shall be made in the grantor's

1 reception book index under the ~~initial-letter-of-the~~ grantor's
 2 surname, and ~~in-the-grantee's-reception-book~~ under the grantee's
 3 surname, and all such entries shall appear therein consecutively
 4 and in the order as to time in which the instruments were
 5 received. The recorder shall make an entry in the record
 6 immediately ~~after-the-copy-of~~ for each instrument recorded
 7 specifying the time of the day, month, and year when the same
 8 was recorded.

9 Sec. 74. Minnesota Statutes 2004, section 386.04, is
 10 amended to read:

11 386.04 [NUMERICAL REGISTER AND RECEPTION BOOK INDEX.]

12 The board of county commissioners of any county in this
 13 state wherein the recorder's office keeps a deed index and
 14 mortgage index are hereby authorized to combine the reception
 15 books index required by section 386.03 and the consecutive index
 16 book required by section 386.32, the record book to be
 17 designated the Numerical Register and Reception Book
 18 Indexes, each-page-of-which-shall-be-divided-into-nine-columns
 19 in-the-following-form: or designated the Numerical Register and
 20 Reception Indexes for use with electronic media. The record
 21 shall include the date of reception; number of instrument;
 22 grantor; grantee; where the land is situated; the month, day,
 23 year, and hour and whether a.m. or p.m.; to whom it will be
 24 delivered; where it is recorded; kind of instrument; and fees
 25 received.

26 ~~NUMERICAL-REGISTER-AND-RECEPTION-BOOK---COUNTY,-MINNESOTA~~

27
 28 Date-of

29 Reception

30 No--of

31 Instrument Grantor Grantee Where Situated Section

32 Year Township

33 Mo- Range

34 Day

35 A-M-

36 P-M-

1

2

3

4

5	To-Whom	Where	Kind-of	Fees
6	Delivered	Recorded	Instrument	Received
7	After	Book		
8	Reception	Page		

9 The recorder shall make the entries in this book or index
 10 in accordance with the requirements of sections 386.03 and
 11 386.32 either by manual or electronic means.

12 Sec. 75. Minnesota Statutes 2004, section 386.05, is
 13 amended to read:

14 386.05 [TRACT INDEX BOOKS.]

15 Every county board may shall procure at the expense of its
 16 county, and keep in the office of the county recorder, suitable
 17 ~~books, substantially bound, arranged in numerical order, and so~~
 18 ~~ruled that opposite to~~ or electronic media so as to allow
 19 information to be arranged or retrieved by the description of
 20 each section of land or sectional lot, and town or city lot and
 21 ~~block, shall be a blank space, of a convenient size, in which~~
 22 ~~shall be entered the letters or numerals indicating the volume~~
 23 ~~of the records referred to, designating deeds by the letter "D,"~~
 24 ~~and mortgages by the letter "M," or by using red ink for~~
 25 ~~mortgages and black ink for deeds, and other records by~~
 26 ~~appropriate initials or abbreviations, together with the page of~~
 27 ~~the volume upon which~~ arranged in numerical order, give
 28 appropriate initial or abbreviation for the type of instrument,
 29 and recite the book and page or the recorded document number by
 30 which every record affecting the title to the whole or any part
 31 thereof may be found. Such tract index shall be kept as one of
 32 the records in the office of the county recorder, and such
 33 recorder shall note therein ~~a like~~ the date, time, and minute of
 34 every instrument affecting the title to any land ~~which shall be~~
 35 filed for record, to be made opposite to each parcel of land the
 36 title to which may be affected by such instrument. Instead of

1 causing a tract index to be made, the board may purchase any
2 existing tract index or abstracts; and thereafter the recorder
3 shall make the appropriate entries therein. In either such case
4 the recorder may make abstracts, for persons demanding the
5 same.

6 Sec. 76. Minnesota Statutes 2004, section 386.13, is
7 amended to read:

8 386.13 [TRANSCRIBING RECORDS OF STATE LANDS.]

9 The county commissioners of any county in this state are
10 hereby authorized to direct the county recorder of any county
11 containing any lands heretofore granted to the state from the
12 United States government (except sections 16 and 36), and
13 including all lands so granted in lieu of lands in sections 16
14 or 36, to transcribe from the records of the commissioner of
15 finance lists of all such lands including reference to the laws
16 granting the same and by all patents issued thereunder to the
17 state, which transcripts after due examination thereof shall be
18 certified to without charge by the commissioner of finance as
19 being true and correct transcripts, and thereupon such
20 transcripts, shall be recorded by the county recorder in whose
21 county such land is situate, which recording shall be done in
22 ~~books-to-be~~ as provided therefor by the county. Such county
23 recorder shall receive the same fees allowed by law for
24 recording original instruments in the office, which fees shall
25 be paid by the county auditor upon the approval of the county
26 commissioners of said county.

27 Sec. 77. Minnesota Statutes 2004, section 386.16, is
28 amended to read:

29 386.16 [COUNTY RECORDER TO SUPERVISE; COMPENSATION.]

30 The work provided for in section 386.15 shall be performed
31 by the county recorder of the county. The county recorder, for
32 performing the work, shall receive as compensation therefor such
33 sum as may be fixed by the board of county commissioners ~~not~~
34 ~~exceeding-two-cents-for-each-description-so-transcribed,~~
35 ~~compared-with-the-original-records,-and-checked-back.~~

36 Sec. 78. Minnesota Statutes 2004, section 386.19, is

1 person to complete the same under the supervision and direction
 2 of the county recorder at such salary or upon such basis of
 3 compensation as may be agreed upon, ~~provided that, if such~~
 4 ~~employment be upon a salary basis, it shall not exceed the sum~~
 5 ~~of \$80 per month and, if upon a per line basis, at not to exceed~~
 6 ~~five cents per line.~~

7 Sec. 85. Minnesota Statutes 2004, section 386.31, is
 8 amended to read:

9 386.31 [CONSECUTIVE NUMBERING.]

10 Each county recorder shall endorse plainly upon each
 11 instrument received for record ~~or filing~~ as soon as received a
 12 number consecutive, to the extent practicable, to the number
 13 affixed to the instrument next previously received and enter
 14 such number as a part of the entry relating to such instrument
 15 in all the indexes kept in the office and on the margin of the
 16 record of the instrument, and such number shall be prima facie
 17 evidence of priority of registration. If more than one
 18 instrument shall be received at the same time, by mail or other
 19 like enclosure, the recorder shall affix such number in the
 20 order directed by the sender; if no direction be given, then in
 21 the order in which the instruments actually come to the
 22 recorder's hand in opening the enclosures.

23 Sec. 86. Minnesota Statutes 2004, section 386.32, is
 24 amended to read:

25 386.32 [CONSECUTIVE INDEX.]

26 Each county recorder shall keep an index of all records ~~or~~
 27 ~~files~~ kept in the office showing the number of the instrument
 28 consecutively, the kind, the time of its reception, and where
 29 the same is recorded ~~or filed, thus:~~

30

31	Number-of	Kind-of	Time-of	Where-Recorded
32	Instrument	Instrument	Reception	or-Filed
33				Book Page File-No.

34 Such entries shall be made as soon as the instrument is
 35 received, excepting only the place of record, which shall be
 36 filled in as soon as such instrument is recorded.

1 Sec. 87. Minnesota Statutes 2004, section 386.36, is
2 amended to read:

3 386.36 [FARM NAMES RECORDED.]

4 The owner of farm lands in the state may designate a
5 specific name of the farm lands and this name, together with a
6 description of the farm lands according to the government survey
7 thereof, may be ~~filed~~ recorded with the county recorder of the
8 county wherein the lands, or a part thereof, are situated, and
9 this name, together with the description of the lands, shall be
10 recorded by the county recorder ~~in-a-book-to-be-provided-for~~
11 ~~such-purpose~~, upon payment of a fee as prescribed in section
12 357.18, but no two names so designated and recorded shall be
13 alike in the same county.

14 Sec. 88. Minnesota Statutes 2004, section 386.37, is
15 amended to read:

16 386.37 [ABSTRACTS OF TITLE.]

17 The county recorder, upon being paid lawful fees therefor,
18 ~~shall~~ may make out, under the recorder's certificate and seal,
19 as the same appears of record or on file in the office, and
20 deliver to any person requesting the same:

21 (1) a full and perfect abstract of title to any real estate
22 together with all encumbrances, liens and instruments in any
23 manner affecting such title;

24 (2) a continuation of any abstract of title, to any real
25 estate that has been certified to by an official abstracter of
26 the county within ~~ten-days~~ a reasonable amount of time after
27 such request;

28 (3) an abstract of title to any real estate, together with
29 all encumbrances, liens, and instruments in any manner affecting
30 such title, from a certain date to a given date, within ~~ten-days~~
31 a reasonable amount of time after such request; or

32 (4) an abstract of title to any real estate covering
33 encumbrances and liens, only, affecting such title between any
34 two given dates, within ~~ten-days~~ a reasonable amount of time
35 after such request.

36 Sec. 89. Minnesota Statutes 2004, section 386.45, is

1 amended to read:

2 386.45 [BANKRUPTCY DOCUMENTS MAY BE RECORDED, USED AS
3 EVIDENCE.]

4 (a) When a petition for bankruptcy, or a decree of
5 adjudication, or an order approving the trustee's bond is made,
6 pursuant to the Federal Bankruptcy Act of 1898, as amended by
7 the Bankruptcy Act of 1938, chapter 575, Statutes at Large,
8 volume 52, page 840, section 21 g, or a petition is made
9 pursuant to the Bankruptcy Reform Act of 1978, hereinafter
10 referred to as the "Bankruptcy Code," the bankrupt, debtor,
11 trustee, receiver, custodian, referee, or any creditor may
12 record a certified copy of the petition, decree, order, or a
13 certificate of a clerk of the United States Bankruptcy Court
14 relating to any matter involving the status of or disposition of
15 the proceedings or pleadings, property of the estate or property
16 of the debtor or documents or orders ~~filed~~ recorded in the
17 proceeding, all pursuant to the Bankruptcy Code, in the office
18 of the county recorder ~~or file~~ the instruments in the office of
19 the registrar of titles of any county in this state.

20 (b) Any certificate so recorded, or a certified copy
21 thereof, is admissible as evidence in any action involving any
22 instrument to which it relates or involving the title to the
23 real estate affected by the certificate and is prima facie
24 evidence of the facts stated therein.

25 Sec. 90. Minnesota Statutes 2004, section 387.01, is
26 amended to read:

27 387.01 [QUALIFICATIONS; BOND; OATH.]

28 Every person who files as a candidate for county sheriff
29 must be licensed as a peace officer in this state. Every person
30 appointed to the office of sheriff must become licensed as a
31 peace officer before entering upon the duties of the office.
32 Before entering upon duties every sheriff shall give bond to the
33 state in a sum not less than \$25,000 in counties whose
34 population exceeds 150,000, and not less than \$5,000 in all
35 other counties, to be approved by the county board, conditioned
36 that the sheriff will well and faithfully in all things perform

1 and execute the duties of office, without fraud, deceit, or
2 oppression, which bond, with an oath of office, shall be ~~filed~~
3 ~~for-record~~ recorded with the county recorder.

4 Sec. 91. Minnesota Statutes 2004, section 387.33,
5 subdivision 2, is amended to read:

6 Subd. 2. [MEMBERS; QUALIFICATIONS, CONDITIONS.] The
7 commission shall consist of three members who shall be citizens
8 of the state and residents of the county, and shall be appointed
9 by the chair of the county board, and the appointment of each
10 commissioner, to be confirmed by majority vote of the county
11 board. When first created one commissioner shall be appointed
12 for one year, who shall be president of the commission, one for
13 the term of two years, and one for the term of three years, and
14 all commissioners shall hold their office until their successors
15 are appointed and qualified. No commissioner shall at the time
16 of appointment or while serving, hold any other office or
17 employment under said county, any city, the United States, the
18 state of Minnesota, or any public corporation or political
19 division thereof, other than the office of notary public. Each
20 commissioner, before entering upon duties, shall subscribe and
21 ~~file~~ record with the county recorder of said county an oath for
22 the faithful discharge of duties. There shall be appointed each
23 year thereafter, in the manner of the original appointments, one
24 member of the commission whose term of office shall be for three
25 years, and each member of the commission shall be president of
26 the commission during the last year of the term for which
27 appointed.

28 Sec. 92. Minnesota Statutes 2004, section 388.01, is
29 amended to read:

30 388.01 [ELECTION; QUALIFICATIONS; TERM.]

31 There shall be elected in each county a county attorney who
32 shall be licensed to practice law in this state, and whose term
33 of office shall be four years and until a successor qualifies.
34 Before entering upon duties the county attorney shall take an
35 oath. The oath must be ~~filed-for-record~~ recorded with the
36 county recorder.

1 Sec. 93. Minnesota Statutes 2004, section 388.10, is
2 amended to read:

3 388.10 [ASSISTANTS.]

4 The county attorney of any county in this state who has no
5 assistant is hereby authorized to appoint, with the consent of
6 the county board of the county, one or more attorneys for
7 assistance in the performance of duties. Each assistant shall
8 have the same duties and be subject to the same liabilities as
9 the county attorney and hold office during the pleasure of the
10 county attorney. Each assistant shall be appointed in writing
11 and the assistant's oath and appointment shall be ~~filed for~~
12 ~~record~~ recorded with the county recorder. The county board of
13 such county shall fix the salary of each assistant county
14 attorney appointed pursuant to the provisions of this section,
15 and the salary when so fixed by such county board shall
16 thereafter be paid by the county in equal monthly installments
17 upon the warrant of the county auditor during the period for
18 which such salary is so fixed or during such portion thereof as
19 an assistant county attorney continues in office.

20 Sec. 94. Minnesota Statutes 2004, section 389.011,
21 subdivision 1, is amended to read:

22 Subdivision 1. [QUALIFICATIONS.] A county surveyor elected
23 or appointed after July 1, 1961, or a surveyor designated to
24 perform the professional duties of a county surveyor after July
25 1, 1961, must be licensed in Minnesota as a land surveyor as
26 provided in chapter 326. The professional duties of a county
27 surveyor include any of the duties involved in the practice of
28 land surveying as provided in chapter 326. A county surveyor or
29 other surveyor designated to perform the duties of a county
30 surveyor must be licensed in Minnesota as a land surveyor while
31 holding such office or while such designation is in effect.
32 Failure on the part of a land surveyor to keep the license
33 current is grounds for the board of county commissioners to
34 declare the office vacant and to appoint a qualified person to
35 such office. As used in this section, the term land surveyor
36 means a surveyor licensed in Minnesota as a land surveyor.

1 A county surveyor or other licensed surveyor designated to
2 perform the duties of a county surveyor after July 1, 1961,
3 before entering upon duties, in addition to such bond and oath
4 of office as is required to be filed, shall ~~file~~ record
5 certified evidence of license as a land surveyor ~~for-record~~ with
6 the county recorder and each license period thereafter while
7 holding such office or designation shall ~~file~~ record certified
8 evidence of the license renewal for the then current period with
9 the county recorder on or before the license expiration date.

10 A county surveyor holding that office on July 1, 1961, who
11 was elected or appointed for a term beginning prior to July 1,
12 1959, is eligible for reelection or appointment to the office of
13 county surveyor in the county in which last elected or appointed
14 if subsequently elected or appointed to that office while not a
15 licensed land surveyor, in lieu of a license as a land surveyor,
16 the county surveyor shall ~~file~~ record with the county recorder a
17 certified copy of the certificate of election or the resolution
18 of appointment for the term beginning prior to July 1, 1959.

19 Sec. 95. Minnesota Statutes 2004, section 389.011,
20 subdivision 3, is amended to read:

21 Subd. 3. [BOND, OATH.] A county surveyor appointed or
22 elected after July 1, 1961, before entering on duties shall give
23 bond to the state, approved by the county board, in the sum of
24 \$2,000 conditioned on the faithful discharge of the duties. The
25 bond, together with the surveyor's oath, and certified evidence
26 of a license as a land surveyor or the certificate of election
27 must be ~~filed-for-record~~ recorded with the county recorder.

28 Sec. 96. Minnesota Statutes 2004, section 390.05, is
29 amended to read:

30 390.05 [DEPUTIES.]

31 A coroner shall appoint one or more deputies. When the
32 coroner is absent or unable to act, deputies have the same
33 powers and are subject to the same liabilities as coroners. A
34 deputy shall be appointed in writing. The oath and appointment
35 shall be ~~filed-for-record~~ recorded with the county recorder.
36 The deputy shall act by name as deputy coroner and hold office

1 at the same time as the coroner.

2 Sec. 97. Minnesota Statutes 2004, section 394.27,
3 subdivision 8, is amended to read:

4 Subd. 8. [FILING ORDERS.] A certified copy of any order
5 issued by the board of adjustment acting upon an appeal from an
6 order, requirement, decision or determination by an
7 administrative official, or a request for a variance, shall be
8 ~~filed~~ recorded with the county recorder or registrar of titles
9 ~~for-record~~. The order issued by the board of adjustment shall
10 include the legal description of the property involved. The
11 board by ordinance shall designate the county official or
12 employee responsible for meeting the requirements of this
13 subdivision.

14 Sec. 98. Minnesota Statutes 2004, section 394.301,
15 subdivision 4, is amended to read:

16 Subd. 4. [COPY FILED.] A certified copy of any conditional
17 use permit shall be ~~filed~~ recorded with the county recorder or
18 registrar of titles ~~for-record~~. The conditional use permit
19 shall include the legal description of the property involved.
20 The board by ordinance shall designate the county official or
21 employee responsible for meeting the requirements of the
22 subdivision.

23 Sec. 99. Minnesota Statutes 2004, section 394.33,
24 subdivision 1, is amended to read:

25 Subdivision 1. [NOT INCONSISTENT.] The governing body of
26 any town including any town with the powers of a statutory city
27 pursuant to law may continue to exercise the authority to plan
28 and zone as provided by law, but after the adoption of official
29 controls for a county or portion thereof by the board of county
30 commissioners no town shall enact or enforce official controls
31 inconsistent with or less restrictive than the standards
32 prescribed in the official controls adopted by the board.
33 Nothing in this section shall limit any town's power to adopt
34 official controls, including shoreland regulations which are
35 more restrictive than provided in the controls adopted by the
36 county. Upon the adoption or amendment of any official controls

1 the governing body of the town shall ~~file~~ record a certified
2 copy thereof with the county recorder or registrar of titles for
3 record. A certified copy of any official controls of any town
4 which are in effect on August 1, 1974, shall also be filed by
5 the governing body of the town with the county recorder or
6 registrar of titles for record within one year from August 1,
7 1974.

8 Sec. 100. Minnesota Statutes 2004, section 394.35, is
9 amended to read:

10 394.35 [~~FILING~~ RECORDING WITH THE COUNTY RECORDER.]

11 Upon the adoption of any ordinance or other official
12 control including any maps or charts supplemented to or as part
13 thereof, the county auditor shall ~~file~~ record a certified copy
14 thereof with the county recorder ~~for-record~~. Ordinances,
15 resolutions, maps or regulations ~~filed~~ recorded with the county
16 recorder or registrar of titles pursuant to sections 394.21 to
17 394.37 do not constitute encumbrances on real property.

18 Sec. 101. Minnesota Statutes 2004, section 395.18, is
19 amended to read:

20 395.18 [CONDITION OF THE CONTRACT.]

21 The warrant provided for in section 395.16 shall not be
22 delivered until the applicant shall have signed a contract in
23 duplicate, attested by the county auditor, to the effect that
24 the applicant, for and in consideration of the seed and feed
25 specified received from the county, promises to pay to the
26 county the amount allowed for the same, on or before the first
27 day of October following, with interest at the rate of six
28 percent per annum, that such amount shall be a first lien upon
29 the crop raised from the seed and, in addition thereto, shall be
30 taxable against the real property of the applicant for which
31 seed and feed was furnished. The contract shall also contain a
32 true description of the land upon which the applicant intends to
33 and will sow and plant such seed, in due season next following,
34 and shall specify that the written application shall be a part
35 of this contract. The auditor shall forthwith ~~file~~ record one
36 of such duplicate contracts with the county recorder of the

1 county, for which the applicant shall pay the required ~~fiing~~
2 recording fee and file the other duplicate in the auditor's
3 office.

4 Sec. 102. Minnesota Statutes 2004, section 395.22, is
5 amended to read:

6 395.22 [PENALTY FOR VIOLATION.]

7 Any person who shall, contrary to the provisions of
8 sections 395.14 to 395.24, sell, transfer, take, or carry away,
9 or in any manner dispose of, the seed or feed, or any part
10 thereof, furnished by the county under sections 395.14 to 395.24
11 or shall use or dispose of such seed or feed, or any part
12 thereof, for any other purpose than that of planting or sowing
13 with same as stated in the application and contract, or shall
14 sell, transfer, take, or carry away, or in any manner dispose
15 of, the crop or any part thereof, produced from the sowing or
16 planting of such seed, before the same is paid for, shall be
17 guilty of a misdemeanor; and upon conviction thereof shall pay a
18 fine of not less than \$50 nor more than \$100 or may be
19 imprisoned in the county jail for a term of not less than 30 nor
20 more than 90 days, and shall pay all the costs of prosecution,
21 and whoever under any of the provisions of sections 395.14 to
22 395.24 shall be found guilty of false swearing shall be deemed
23 to have committed perjury and shall upon conviction suffer the
24 pains and penalties of that crime. Upon the ~~fiing~~ recording of
25 the contract in the office of the county recorder, and the
26 sowing of the seed obtained therefor, the title and right of
27 possession to the growing crop and to the grain produced from
28 the seed shall be in the county which shall have furnished the
29 seed until the debt incurred for such seed or feed, shall have
30 been paid, and any seizure thereof or interference therewith
31 except by the applicant and those in the applicant's employ, for
32 the purpose of harvesting, threshing, and marketing the same to
33 pay such debt, shall be deemed a conversion thereof and treble
34 damages may be recovered against the person so converting the
35 same by the county furnishing such seed and feed.

36 Sec. 103. Minnesota Statutes 2004, section 398.19, is

1 amended to read:

2 398.19 [PLAN FOR DEVELOPMENT OF PARKS; ~~FILEING~~ RECORDING.]

3 Within 18 months of the activation of a park district, the
4 board for such park district shall develop and approve a written
5 plan for development of parks within the district. Certified
6 copies of such plan shall be ~~filed~~ recorded by the secretary of
7 the board with the county recorders for the counties having land
8 within the district and with the department of parks of the
9 state of Minnesota. Such plans shall be revised and brought up
10 to date at least every five years.

11 Sec. 104. Minnesota Statutes 2004, section 410.11, is
12 amended to read:

13 410.11 [ADOPTION; NOTICE, EFFECTIVE DATE.]

14 If 51 percent of the votes cast on the proposition are in
15 favor of the proposed charter, it shall be considered adopted;
16 and, if any provisions thereof are submitted in the alternative,
17 those ratified by a majority of the votes cast thereon shall
18 prevail. If the charter is adopted, the city clerk shall file
19 with the secretary of state, ~~the county recorder of the county~~
20 ~~in which the city lies~~, and in the city clerk's office a copy of
21 the charter accompanied by a certificate attesting to the
22 accuracy of the copy and giving the date of the election and the
23 vote by which the charter was adopted and record a certified
24 copy with the county recorder of the county in which the city
25 lies. The charter shall take effect 30 days after the election,
26 or at such other time as is fixed in the charter, and shall then
27 supersede all other charter provisions relating to such city.
28 Thereupon the courts shall take judicial notice of the new
29 charter and, upon the election of officers thereunder, the
30 officials of the former corporation shall deliver to them the
31 records, money and other public property in their control.

32 Sec. 105. Minnesota Statutes 2004, section 412.851, is
33 amended to read:

34 412.851 [VACATION OF STREETS.]

35 The council may by resolution vacate any street, alley,
36 public grounds, public way, or any part thereof, on its own

1 motion or on petition of a majority of the owners of land
2 abutting on the street, alley, public grounds, public way, or
3 part thereof to be vacated. When there has been no petition,
4 the resolution may be adopted only by a vote of four-fifths of
5 all members of the council. No such vacation shall be made
6 unless it appears in the interest of the public to do so after a
7 hearing preceded by two weeks' published and posted notice. The
8 council shall cause written notice of the hearing to be mailed
9 to each property owner affected by the proposed vacation at
10 least ten days before the hearing. The notice must contain, at
11 minimum, a copy of the petition or proposed resolution as well
12 as the time, place, and date of the hearing. In addition, if
13 the street, alley, public grounds, public way, or any part
14 thereof terminates at or abuts upon any public water, no
15 vacation shall be made unless written notice of the petition or
16 proposed resolution is served by certified mail upon the
17 commissioner of natural resources at least 30 days before the
18 hearing on the matter. The notice to the commissioner of
19 natural resources is for notification purposes only and does not
20 create a right of intervention by the commissioner. After a
21 resolution of vacation is adopted, the clerk shall prepare a
22 notice of completion of the proceedings which shall contain the
23 name of the city, an identification of the vacation, a statement
24 of the time of completion thereof and a description of the real
25 estate and lands affected thereby. The notice shall be
26 presented to the county auditor who shall enter the same in the
27 transfer records and note upon the instrument, over official
28 signature, the words "entered in the transfer record." The
29 notice shall then be ~~filed~~ recorded with the county recorder.
30 Any failure to file the notice shall not invalidate any such
31 vacation proceedings.

32 Sec. 106. Minnesota Statutes 2004, section 429.061,
33 subdivision 2, is amended to read:

34 Subd. 2. [ADOPTION; INTEREST.] At such meeting or at any
35 adjournment thereof the council shall hear and pass upon all
36 objections to the proposed assessment, whether presented orally.

1 or in writing. The council may amend the proposed assessment as
2 to any parcel and by resolution adopt the same as the special
3 assessment against the lands named in the assessment roll.

4 Notice of any adjournment of the hearing shall be adequate if
5 the minutes of the meeting so adjourned show the time and place
6 when and where the hearing is to be continued.

7 The council may consider any objection to the amount of a
8 proposed assessment as to a specific parcel of land at an
9 adjourned hearing upon further notice to the affected property
10 owner as it deems advisable. At the adjourned hearing the
11 council or a committee of it may hear further written or oral
12 testimony on behalf of the objecting property owner and may
13 consider further written or oral testimony from appropriate city
14 officials and other witnesses as to the amount of the
15 assessment. The council or committee shall prepare a record of
16 the proceedings at the adjourned hearing and written findings as
17 to the amount of the assessment. The amount of the assessment
18 as finally determined by the council shall become a part of the
19 adopted assessment roll. No appeal may be taken as to the
20 amount of any assessment adopted under this section unless
21 written objection signed by the affected property owner is filed
22 with the municipal clerk prior to the assessment hearing or
23 presented to the presiding officer at the hearing. All
24 objections to the assessments not received at the assessment
25 hearing in the manner prescribed by this subdivision are waived,
26 unless the failure to object at the assessment hearing is due to
27 a reasonable cause.

28 If the adopted assessment differs from the proposed
29 assessment as to any particular lot, piece, or parcel of land,
30 the clerk must mail to the owner a notice stating the amount of
31 the adopted assessment. Owners must also be notified by mail of
32 any changes adopted by the council in interest rates or
33 prepayment requirements from those contained in the notice of
34 the proposed assessment.

35 The assessment, with accruing interest, shall be a lien
36 upon all private and public property included therein, from the

1 date of the resolution adopting the assessment, concurrent with
2 general taxes; but the lien shall not be enforceable against
3 public property as long as it is publicly owned, and during such
4 period the assessment shall be recoverable from the owner of
5 such property only in the manner and to the extent provided in
6 section 435.19. Unless otherwise provided in the resolution,
7 all assessments shall be payable in equal annual installments
8 extending over such period, not exceeding 30 years, as the
9 resolution determines, payable on the first Monday in January in
10 each year, but the number of installments need not be uniform
11 for all assessments included in a single assessment roll if a
12 uniform criterion for determining the number of installments is
13 provided by the resolution. Assessments on property located in
14 a targeted neighborhood as defined in Laws 1987, chapter 386,
15 article 6, section 4, may be payable in variable annual
16 installments if the resolution provides for a variable payment.
17 The first installment of each assessment shall be included in
18 the first tax rolls completed after its adoption and shall be
19 payable in the same year as the taxes contained therein; except
20 that the payment of the first installment of any assessment
21 levied upon unimproved property may be deferred until a
22 designated future year, or until the platting of the property or
23 the construction of improvements thereon, upon such terms and
24 conditions and based upon such standards and criteria as may be
25 provided by resolution of the council. If special assessments
26 against the property have been deferred pursuant to this
27 subdivision, the governmental unit shall ~~file~~ record with the
28 county recorder in the county in which the property is located a
29 certificate containing the legal description of the affected
30 property and of the amount deferred. In any event, every
31 assessment the payment of which is so deferred, when it becomes
32 payable, shall be divided into a number of installments such
33 that the last installment thereof will be payable not more than
34 30 years after the levy of the assessment. All assessments
35 shall bear interest at such rate as the resolution determines.
36 To the first installment of each assessment shall be added

1 interest on the entire assessment from a date specified in the
2 resolution levying the assessment, not earlier than the date of
3 the resolution, until December 31 of the year in which the first
4 installment is payable, and to each subsequent installment shall
5 be added interest for one year on all unpaid installments; or
6 alternatively, any assessment may be made payable in equal
7 annual installments including principal and interest, each in
8 the amount annually required to pay the principal over such
9 period with interest at such rate as the resolution determines,
10 not exceeding the maximum period and rate specified above. In
11 the latter event no prepayment shall be accepted under
12 subdivision 3 without payment of all installments due to and
13 including December 31 of the year of prepayment, together with
14 the original principal amount reduced only by the amounts of
15 principal included in such installments, computed on an annual
16 amortization basis. When payment of an assessment is deferred,
17 as authorized in this subdivision, interest thereon for the
18 period of deferment may be made payable annually at the same
19 times as the principal installments of the assessment would have
20 been payable if not deferred; or interest for this period may be
21 added to the principal amount of the assessment when it becomes
22 payable; or, if so provided in the resolution levying the
23 assessment, interest thereon to December 31 of the year before
24 the first installment is payable may be forgiven.

25 Sec. 107. Minnesota Statutes 2004, section 444.17, is
26 amended to read:

27 444.17 [ESTABLISHMENT OF DISTRICT.]

28 The governing body of a municipality may by ordinance
29 adopted by a two-thirds vote of all of its members, establish
30 within its territorial limits a storm sewer improvement tax
31 district. The ordinance shall describe with particularity the
32 territory or area within the municipality to be included within
33 the district. No such ordinance shall be adopted until after a
34 public hearing has been held on the question. A notice of the
35 time, place and purpose of the hearing shall be published for
36 two successive weeks in the official newspaper of the

1 municipality or in a qualified newspaper of general circulation
2 in the municipality and the last notice shall be at least seven
3 days prior to the day of the hearing. The ordinance when
4 adopted shall be ~~filed~~ recorded with the county auditor and
5 county recorder.

6 Sec. 108. Minnesota Statutes 2004, section 447.31,
7 subdivision 4, is amended to read:

8 Subd. 4. [FILING RESOLUTIONS.] The hospital district is
9 created or reorganized on the effective date of the last
10 resolution required to authorize it. However, certified copies
11 of each resolution must be sent by the clerk or other recording
12 officer of the governing body or board adopting it to the county
13 auditor of each county containing territory in the hospital
14 district. On receiving the required resolutions, each county
15 auditor shall ~~file~~ record certified copies of them as a public
16 record with the county recorder of the auditor's county. The
17 county auditor of the county containing most of the population
18 of the district shall send a certified copy of each resolution
19 to the secretary of state to be filed as a public record.

20 Sec. 109. Minnesota Statutes 2004, section 462.359,
21 subdivision 2, is amended to read:

22 Subd. 2. [ADOPTION.] After the planning agency has adopted
23 a major thoroughfare plan and a community facilities plan, it
24 may, for the purpose of carrying out the policies of the major
25 thoroughfare plan and community facilities plan, prepare and
26 recommend to the governing body a proposed official map covering
27 the entire municipality or any portion thereof. The governing
28 body may, after holding a public hearing, adopt and amend the
29 official map by ordinance. A notice of the time, place and
30 purpose of the hearing shall be published in the official
31 newspaper of the municipality at least ten days prior to the
32 date of the hearing. The official map or maps shall be prepared
33 in sufficient detail to permit the establishment of the future
34 acquisition lines on the ground. In unplatted areas a minimum
35 of a centerline survey shall have been made prior to the
36 preparation of the final draft of the official map. The

1 accuracy of the future acquisition lines shown on the official
2 map shall be attested to by a licensed land surveyor. After
3 adoption, a copy of the official map, or sections thereof with a
4 copy of the adopting ordinance attached shall be ~~filed~~ recorded
5 with the county recorder as provided in sections 462.351 to
6 462.364.

7 Sec. 110. Minnesota Statutes 2004, section 462.3595,
8 subdivision 4, is amended to read:

9 Subd. 4. [~~FILED~~ RECORDING OF PERMIT.] A certified copy of
10 any conditional use permit shall be ~~filed~~ recorded with the
11 county recorder or registrar of titles of the county or counties
12 in which the municipality is located for record. The
13 conditional use permit shall include the legal description of
14 the property included.

15 Sec. 111. Minnesota Statutes 2004, section 462.36,
16 subdivision 1, is amended to read:

17 Subdivision 1. [REQUIRED DOCUMENTS.] A certified copy of
18 every ordinance, resolution, map, or regulation adopted under
19 the provisions of sections 462.358, 462.359, and 462.3595 shall
20 be filed with the county recorder of the county or counties in
21 which the municipality adopting it is located. A certified copy
22 of every variance to abstract or registered property granted
23 under section 462.358 shall be ~~filed~~ recorded with the county
24 recorder or the registrar of titles of the county or counties in
25 which the municipality granting it is located; except that the
26 requirement to ~~file~~ record a variance is satisfied if a
27 certified copy of the resolution citing the existence of the
28 variance is ~~filed~~ recorded identifying the location where the
29 variance documents are available for inspection. Ordinances,
30 resolutions, maps, regulations or variances ~~filed~~ recorded
31 pursuant to this subdivision do not constitute encumbrances on
32 real property. The order issued by the governing body or board
33 of appeals and adjustments as the case may be, shall include the
34 legal description of the property involved. Failure to ~~file~~
35 record an ordinance, resolution, map, regulation, variance, or
36 order shall not affect its validity or enforceability.

1 Sec. 112. Minnesota Statutes 2004, section 462A.31,
2 subdivision 7, is amended to read:

3 Subd. 7. [RECORDING OF GROUND LEASE.] Any ground lease
4 held by a neighborhood land trust shall include the legal
5 description of the real property subject to the ground lease and
6 shall be recorded with the county recorder or ~~filed~~ with the
7 registrar of titles in the county in which the real property
8 subject to the ground lease is located.

9 Sec. 113. Minnesota Statutes 2004, section 463.15,
10 subdivision 4, is amended to read:

11 Subd. 4. [OWNER, OWNER OF RECORD, AND LIEN HOLDER OF
12 RECORD.] "Owner," "owner of record," and "lien holder of record"
13 means a person having a right or interest in property described
14 in subdivision 3 and evidence of which is ~~filed-and~~ recorded in
15 the office of the county recorder or registrar of titles in the
16 county in which the property is situated.

17 Sec. 114. Minnesota Statutes 2004, section 465.19, is
18 amended to read:

19 465.19 [CITY TO OWN OLD CHANNEL IF IT PAYS FOR U.S. CHANNEL
20 CHANGE.]

21 When any portion of the channel of any river navigable for
22 commercial purposes within the limits of any city in this state
23 is changed by or under the authority of the United States
24 government or any other authority for the improvement of
25 navigation and the cost of such change or any portion thereof is
26 borne by the city within which change is made the old bed of the
27 river or portion thereof abandoned by reason of any such change,
28 shall belong to and become the property in fee simple of the
29 city in which the same is situate without further act or
30 ceremony. The ~~filing-and~~ recording, in the office of the county
31 recorder of the county in which such city is located, of a copy
32 of this ~~bill~~ section together with the filing of a plat or map
33 certified by the secretary of defense of the United States or
34 the United States government engineer in charge of the changes
35 of the channel hereinbefore referred to, showing the respective
36 locations of the water line of the old or original bed of the

1 river and such changed location, shall constitute sufficient
2 evidence of title of such city to the old river bed and lands
3 hereinbefore referred to. Upon the request of any such city the
4 governor and the commissioner of finance shall also execute and
5 deliver to such city a deed of conveyance transferring all of
6 the right, title, and interest of the state of Minnesota in and
7 to such old river bed and lands within the limits of such city,
8 and the lands so reclaimed or acquired may be held, used, or
9 disposed of by such city as the common council shall determine
10 to be for the best interests of such city.

11 Sec. 115. Minnesota Statutes 2004, section 471.928, is
12 amended to read:

13 471.928 [RECORDING.]

14 Any ordinance adopted pursuant to sections 471.924 to
15 471.929 must be ~~filed~~ recorded with the county recorder. The
16 county auditor shall file a certified copy of the ordinance for
17 record.

18 Sec. 116. Minnesota Statutes 2004, section 485.01, is
19 amended to read:

20 485.01 [APPOINTMENT; BOND; DUTIES.]

21 A clerk of the district court for each county within the
22 judicial district, who shall be known as the court
23 administrator, shall be appointed by a majority of the district
24 court judges in the district. The clerk, before entering upon
25 the duties of office, shall give bond to the state, to be
26 approved by the chief judge of the judicial district,
27 conditioned for the faithful discharge of official duties. The
28 bond, with an oath of office, shall be ~~filed-for-record~~ recorded
29 with the county recorder. The clerk shall perform all duties
30 assigned by law and by the rules of the court. The clerk and
31 all deputy clerks must not practice as attorneys in the court in
32 which they are employed.

33 The duties, functions, and responsibilities which have been
34 and may be required by law or rule to be performed by the clerk
35 of district court shall be performed by the court administrator.

36 Sec. 117. Minnesota Statutes 2004, section 485.03, is

1 amended to read:

2 485.03 [DEPUTIES.]

3 (a) The county board shall determine the number of
4 permanent full time deputies, clerks and other employees in the
5 office of the court administrator of district court and shall
6 fix the compensation for each position. The county board shall
7 also budget for temporary deputies and other employees and shall
8 fix their rates of compensation. This paragraph does not apply
9 to a county in a judicial district under section 480.181,
10 subdivision 1, paragraph (b).

11 (b) The court administrator shall appoint in writing the
12 deputies and other employees, for whose acts the court
13 administrator shall be responsible, and whom the court
14 administrator may remove at pleasure. Before each enters upon
15 official duties, the appointment and oath of each shall be ~~filed~~
16 recorded with the county recorder.

17 Sec. 118. Minnesota Statutes 2004, section 485.05, is
18 amended to read:

19 485.05 [DEPUTY COURT ADMINISTRATOR IN ST. LOUIS COUNTY.]

20 In all counties in the state now or hereafter having a
21 population of more than 150,000 and wherein regular terms of the
22 district court are held in three or more places, the court
23 administrator of the district court therein, by an instrument in
24 writing, under the court administrator's hand and seal, and with
25 the approval of the district judge of the judicial district in
26 which said county is situated, or, if there be more than one
27 such district judge, with the approval of a majority thereof,
28 may appoint deputies for whose acts the court administrator
29 shall be responsible, such deputies to hold office as such until
30 they shall be removed therefrom, which removal shall not be made
31 except with the approval of the district judge or judges. The
32 appointment and oath of every such deputy shall be ~~filed~~
33 recorded with the county recorder.

34 Sec. 119. Minnesota Statutes 2004, section 489.03, is
35 amended to read:

36 489.03 [OATH.]

1 Before entering upon duties, each court commissioner shall
2 ~~file~~ deliver an oath of office, ~~for record with~~ to the county
3 recorder who shall record it.

4 Sec. 120. Minnesota Statutes 2004, section 507.24,
5 subdivision 1, is amended to read:

6 Subdivision 1. [GENERAL.] To entitle any conveyance, power
7 of attorney, or other instrument affecting real estate to ~~record~~
8 be recorded, it shall be legible and archivable, it shall be
9 executed, acknowledged by the parties executing the same, and
10 the acknowledgment certified, as required by law. All such
11 instruments may be recorded in every county where any of the
12 lands lie. If the conveyance, power of attorney, or other
13 instrument affecting real estate is executed out of state, it
14 shall be entitled to record if executed as above provided or
15 according to the laws of the place of execution so as to be
16 entitled to record in such place.

17 Sec. 121. Minnesota Statutes 2004, section 508.35, is
18 amended to read:

19 508.35 [FORM OF CERTIFICATE.]

20 The certificate of title shall contain the name and
21 residence of the owner, a description of the land, and of the
22 estate of the owner therein, and shall by memorial contain a
23 description of all encumbrances, liens, and interests in which
24 the estate of the owner is subject. In case the land is held in
25 trust or subject to any condition or limitation, it shall state
26 the nature and character of it. It shall be substantially in
27 the following form:

28 CERTIFICATE OF TITLE

29 First certificate of title, pursuant to the order of the
30 district court, judicial district, county of
31, and state of Minnesota, date.....,
32

33 REGISTRATION

34 State of Minnesota)
35) ss.
36 County of)

1 This is to certify that, whose address is
 2, in the of
 3, and state of, is now
 4 the owner of an estate, of and in the
 5 following described land situated in the county of
 6 and state of Minnesota,

7 Subject to the encumbrances, liens, and interest noted by
 8 the memorial underwritten or endorsed hereon; and subject to the
 9 following rights or encumbrances subsisting, as provided in Laws
 10 1905, chapter 305, section 24, namely:

11 (1) Liens, claims, or rights arising under the laws or the
 12 Constitution of the United States, which the statutes of this
 13 state cannot require to appear of record;

14 (2) Any real property tax or special assessment;

15 (3) Any lease for a period not exceeding three years, when
 16 there is actual occupation of the premises under the lease;

17 (4) All rights in public highways upon the land;

18 (5) Such right of appeal or right to appear and contest the
 19 application as is allowed by law;

20 (6) The rights of any person in possession under deed or
 21 contract for deed from the owner of the certificate of title;

22 (7) Any outstanding mechanics lien rights which may exist
 23 under sections 514.01 to 514.17.

24 In witness whereof, I have hereunto subscribed my name and
 25 affixed the seal of my office, this day of
 26,

27

28 Registrar of Titles, in and for the county of

29 and State of Minnesota.

30 All certificates issued subsequent to the first certificate
 31 of title shall be in like form except that they shall be
 32 entitled "Transfer from number (here give the number of the next
 33 previous certificate relating to the same land)," and shall also
 34 contain the words "Originally registered (date, volume, and page
 35 or certificate of title number of registration)."

36 Sec. 122. Minnesota Statutes 2004, section 508.37, is

1 amended to read:

2 508.37 [TRACT INDEXES, RECEPTION BOOKS INDEXES.]

3 Subd. 1a. [BOOKS INDEXES.] The registrar shall likewise
4 keep tract indexes, in which the registrar shall enter an
5 accurate description of all registered land, together with the
6 names of the respective owners thereof, and a reference to the
7 number of the certificate of title. The registrar shall keep
8 two books indexes, to be known as the grantors' and grantees'
9 reception books indexes respectively.

10 ~~The grantors' reception book shall be a grantors' index of~~
11 ~~instruments filed with the registrar. Each page shall be~~
12 ~~divided into columns. The surname and given name of the grantor~~
13 ~~shall be entered under the first column and under the succeeding~~
14 ~~columns there shall be entered respectively the name of the~~
15 ~~grantee, the date of registration, specifying the month, day,~~
16 ~~year and hour and whether ante meridian or post meridian, the~~
17 ~~number of the instrument, the book and page of the register of~~
18 ~~titles where the land is registered, the type of instrument, and~~
19 ~~a description of the property by lot or section, block or~~
20 ~~township, range, addition and other pertinent information.~~

21 ~~The grantees' reception book shall be a grantees' index of~~
22 ~~instruments filed with the registrar. Each page shall be~~
23 ~~divided into columns. The surname and given name of the grantee~~
24 ~~shall be entered under the first column and under the succeeding~~
25 ~~columns there shall be entered respectively the name of the~~
26 ~~grantor, the date of registration, specifying the month, day,~~
27 ~~year and hour and whether ante meridian or post meridian, the~~
28 ~~number of the instrument, the book and page of the register of~~
29 ~~titles where the land is registered, the type of instrument, and~~
30 ~~a description of the property by lot or section, block or~~
31 ~~township, range, addition and other pertinent information.~~

32 The reception indexes shall include the surname and given
33 name of the grantor and grantee; the date of registration,
34 specifying the month, day, year, and hour and whether a.m. or
35 p.m.; the number of the instrument; the number of the
36 certificate or, where applicable, the book and page, where the

1 land is registered.

2 Subd. 2. [ENTRIES.] The registrar shall enter in each of
 3 these books indexes in the order and manner aforesaid, and as
 4 soon as the same are received recorded, all instruments
 5 affecting the title to land which are filed recorded with the
 6 registrar and, as far as may be the particulars of the
 7 instruments in the appropriate ~~column-of-these-books~~ places in
 8 the indexes. ~~The-pages-of-each-of-the-reception-books-shall-be~~
 9 ~~lettered-in-alphabetical-order,-a-convenient-number-of~~
 10 ~~consecutive-pages-being-allotted-to-each-letter-of-the-alphabet,~~
 11 ~~and-each-entry-shall-be-made-in-the-grantors'-reception-book~~
 12 ~~under-the-initial-letter-of-the-grantor's-surname,-and-in-the~~
 13 ~~grantees'-reception-book,-under-the-initial-letter-of-the~~
 14 ~~grantee's-surname,-and-all-the-entries-under-each-letter-shall~~
 15 ~~appear-in-the-order-as-to-time-in-which-the-instruments-were~~
 16 ~~filed.~~ Retrieval of information from these indexes must be by
 17 as convenient an alphabetical search as possible.

18 Sec. 123. Minnesota Statutes 2004, section 508.38, is
 19 amended to read:

20 508.38 [FORMS OF RECORDS ADOPTED.]

21 Instruments affecting the title to land, filed with the
 22 registrar, shall be numbered by the registrar consecutively, to
 23 the extent practicable and the registrar shall endorse upon each
 24 instrument over the registrar's official signature name, OFFICE
 25 OF THE REGISTRAR OF TITLES, ... COUNTY, MINNESOTA, CERTIFIED
 26 FILED ON, together with the date, hour, and minute when the
 27 instrument is filed, the document number thereof, and a
 28 reference to the proper certificate of title. Instruments shall
 29 be copied or reproduced as provided by section 15.17, as amended.
 30 Instruments shall then be returned in person or by mail to the
 31 party who presented the instruments for filing or to any other
 32 party to whom the registrar is directed to deliver the
 33 instruments. When the memorial of any instrument is made upon
 34 any certificate, the date, number, and time of filing thereof
 35 shall also be endorsed upon the certificate. All records and
 36 papers relating to registered land in the office of the

1 registrar, shall be open to the inspection of the public at such
2 times and under such conditions as the court may prescribe.
3 Duplicates of all instruments, voluntary or involuntary, filed
4 and registered with the registrar, may be presented with the
5 originals, and shall thereupon be endorsed with the file number,
6 and other memoranda on the originals, and may be attested and
7 sealed by the registrar, and returned to the person presenting
8 the same. The registrar shall furnish certified copies of the
9 instruments filed and registered in the registrar's office, upon
10 payment of a fee as provided in section ~~357.18~~ 508.82.

11 Sec. 124. Minnesota Statutes 2004, section 519.091,
12 subdivision 2, is amended to read:

13 Subd. 2. [EXCEPTIONS.] Subdivision 1 does not apply if:

14 (1) the marital property interest is determined under a
15 decree of dissolution, legal separation, or annulment; or

16 (2) an action claiming the marital property interest is
17 begun before July 1, 1990, and a notice is ~~filed-for-record~~
18 recorded within that period in the office of the county recorder
19 or registrar of titles in the county where the property is
20 located.

21 Sec. 125. Minnesota Statutes 2004, section 541.023,
22 subdivision 2, is amended to read:

23 Subd. 2. [APPLICATION.] (a) This section shall apply to
24 every right, claim, interest, incumbrance, or lien founded by
25 any instrument, event, or transaction that is at least 40 years
26 old.

27 (b) This section applies to repurchase options or other
28 rights of repurchase that encumber an interest in land based
29 upon an instrument other than a deed of conveyance granted by a
30 governmental body, agency, or subdivision, unless within 40
31 years of the recording ~~or-filing~~ of the instrument a notice is
32 recorded ~~or-filed~~ under subdivision 1. This paragraph does not
33 revive repurchase options or rights of repurchase barred by
34 subdivision 1.

35 (c) This section does not apply to actions to enforce
36 rights, claims, interests, encumbrances, or liens arising out of

1 private covenants, conditions, or restrictions to which section
2 500.20, subdivision 2a, or successor statutes do not apply.

3 Sec. 126. Minnesota Statutes 2004, section 541.023,
4 subdivision 2a, is amended to read:

5 Subd. 2a. [REGISTERED PROPERTY NOT AFFECTED.] (a) Except
6 as provided in paragraph (b), this section does not apply to
7 real property while it remains registered according to chapter
8 508 or 508A.

9 (b) This subdivision does not affect an action or
10 proceeding involving the validity of a claim of title based upon
11 a source of title which has been of record at least 40 years if:

12 (i) the action or proceeding is pending on August 1, 2001,
13 or is commenced before February 1, 2002; and

14 (ii) a notice of the pendency of the action or proceeding
15 is recorded ~~or-filed~~ before February 1, 2002, in the office of
16 the registrar of titles of the county in which the real property
17 affected by the action or proceeding is located.

18 Sec. 127. Minnesota Statutes 2004, section 541.023,
19 subdivision 4, is amended to read:

20 Subd. 4. [NOTICES, ~~FILEING-OR~~ RECORDING; FEE.] County
21 recorders are hereby directed to accept for recording ~~or-filing~~
22 notices conforming with the provisions hereof, and to charge
23 therefor fees corresponding with the fees charged for ~~filing~~
24 recording notices of lis pendens of similar length. Such
25 notices may be discharged in the same manner as notices of lis
26 pendens, and, when so discharged, shall, together with all
27 information included therein, cease to constitute either actual
28 or constructive notice.

29 Sec. 128. Minnesota Statutes 2004, section 541.023,
30 subdivision 6, is amended to read:

31 Subd. 6. [LIMITATIONS; CERTAIN TITLES NOT AFFECTED.] This
32 section shall not affect any rights of the federal government;
33 nor increase the effect as notice, actual or constructive, of
34 any instrument now of record; nor bar the rights of any person,
35 partnership or corporation in possession of real estate. This
36 section shall not impair the record title or record interest, or

1 title obtained by or through any congressional or legislative
2 grant, of any railroad corporation or other public service
3 corporation or any trustee or receiver thereof or of any
4 educational or religious corporation in any real estate by
5 reason of any failure to ~~file or~~ record further evidence of such
6 title or interest even though the record thereof is now or
7 hereafter more than 40 years old; nor shall this section require
8 the ~~filing~~ recording of any notice as provided for in this act/
9 as to any undischarged mortgage or deed of trust executed by any
10 such corporation or any trustee or receiver thereof or to any
11 claim or action founded upon any such undischarged mortgage or
12 deed of trust. The exceptions of this subdivision shall not
13 include (a) reservations or exceptions of land for right-of-way
14 or other railroad purposes contained in deeds of conveyance made
15 by a railroad company or by trustees or receivers thereof,
16 unless said reserved or excepted land shall have been put to
17 railroad use within 40 years after the date of said deeds of
18 conveyance, (b) nor any rights under any conditions subsequent
19 or restrictions contained in any such deeds of conveyance.

20 Sec. 129. Minnesota Statutes 2004, section 548.09,
21 subdivision 1, is amended to read:

22 Subdivision 1. [ENTRY AND DOCKETING; SURVIVAL OF
23 JUDGMENT.] Except as provided in section 548.091, every judgment
24 requiring the payment of money shall be entered by the court
25 administrator when ordered by the court and will be docketed by
26 the court administrator upon the filing of an affidavit as
27 provided in subdivision 2. Upon a transcript of the docket
28 being filed with the court administrator in any other county,
29 the court administrator shall also docket it. From the time of
30 docketing the judgment is a lien, in the amount unpaid, upon all
31 real property in the county then or thereafter owned by the
32 judgment debtor, but it is not a lien upon registered land
33 unless it is also ~~filed~~ recorded pursuant to sections 508.63 and
34 508A.63. The judgment survives, and the lien continues, for ten
35 years after its entry. Child support judgments may be renewed
36 pursuant to section 548.091.

1 Sec. 130. Minnesota Statutes 2004, section 548.25, is
2 amended to read:

3 548.25 [VACATING REAL ESTATE JUDGMENT; WITHIN WHAT TIME.]

4 No judgment or decree quieting title to land or determining
5 the title thereto or adverse claims therein heretofore entered
6 or hereafter to be entered shall be adjudged invalid or set
7 aside, unless the action or proceeding to vacate or set aside
8 such judgment or decree shall be commenced, or application for
9 leave to defend be made, within five years from the time of
10 ~~filing~~ recording a certified copy of such judgment or decree in
11 the office of the county recorder of the county in which the
12 lands affected by such judgment or decree are situated.

13 Sec. 131. Minnesota Statutes 2004, section 550.31, is
14 amended to read:

15 550.31 [CREDITOR TO ~~FILE~~ RECORD ORDER WITH COUNTY
16 RECORDER.]

17 For the purpose of such redemption a creditor whose claim
18 against the estate of a decedent shall have been so allowed
19 shall ~~file-for~~ record in the office of the county recorder of
20 the county in which the real estate sought to be redeemed is
21 situated, within the year of redemption, a certified copy of the
22 order of the court allowing such claim, and thereupon such claim
23 shall constitute a lien upon the unexempt real estate of the
24 decedent sold upon foreclosure or execution. The creditor shall
25 also within such time file a notice in the office of such county
26 recorder briefly describing the sale of the decedent's lands, a
27 description of the lands sold, and stating, in a general way,
28 the nature, date and amount of the claim of the creditor, and
29 that the creditor intends to redeem such lands from the sale
30 thereof described in such notice. In the case of redemption
31 from execution sales such notice shall also be filed in the
32 office of the court administrator of the district court in which
33 such lands are situated.

34 Sec. 132. Minnesota Statutes 2004, section 550.32, is
35 amended to read:

36 550.32 [~~FILE~~ RECORDING TO DETERMINE PRIORITY.]

1 In the event more than one such proved and allowed claim
2 shall be so ~~filed~~-and recorded for the purposes of such
3 redemption, then, as between the owners of such claims, their
4 right to redeem shall be in the order in which such claims were
5 originally ~~filed~~ recorded, succession commencing with the oldest
6 in point of time; that as to the creditors of the decedent
7 having a lien or liens, either legal or equitable, upon the
8 lands of a decedent and existing otherwise than by allowance in
9 probate, the creditors of the decedent whose claims have been
10 allowed in probate shall be subsequent or junior thereto.

11 Sec. 133. Minnesota Statutes 2004, section 559.17,
12 subdivision 2, is amended to read:

13 Subd. 2. [ASSIGNMENT; CONDITIONS.] A mortgagor may assign,
14 as additional security for the debt secured by the mortgage, the
15 rents and profits from the mortgaged real property, if the
16 mortgage:

17 (1) was executed, modified or amended subsequent to August
18 1, 1977;

19 (2) secured an original principal amount of \$100,000 or
20 more or is a lien upon residential real estate containing more
21 than four dwelling units; and

22 (3) is not a lien upon property which was:

23 (i) entirely homesteaded as agricultural property; or

24 (ii) residential real estate containing four or fewer
25 dwelling units where at least one of the units is homesteaded.

26 The assignment may be enforced, but only against the
27 nonhomestead portion of the mortgaged property, as follows:

28 (a) if, by the terms of an assignment, a receiver is to be
29 appointed upon the occurrence of some specified event, and a
30 showing is made that the event has occurred, the court shall,
31 without regard to waste, adequacy of the security, or solvency
32 of the mortgagor, appoint a receiver who shall, with respect to
33 the excess cash remaining after application as provided in
34 section 576.01, subdivision 2, apply it as prescribed by the
35 assignment. If the assignment so provides, the receiver shall
36 apply the excess cash in the manner set out herein from the date

1 of appointment through the entire redemption period from any
2 foreclosure sale. Subject to the terms of the assignment, the
3 receiver shall have the powers and duties as set forth in
4 section 576.01, subdivision 2; or

5 (b) if no provision is made for the appointment of a
6 receiver in the assignment or if by the terms of the assignment
7 a receiver may be appointed, the assignment shall be binding
8 upon the assignor unless or until a receiver is appointed
9 without regard to waste, adequacy of the security or solvency of
10 the mortgagor, but only in the event of default in the terms and
11 conditions of the mortgage, and only in the event the assignment
12 requires the holder thereof to first apply the rents and profits
13 received as provided in section 576.01, subdivision 2, in which
14 case the same shall operate against and be binding upon the
15 occupiers of the premises from the date of ~~filing~~ recording by
16 the holder of the assignment, in the office of the county
17 recorder or the office of the registrar of titles for the county
18 in which the property is located of a notice of default in the
19 terms and conditions of the mortgage and service of a copy of
20 the notice upon the occupiers of the premises. The holder of
21 the assignment shall apply the rents and profits received in
22 accordance with the terms of the assignment, and, if the
23 assignment so provides, for the entire redemption period from
24 any foreclosure sale. A holder of an assignment who enforces it
25 in accordance with this clause shall not be deemed to be a
26 mortgagee in possession with attendant liability.

27 Nothing contained herein shall prohibit the right to
28 reinstate the mortgage debt granted pursuant to section 580.30,
29 nor the right to redeem granted pursuant to sections 580.23 and
30 581.10, and any excess cash, as that term is used herein,
31 collected by the receiver under clause (a), or any rents and
32 profits taken by the holder of the assignment under clause (b),
33 shall be credited to the amount required to be paid to effect a
34 reinstatement or redemption.

35 Sec. 134. Minnesota Statutes 2004, section 559.17,
36 subdivision 3, is amended to read:

1 Subd. 3. [EXPIRATION, SATISFACTION, RELEASE, AND
2 ASSIGNMENT.] (a) An assignment of rents and profits under this
3 section, whether in the mortgage or in a separate instrument,
4 shall expire:

5 (1) with respect to the rents and profits from all of the
6 mortgaged property, when an action or proceeding to foreclose
7 the mortgage is barred by section 541.03, or upon recording in
8 the office of the county recorder or ~~filing~~ in the office of the
9 registrar of titles of the county where the mortgaged property
10 is located, of a satisfaction of the mortgage or a certificate
11 of release complying with section 507.401 in lieu of a
12 satisfaction of the mortgage; or

13 (2) with respect to the rents and profits from a portion of
14 the mortgaged property, upon recording in the office of the
15 county recorder or ~~filing-in-the-office-of~~ the registrar of
16 titles of the county where that portion of the mortgaged
17 property is located, of a release of that portion of the
18 mortgaged property from the lien of the mortgage, or a
19 certificate of release complying with section 507.401 in lieu of
20 a release of that portion of the mortgaged property.

21 No separate reassignment of the rents and profits or
22 satisfaction or release of the assignment is required.

23 (b) An assignment of a mortgage, whether or not the
24 mortgage mentions an assignment of rents and profits, is
25 sufficient to assign both the mortgage and the assignment of
26 rents and profits permitted by this subdivision which secures
27 the debt secured by the mortgage, and no separate assignment of
28 the assignment of rents and profits shall be required.

29 Sec. 135. Minnesota Statutes 2004, section 559.209,
30 subdivision 2, is amended to read:

31 Subd. 2. [CONTENTS.] A mediation notice must contain the
32 following notice with the blanks properly filled in.

33 "TO:(Name of Contract for Deed Purchaser)....

34 YOU HAVE DEFAULTED ON THE CONTRACT FOR DEED OF THE
35 AGRICULTURAL PROPERTY DESCRIBED AS(Size and Reasonable
36 Location of Property, Not Legal Description)....

1 AS THE CONTRACT FOR DEED VENDOR,(Contract for Deed
2 Vendor).... INTENDS TO TERMINATE THE CONTRACT AND TAKE BACK THE
3 PROPERTY.

4 YOU HAVE THE RIGHT TO HAVE THE CONTRACT FOR DEED DEBT
5 REVIEWED FOR MEDIATION. IF YOU REQUEST MEDIATION, A DEBT THAT
6 IS IN DEFAULT WILL BE MEDIATED ONLY ONCE. IF YOU DO NOT REQUEST
7 MEDIATION, THIS DEBT WILL NOT BE SUBJECT TO FUTURE MEDIATION IF
8 THE CONTRACT FOR DEED VENDOR BEGINS REMEDIES TO ENFORCE THE DEBT.

9 IF YOU PARTICIPATE IN MEDIATION, THE DIRECTOR OF THE
10 AGRICULTURAL EXTENSION SERVICE WILL PROVIDE AN ORIENTATION
11 MEETING AND A FINANCIAL ANALYST TO HELP YOU PREPARE FINANCIAL
12 INFORMATION. IF YOU DECIDE TO PARTICIPATE IN MEDIATION, IT WILL
13 BE TO YOUR ADVANTAGE TO ASSEMBLE YOUR FARM FINANCE AND OPERATION
14 RECORDS AND TO CONTACT A COUNTY EXTENSION OFFICE AS SOON AS
15 POSSIBLE. MEDIATION WILL ATTEMPT TO ARRIVE AT AN AGREEMENT FOR
16 HANDLING FUTURE FINANCIAL RELATIONS.

17 TO HAVE THE CONTRACT FOR DEED DEBT REVIEWED FOR MEDIATION
18 YOU MUST FILE A MEDIATION REQUEST WITH THE DIRECTOR WITHIN 14
19 DAYS AFTER YOU RECEIVE THE NOTICE. THE MEDIATION REQUEST FORM
20 IS AVAILABLE AT ANY COUNTY-RECORDER'S-OR COUNTY EXTENSION OFFICE.

21 FROM:(Name and Address of Contract for Deed
22 Vendor)...."

23 Sec. 136. Minnesota Statutes 2004, section 559.21,
24 subdivision 3, is amended to read:

25 Subd. 3. [NOTICE DEFINED.] For purposes of this section,
26 the term "notice" means a writing stating the information
27 required in this section, stating the name, address and
28 telephone number of the seller or of an attorney authorized by
29 the seller to accept payments pursuant to the notice and the
30 fact that the person named is authorized to receive the
31 payments, stating a mailing address and a street address or
32 location where the seller or the attorney will accept payment
33 pursuant to the notice, and including the following information
34 in 12-point or larger underlined upper-case type, or 8-point
35 type if published, or in large legible handwritten letters:

36 TO: (name of buyer)

1 FROM: (name of person giving notice)
 2 RE: Contract for deed recorded in the office of the
 3 (county recorder of registrar of titles), (name of county) as
 4 document (document number).

5 THIS NOTICE IS TO INFORM YOU THAT BY THIS NOTICE THE SELLER
 6 HAS BEGUN PROCEEDINGS UNDER MINNESOTA STATUTES, SECTION 559.21,
 7 TO TERMINATE YOUR CONTRACT FOR THE PURCHASE OF YOUR PROPERTY FOR
 8 THE REASONS SPECIFIED IN THIS NOTICE. THE CONTRACT WILL
 9 TERMINATE DAYS AFTER (SERVICE OF THIS NOTICE UPON YOU)
 10 (THE FIRST DATE OF PUBLICATION OF THIS NOTICE) (STRIKE ONE)
 11 UNLESS BEFORE THEN:

12 (a) THE PERSON AUTHORIZED IN THIS NOTICE TO RECEIVE
 13 PAYMENTS RECEIVES FROM YOU:

- 14 (1) THE AMOUNT THIS NOTICE SAYS YOU OWE; PLUS
- 15 (2) THE COSTS OF SERVICE (TO BE SENT TO YOU); PLUS
- 16 (3) \$..... TO APPLY TO ATTORNEYS' FEES ACTUALLY
 17 EXPENDED OR INCURRED; PLUS
- 18 (4) FOR CONTRACTS EXECUTED ON OR AFTER MAY 1, 1980, ANY
 19 ADDITIONAL PAYMENTS BECOMING DUE UNDER THE CONTRACT TO THE
 20 SELLER AFTER THIS NOTICE WAS SERVED ON YOU; PLUS
- 21 (5) FOR CONTRACTS, OTHER THAN EARNEST MONEY CONTRACTS,
 22 PURCHASE AGREEMENTS, AND EXERCISED OPTIONS, EXECUTED ON OR AFTER
 23 AUGUST 1, 1985, \$.... (WHICH IS TWO PERCENT OF THE AMOUNT IN
 24 DEFAULT AT THE TIME OF SERVICE OTHER THAN THE FINAL BALLOON
 25 PAYMENT, ANY TAXES, ASSESSMENTS, MORTGAGES, OR PRIOR CONTRACTS
 26 THAT ARE ASSUMED BY YOU); OR
- 27 (b) YOU SECURE FROM A COUNTY OR DISTRICT COURT AN ORDER
 28 THAT THE TERMINATION OF THE CONTRACT BE SUSPENDED UNTIL YOUR
 29 CLAIMS OR DEFENSES ARE FINALLY DISPOSED OF BY TRIAL, HEARING OR
 30 SETTLEMENT. YOUR ACTION MUST SPECIFICALLY STATE THOSE FACTS AND
 31 GROUNDS THAT DEMONSTRATE YOUR CLAIMS OR DEFENSES.

32 IF YOU DO NOT DO ONE OR THE OTHER OF THE ABOVE THINGS
 33 WITHIN THE TIME PERIOD SPECIFIED IN THIS NOTICE, YOUR CONTRACT
 34 WILL TERMINATE AT THE END OF THE PERIOD AND YOU WILL LOSE ALL
 35 THE MONEY YOU HAVE PAID ON THE CONTRACT; YOU WILL LOSE YOUR
 36 RIGHT TO POSSESSION OF THE PROPERTY; YOU MAY LOSE YOUR RIGHT TO

1 ASSERT ANY CLAIMS OR DEFENSES THAT YOU MIGHT HAVE; AND YOU WILL
2 BE EVICTED. IF YOU HAVE ANY QUESTIONS ABOUT THIS NOTICE,
3 CONTACT AN ATTORNEY IMMEDIATELY.

4 (Followed by date of notice and acknowledged signature of
5 party giving notice.)

6 Sec. 137. Minnesota Statutes 2004, section 559.21,
7 subdivision 4, is amended to read:

8 Subd. 4. [LAW PREVAILS OVER CONTRACT; PROCEDURE;
9 CONDITIONS.] (a) The notice required by this section must be
10 given notwithstanding any provisions in the contract to the
11 contrary, except that earnest money contracts, purchase
12 agreements, and exercised options that are subject to this
13 section may, unless by their terms they provide for a longer
14 termination period, be terminated on 30 days' notice, or may be
15 canceled under section 559.217. The notice must be served
16 within the state in the same manner as a summons in the district
17 court, and outside of the state, in the same manner, and without
18 securing any sheriff's return of not found, making any
19 preliminary affidavit, mailing a copy of the notice or doing any
20 other preliminary act or thing whatsoever. Service of the
21 notice outside of the state may be proved by the affidavit of
22 the person making the same, made before an authorized officer
23 having a seal, and within the state by such an affidavit or by
24 the return of the sheriff of any county therein.

25 (b) If a person to be served is a resident individual who
26 has departed from the state, or cannot be found in the state; or
27 is a nonresident individual or a foreign corporation,
28 partnership, or association, service may be made by publication
29 as provided in this paragraph. Three weeks' published notice
30 has the same effect as personal service of the notice. The
31 published notice must comply with subdivision 3 and state (1)
32 that the person to be served is allowed 90 days after the first
33 date of publication of the notice to comply with the conditions
34 of the contract, and (2) that the contract will terminate 90
35 days after the first date of publication of the notice, unless
36 before the termination date the purchaser complies with the

1 notice. If the real estate described in the contract is
2 actually occupied, then, in addition to publication, a person in
3 possession must be personally served, in like manner as the
4 service of a summons in a civil action in state district court,
5 within 30 days after the first date of publication of the
6 notice. If an address of a person to be served is known, then
7 within 30 days after the first date of publication of the notice
8 a copy of the notice must be mailed to the person's last known
9 address by first class mail, postage prepaid.

10 (c) The contract is reinstated if, within the time
11 mentioned, the person served:

12 (1) complies with the conditions in default;

13 (2) if subdivision 1d or 2a applies, makes all payments due
14 and owing to the seller under the contract through the date that
15 payment is made;

16 (3) pays the costs of service as provided in subdivision
17 1b, 1c, 1d, or 2a;

18 (4) if subdivision 2a applies, pays two percent of the
19 amount in default, not including the final balloon payment, any
20 taxes, assessments, mortgages, or prior contracts that are
21 assumed by the purchaser; and

22 (5) pays attorneys' fees as provided in subdivision 1b, 1c,
23 1d, or 2a.

24 (d) The contract is terminated if the provisions of
25 paragraph (c) are not met.

26 (e) In the event that the notice was not signed by an
27 attorney for the seller and the seller is not present in the
28 state, or cannot be found in the state, then compliance with the
29 conditions specified in the notice may be made by paying to the
30 court administrator of the district court in the county wherein
31 the real estate or any part thereof is situated any money due
32 and filing proof of compliance with other defaults specified,
33 and the court administrator of the district court shall be
34 deemed the agent of the seller for such purposes. A copy of the
35 notice with proof of service thereof, and the affidavit of the
36 seller, the seller's agent or attorney, showing that the

1 purchaser has not complied with the terms of the notice, may be
2 recorded with the county recorder or registrar of titles, and is
3 prima facie evidence of the facts stated in it; but this section
4 in no case applies to contracts for the sale or conveyance of
5 lands situated in another state or in a foreign country. If the
6 notice is served by publication, the affidavit must state that
7 the affiant believes that the party to be served is not a
8 resident of the state, or cannot be found in the state, and
9 either that the affiant has mailed a copy of the notice by first
10 class mail, postage prepaid, to the party's last known address,
11 or that such address is not known to the affiant.

12 Sec. 138. Minnesota Statutes 2004, section 559.23, is
13 amended to read:

14 559.23 [ACTION TO DETERMINE BOUNDARY LINES.]

15 An action may be brought by any person owning land or any
16 interest therein against the owner, or persons interested in
17 adjoining land, to have the boundary lines established; and when
18 the boundary lines of two or more tracts depend upon any common
19 point, line, or landmark, an action may be brought by the owner
20 or any person interested in any of such tracts, against the
21 owners or persons interested in the other tracts, to have all
22 the boundary lines established. The court shall determine any
23 adverse claims in respect to any portion of the land involved
24 which it may be necessary to determine for a complete settlement
25 of the boundary lines, and shall make such order respecting
26 costs and disbursements as it shall deem just. The decree of
27 the court shall be filed with the court administrator, and a
28 certified copy thereof shall be recorded in the office of the
29 county recorder or filed in the office of registrar of titles or
30 both, if necessary; provided that such decree shall not be
31 accepted for such recording or filing until it shall be
32 presented to the county auditor who shall enter the same in the
33 transfer record and note upon the instrument over the auditor's
34 official signature the words "ENTERED IN THE TRANSFER RECORD."

35 Sec. 139. Minnesota Statutes 2004, section 570.061,
36 subdivision 2, is amended to read:

1 Subd. 2. [EXECUTION ON REAL ESTATE.] Real estate shall be
2 attached by the ~~filing~~ recording of the ~~sheriff-of-a~~ sheriff's
3 certified copy of the order and of a return of attachment
4 containing a description of the real estate with the county
5 recorder, or with the registrar of titles with respect to
6 registered property, for the county in which the real estate is
7 located, and serving a copy of the order and return upon the
8 respondent in the manner provided for a service of a summons, if
9 the respondent can be found in the county. If the respondent
10 cannot be found in that county, the order and return shall be
11 mailed by registered mail or certified mail to the respondent's
12 last known address. The attachment shall be a lien on the
13 interest of the respondent in the real estate from the time
14 of ~~filing-the-order~~ recording with the recorder or registrar.

15 Sec. 140. Minnesota Statutes 2004, section 570.11, is
16 amended to read:

17 570.11 [SATISFACTION AND DISCHARGE; REAL ESTATE.]

18 An attachment of real estate may be released by ~~filing-for~~
19 record recording with the county recorder or the registrar of
20 titles for registered property:

21 (1) a certified copy of an order of the court vacating the
22 attachment, or of a final judgment in the respondent's favor, or
23 a satisfaction of judgment in the claimant's favor, rendered in
24 the civil action;

25 (2) a certificate of satisfaction or discharge of the
26 attachment, executed and acknowledged by the claimant or the
27 claimant's attorney, as required for the satisfaction of a
28 mortgage; or

29 (3) a deed of release of the attached premises, or of any
30 part or interest therein, in which case the parts or interests
31 not described in the deed shall remain subject to the attachment
32 lien.

33 Sec. 141. Minnesota Statutes 2004, section 570.14, is
34 amended to read:

35 570.14 [ATTACHMENTS AND RELEASES; RECORD AND INDEX.]

36 All copies of orders of attachment ~~filed-for-record-with~~

1 ~~the-county-recorder~~ prescribed for recording, and all
2 satisfactions or releases of attachments of real estate
3 thereunder, shall be recorded by the county recorder in the
4 ~~books-provided-for-the-record~~ current method of recording
5 mortgages, and shall be indexed as if the respondent in the
6 attachment were a mortgagor and the claimant a mortgagee.

7 Sec. 142. Minnesota Statutes 2004, section 576.01,
8 subdivision 2, is amended to read:

9 Subd. 2. [MORTGAGE APPOINTMENTS.] A receiver shall be
10 appointed in the following case:

11 After the first publication of notice of sale for the
12 foreclosure of a mortgage pursuant to chapter 580, or with the
13 commencement of an action to foreclose a mortgage pursuant to
14 chapter 581, and during the period of redemption, if the
15 mortgage being foreclosed secured an original principal amount
16 of \$100,000 or more or is a lien upon residential real estate
17 containing more than four dwelling units and was not a lien upon
18 property which was entirely homesteaded, residential real estate
19 containing four or less dwelling units where at least one unit
20 is homesteaded, or agricultural property, the foreclosing
21 mortgagee or the purchaser at foreclosure sale may at any time
22 bring an action in the district court of the county in which the
23 mortgaged premises or any part thereof is located for the
24 appointment of a receiver; provided, however, if the foreclosure
25 is by action under chapter 581, a separate action need not be
26 filed. Pending trial of the action on the merits, the court may
27 make a temporary appointment of a receiver following the
28 procedures applicable to temporary injunctions under the Rules
29 of Civil Procedure. If the motion for temporary appointment of
30 a receiver is denied, the trial of the action on the merits
31 shall be held as early as practicable, but not to exceed 30 days
32 after the motion for temporary appointment of a receiver is
33 heard. The court shall appoint a receiver upon a showing that
34 the mortgagor has breached a covenant contained in the mortgage
35 relating to any of the following:

36 (1) application of tenant security deposits as required by

1 section 504B.178;

2 (2) payment when due of prior or current real estate taxes
3 or special assessments with respect to the mortgaged premises,
4 or the periodic escrow for the payment of the taxes or special
5 assessments;

6 (3) payment when due of premiums for insurance of the type
7 required by the mortgage, or the periodic escrow for the payment
8 of the premiums;

9 (4) keeping of the covenants required of a landlord or
10 licensor pursuant to section 504B.161, subdivision 1.

11 The receiver shall be an experienced property manager. The
12 court shall determine the amount of the bond to be posted by the
13 receiver.

14 The receiver shall collect the rents, profits and all other
15 income of any kind, manage the mortgaged premises so to prevent
16 waste, execute leases within or beyond the period of the
17 receivership if approved by the court, pay the expenses listed
18 in clauses (1), (2), and (3) in the priority as numbered, pay
19 all expenses for normal maintenance of the mortgaged premises
20 and perform the terms of any assignment of rents which complies
21 with section 559.17, subdivision 2. Reasonable fees to the
22 receiver shall be paid prior thereto. The receiver shall file
23 periodic accountings as the court determines are necessary and a
24 final accounting at the time of discharge.

25 The purchaser at foreclosure sale shall have the right, at
26 any time and without limitation as provided in section 582.03,
27 to advance money to the receiver to pay any or all of the
28 expenses which the receiver should otherwise pay if cash were
29 available from the mortgaged premises. Sums so advanced, with
30 interest, shall be a part of the sum required to be paid to
31 redeem from the sale. The sums shall be proved by the affidavit
32 of the purchaser, an agent or attorney, stating the expenses and
33 describing the mortgaged premises. The affidavit must be filed
34 ~~for-record~~ recorded with the county recorder or the registrar of
35 titles, and a copy thereof shall be furnished to the sheriff and
36 the receiver at least ten days before the expiration of the

1 period of redemption.

2 Any sums collected which remain in the possession of the
3 receiver at termination of the receivership shall, in the event
4 the termination of the receivership is due to the reinstatement
5 of the mortgage debt or redemption of the mortgaged premises by
6 the mortgagor, be paid to the mortgagor; and in the event
7 termination of the receivership occurs at the end of the period
8 of redemption without redemption by the mortgagor or any other
9 party entitled to redeem, interest accrued upon the sale price
10 pursuant to section 580.23 or section 581.10 shall be paid to
11 the purchaser at foreclosure sale. Any net sum remaining shall
12 be paid to the mortgagor, except if the receiver was enforcing
13 an assignment of rents which complies with section 559.17,
14 subdivision 2, in which case any net sum remaining shall be paid
15 pursuant to the terms of the assignment.

16 This subdivision shall apply to all mortgages executed on
17 or after August 1, 1977, and to amendments or modifications of
18 such mortgages, and to amendments or modifications made on or
19 after August 1, 1977, to mortgages executed before August 1,
20 1977, if the amendment or modification is duly recorded and is
21 for the principal purpose of curing a default.

22 Sec. 143. Minnesota Statutes 2004, section 577.02, is
23 amended to read:

24 577.02 [REAL ESTATE ASSIGNMENT MUST BE RECORDED.]

25 If land, or any interest therein, be embraced in the
26 assignment, a copy thereof, certified by such court
27 administrator, shall be ~~filed-for-record~~ recorded with the
28 county recorder of the county wherein the land lies; and every
29 such assignment not so ~~filed~~ recorded shall be void as against
30 any subsequent purchaser in good faith and for a valuable
31 consideration of the same land, or any interest therein, whose
32 conveyance is first duly recorded, and as against any attachment
33 levied thereon or judgment lawfully obtained against the person
34 in whose name the title to such land appears of record prior to
35 the ~~filing-for-record~~ recording of such certified copy.

36 Sec. 144. Minnesota Statutes 2004, section 577.10, is

1 amended to read:

2 577.10 [POWERS OF COURT; REMOVAL AND DISCHARGE.]

3 The district court shall have supervision of all
4 proceedings under this chapter. On petition of a creditor, the
5 court, in its discretion, may, from time to time, require the
6 assignee to render an account, and to file a report of the
7 assignee's proceedings and of the condition of the trust estate,
8 and may order distribution thereof. For cause shown, it may, in
9 its discretion, remove the assignee, and appoint another
10 instead, who shall give bond as the court may direct; and the
11 order of removal and appointment shall, in terms, transfer all
12 the trust estate to the new assignee, and may be ~~filed-for~~
13 ~~record~~ recorded with the county recorder of any county wherein
14 any land affected by the assignment is situated. Upon removal
15 of an assignee, the court may require the removed assignee to
16 deliver to the new assignee all property, books of account, and
17 vouchers belonging to the trust estate, to execute all necessary
18 transfers, and to render an account and report of all matters
19 connected therewith. When the assignee has complied with all
20 the orders of the court, and when any assignee has completed the
21 trust, the assignee may apply to the court for discharge, first
22 giving three weeks' published notice of such application; the
23 last publication to be not more than three weeks prior to the
24 hearing thereon. If upon the hearing the court is satisfied
25 that the assignee is entitled to such discharge, it shall so
26 order; but, if in its opinion anything remains to be done by the
27 assignee, it shall require the performance thereof before making
28 such order. A discharge shall not be refused because of any
29 failure of the assignee to comply with the forms of law, if no
30 damage has thereby resulted to any person. The order shall have
31 the effect of discharging the assignee and the assignee's
32 sureties from all further responsibilities in respect to the
33 trust. When the trust estate is taken out of the hands of the
34 assignee by proceedings in bankruptcy in the federal court, the
35 assignee may be discharged upon showing that the assignee has
36 fully accounted with the trustee in bankruptcy, and turned over

1 the whole trust estate to the trustee in bankruptcy. When the
 2 trust estate is taken out of the hands of the assignee by legal
 3 proceedings in any court, or the assignment is declared void as
 4 to creditors, or for any reason the further administration of
 5 the trust is rendered impracticable, inadvisable, or nugatory,
 6 the assignee shall in like manner be discharged.

7 Sec. 145. Minnesota Statutes 2004, section 580.032,
 8 subdivision 1, is amended to read:

9 Subdivision 1. [~~FILE~~ RECORDING REQUEST FOR NOTICE.] A
 10 person having a redeemable interest in real property under
 11 section 580.23 or 580.24, may ~~file-for~~ record a request for
 12 notice of a mortgage foreclosure by advertisement with the
 13 county recorder or registrar of titles of the county where the
 14 property is located. To be effective for purposes of this
 15 section, a request for notice must be ~~filed-for-record~~ recorded
 16 as a separate and distinct document, except a mechanic's lien
 17 statement ~~filed-for-record~~ recorded pursuant to section 514.08
 18 also constitutes a request for notice if the mechanic's lien
 19 statement includes a legal description of the real property and
 20 the name and mailing address of the mechanic's lien claimant.

21 Sec. 146. Minnesota Statutes 2004, section 580.032,
 22 subdivision 3, is amended to read:

23 Subd. 3. [NOTICE OF PENDENCY.] A person foreclosing a
 24 mortgage by advertisement shall ~~file-for~~ record a notice of the
 25 pendency of the foreclosure with the county recorder or
 26 registrar of titles in the county in which the property is
 27 located before the first date of publication of the foreclosure
 28 notice but not more than six months before the first date of
 29 publication.

30 Sec. 147. Minnesota Statutes 2004, section 580.09, is
 31 amended to read:

32 580.09 [FORECLOSURE OF INSTALLMENT; SALE; PROCEEDS;
 33 REDEMPTION.]

34 Where a mortgage is given to secure the payment of money by
 35 installments, each installment, either for principal or
 36 interest, or both, as is due at any time, may be taken and

1 deemed to be a separate and independent mortgage, and such
2 mortgage for each such installment may be foreclosed by
3 advertisement or by action, in the same manner and with like
4 effect as if a separate mortgage were given for each of such
5 installments, and such foreclosure may be made and sale had
6 subject to the installments yet to become due upon the mortgage;
7 and a redemption from any such sale shall have the like effect
8 as if the sale for such installment had been made upon an
9 independent subsequent mortgage; provided in such cases the
10 attorney's fee on the foreclosure so made shall not exceed the
11 amount permitted by law in case of a mortgage securing the
12 amount of the debt then due on such foreclosure. The proceeds
13 of the sale shall be applied first in payment of the costs of
14 the foreclosure sale, and of the installment due, with interest
15 thereon, taxes and insurance premiums paid, if any, and then
16 towards the payment of the residue of the sum secured by such
17 mortgage, and not due and payable at the time of such sale; and,
18 if such residue does not bear interest, such application shall
19 be made with rebate of the legal interest for the time during
20 which the residue shall not be due and payable; and the surplus,
21 if any, shall be paid to the subsequent lienors, if any, in the
22 order of their priority, and then to the owner of the equity of
23 redemption, the owner's legal representatives or assigns. In
24 case of redemption from any sale herein authorized, at the
25 option of the redemptioner, the whole amount remaining unpaid on
26 the mortgage, with interest and other items, if any, which have
27 become part of the amount secured by the lien of the mortgage,
28 may be included in the amount paid on redemption and, in such
29 event, the redemption so made shall have like effect as if the
30 foreclosure sale had been made for the entire amount secured by
31 the mortgage, including such additional items.

32 Before any sale herein authorized, the holder of the
33 mortgage shall file with the sheriff a verified itemized
34 statement in writing showing the entire amount remaining unpaid
35 on the mortgage, including taxes and insurance premiums paid and
36 other items which have become part of the amount secured, and

1 the rate of interest to accrue on same, which statement shall be
2 subject to public inspection and shall be read by the sheriff at
3 the sale, immediately after reading the notice of sale. The
4 certificate of sale shall set forth correctly, in addition to
5 the amount of sale, the remaining amount still unpaid on and
6 secured by the mortgage, subject to which the sale is made, and
7 the rate of interest to accrue on same. If, during the time to
8 redeem from the sale, any additional or other item, other than
9 interest at the rate so stated in the certificate, shall attach
10 to such amount subject to which the sale was made, or any change
11 shall occur in such amount or the rate of interest thereon, the
12 facts with respect thereto shall be set forth by affidavit, made
13 and ~~filed-for-record~~ recorded, and a copy furnished the sheriff,
14 in accordance with the provisions of section 582.03, and the
15 provisions of that section shall apply thereto.

16 Sec. 148. Minnesota Statutes 2004, section 580.15, is
17 amended to read:

18 580.15 [PERPETUATING EVIDENCE OF SALE.]

19 Any party desiring to perpetuate the evidence of any sale
20 made in pursuance of this chapter may procure:

21 (1) an affidavit of the publication of the notice of sale
22 and of any notice of postponement to be made by the printer of
23 the newspaper in which the same was inserted or by some person
24 in the printer's employ knowing the facts;

25 (2) an affidavit or return of service of such notice upon
26 the occupant of the mortgaged premises to be made by the officer
27 or person making such service or, in case the premises were
28 vacant or unoccupied at the time the service must be made, an
29 affidavit or return showing that fact, to be made by the officer
30 or person attempting to make such service;

31 (3) an affidavit by the person foreclosing the mortgage, or
32 that person's attorney, or someone knowing the facts, setting
33 forth the facts relating to the military service status of the
34 owner of the mortgaged premises at the time of sale;

35 (4) an affidavit by the person foreclosing the mortgage, or
36 that person's attorney, or someone having knowledge of the

1 facts, setting forth the fact of service of notice of sale upon
2 the secretary of the Treasury of the United States or the
3 secretary's delegate in accordance with the provisions of
4 Section 7425 of the Internal Revenue Code of 1954 as amended by
5 Section 109 of the Federal Tax Lien Act of 1966, and also
6 setting forth the fact of service of notice of sale upon the
7 commissioner of revenue of the state of Minnesota in accordance
8 with the provisions of section 270.69, subdivision 7. Any such
9 affidavit recorded prior to May 16, 1967 shall be effective as
10 prima facie evidence of the facts therein contained as though
11 recorded subsequent to May 16, 1967;

12 (5) an affidavit by the person foreclosing the mortgage, or
13 that person's attorney, or someone having knowledge of the
14 facts, setting forth the names of the persons to whom a notice
15 of sale was mailed as provided by section 580.032.

16 Such affidavits and returns shall be recorded by the county
17 recorder and they and the records thereof, and certified copies
18 of such records, shall be prima facie evidence of the facts
19 therein contained.

20 The affidavit provided for in clause (3) hereof may be made
21 and ~~filed-for-record~~ recorded for the purpose of complying with
22 the provisions of the Soldiers' and Sailors' Civil Relief Act of
23 1940, passed by the Congress of the United States and approved
24 on October 17, 1940, and may be made and ~~filed-for-record~~
25 recorded at any time subsequent to the date of the mortgage
26 foreclosure sale.

27 Sec. 149. Minnesota Statutes 2004, section 580.17, is
28 amended to read:

29 580.17 [AFFIDAVIT OF COSTS.]

30 Within ten days after the filing for record of the
31 certificate of sale, the party foreclosing, or the party's
32 attorney, shall make and ~~file-for~~ record with the county
33 recorder an affidavit containing a detailed bill of the costs
34 and disbursements of the foreclosure, including attorney's fees,
35 and setting forth that the same have been absolutely and
36 unconditionally paid or incurred. Costs and disbursements shall

1 be allowed as provided in section 549.04.

2 Sec. 150. Minnesota Statutes 2004, section 580.23,
3 subdivision 4, is amended to read:

4 Subd. 4. [WAIVER; 12-MONTH REDEMPTION FOR AG USE.] A
5 mortgagor, before or at the time of granting a mortgage executed
6 on or after August 1, 1994, may waive in writing the mortgagor's
7 right under subdivision 2, clause (6), to have a 12-month
8 redemption period based upon the premises being in agricultural
9 use as of the date of execution of the mortgage. The written
10 waiver must be either a document separate from the mortgage or a
11 separately executed and acknowledged addendum to the mortgage on
12 a separate page. If the written waiver is a separate document,
13 it must be in recordable form and must either recite the
14 recorded ~~or-filed~~ document number of the mortgage or recite the
15 names of the mortgagor and mortgagee, the legal description of
16 the mortgaged property, and the date of the mortgage. If the
17 written waiver is a separate document, it must be recorded in
18 the office of the county recorder or ~~filed-in-the-office-of-the~~
19 registrar of titles no later than ten days after the recording
20 ~~or-filing~~ of the mortgage. Where there is a waiver of the
21 rights under subdivision 2, clause (6), the redemption period in
22 subdivision 1 applies.

23 Sec. 151. Minnesota Statutes 2004, section 580.24, is
24 amended to read:

25 580.24 [REDEMPTION BY CREDITOR.]

26 (a) If no redemption is made by the mortgagor, the
27 mortgagor's personal representatives or assigns, the most senior
28 creditor having a legal or equitable lien upon the mortgaged
29 premises, or some part of it, subsequent to the foreclosed
30 mortgage, may redeem within seven days after the expiration of
31 the redemption period determined under section 580.23 or
32 582.032, whichever is applicable; and each subsequent creditor
33 having a lien may redeem, in the order of priority of their
34 respective liens, within seven days after the time allowed the
35 prior lienholder by paying the amount required under this
36 section. However, no creditor is entitled to redeem unless,

1 within the period allowed for redemption by the mortgagor, the
2 creditor:

3 (1) ~~files-for-record~~ records with each county recorder and
4 registrar of titles where the foreclosed mortgage is recorded a
5 notice of the creditor's intention to redeem;

6 (2) ~~files-for-record~~ records in each office where the
7 notice is ~~filed~~ recorded all documents necessary to create the
8 lien on the mortgaged premises and to evidence the creditor's
9 ownership of the lien; and

10 (3) after complying with clauses (1) and (2), delivers to
11 the sheriff who conducted the foreclosure sale or the sheriff's
12 successor in office a copy of each of the documents required to
13 be ~~filed~~ recorded under clauses (1) and (2), with the office,
14 date and time of filing for record stated on the first page of
15 each document.

16 The sheriff shall maintain for public inspection all
17 documents delivered to the sheriff and shall note the date of
18 delivery on each document. The sheriff may charge a fee of \$100
19 for the documents delivered to the sheriff relating to each
20 lien. The sheriff shall maintain copies of documents delivered
21 to the sheriff for a period of six months after the end of the
22 mortgagor's redemption period.

23 (b) Saturdays, Sundays, legal holidays, and the first day
24 following the expiration of the prior redemption period must be
25 included in computing the seven-day redemption period. When the
26 last day of the period falls on Saturday, Sunday, or a legal
27 holiday, that day must be omitted from the computation. All
28 mechanic's lienholders who have coordinate liens shall have one
29 combined seven-day period to redeem.

30 (c) The amount required to redeem from the holder of the
31 sheriff's certificate of sale is the amount required under
32 section 580.23. The amount required to redeem from a person
33 holding a certificate of redemption is:

34 (1) the amount paid to redeem as shown on the certificate
35 of redemption; plus

36 (2) interest on that amount to the date of redemption; plus

1 (3) the amount claimed due on the person's lien, as shown
2 on the affidavit under section 580.25, clause (3).

3 The amount required to redeem may be paid to the holder of
4 the sheriff's certificate of sale or the certificate of
5 redemption, as the case may be, or to the sheriff for the holder.

6 Sec. 152. Minnesota Statutes 2004, section 580.29, is
7 amended to read:

8 580.29 [HOLDER OF JUNIOR MORTGAGE MAY PAY DEFAULT IN PRIOR
9 MORTGAGE.]

10 Any person who has a mortgage lien upon any land against
11 which there exists a prior mortgage may pay any taxes or
12 assessments on which any penalty would otherwise accrue, and may
13 pay the premium upon any policy of insurance procured in renewal
14 of any expiring policy upon mortgaged premises, and may, in case
15 any interest upon any prior or superior lien is in default, or
16 any part of the principal shall become due, or amortized
17 installment which may be in default upon any such prior lien,
18 pay the same, and all such sums so paid shall become due upon
19 such payment and be a part of the debt secured by such junior
20 mortgage, shall bear interest from date of payment at the same
21 rate as the indebtedness secured by such prior lien, and shall
22 be collectible with, as a part of, and in the same manner as,
23 the amount secured by such junior mortgage. Such payments shall
24 be proved by the affidavit of the junior mortgagee, the junior
25 mortgagee's agent or attorney, stating the items and describing
26 the premises, and a copy must be ~~filed-for-record~~ recorded with
27 the county recorder.

28 Sec. 153. Minnesota Statutes 2004, section 600.21, is
29 amended to read:

30 600.21 [COPIES OF RECORD OF DEATH; RECORDATION.]

31 In all cases of joint tenancy in lands, and in all cases
32 where any estate, title interest in, or lien upon, lands, has
33 been or may be created, which estate, title interest, or lien
34 was, or is, to continue only during the life of any person named
35 or described in the instrument by which such estate, title,
36 interest, or lien was created, a copy of the record of the death

1 of any such joint tenant, or of the person upon whose life such
2 estate, title, interest, or lien was, or is, limited, duly
3 certified by any officer who is required by the law of the state
4 or country in which such record is made, to keep a record of the
5 death of persons occurring within the jurisdiction of such
6 officer, may be recorded in the office of the county recorder or
7 registrar of titles of the county in which such lands are
8 situated, and such certified copy or such record thereof in such
9 office, or a duly certified copy of such last mentioned record,
10 shall be prima facie evidence of the death of such person and
11 the termination of such joint tenancy and of all such estate,
12 title, interest, and lien as was, or is, limited upon the life
13 of such person. When a certified copy of such death record is
14 attached to an affidavit of survivorship the same shall, prior
15 to recordation in the office of the county recorder or registrar
16 of titles, be presented to the county auditor of the county
17 wherein such estate, title, interest, or lien is situated and
18 the county auditor shall note the transfer on the books and
19 shall inscribe upon the instrument over the auditor's official
20 signature the words "Transfer entered." Until so presented and
21 indication made thereon, said instrument shall not be entitled
22 to record in the office of the county recorder or registrar of
23 titles of said county.

24 Sec. 154. [REPEALER.]

25 Minnesota Statutes 2004, sections 386.183; 386.34; 386.53;
26 and 580.16, are repealed.

APPENDIX
Repealed Minnesota Statutes for 05-0085

386.183 OFFICIAL ABSTRACT CERTIFICATE; ENTRY; FEES.

All county abstract clerks may charge and collect for their services the following fees: for each official certificate of the clerk the sum of \$1; for each proper and pertinent entry in an abstract of title or registered property report, 40 cents.

386.34 DEPUTIES, SALARIES.

The county board of each county having a population of less than 75,000, may by written order to be filed in the office of the county auditor allow one deputy county recorder in such county compensation for services as such deputy, to be fixed by the board and specified in said order. In each county containing less than 15 full and fractional congressional townships, and having more than 16,000 and less than 19,000 inhabitants according to the 1940 federal census, and having a market value of less than \$29,000,000, exclusive of money and credits, the county board may by written order to be filed in the office of the county auditor allow one deputy county recorder in such county compensation for services as such deputy not exceeding \$1,800 per year.

386.53 FEES.

The county recorder shall be paid a fee of \$2 for each instrument recorded under the provisions of sections 386.51 to 386.53, which instrument shall be kept in a separate book.

580.16 ENTRY IN RECORD.

A note referring to the page and book where the evidence of any such sale is recorded shall be made by the recorder in the margin of the record of the mortgage.

1 Senator Higgins from the Committee on State and Local
2 Government Operations, to which was referred

3 S.F. No. 262: A bill for an act relating to local
4 government; making technical changes to filing and recording
5 laws; amending Minnesota Statutes 2004, sections 41.65,
6 subdivision 3; 49.05, subdivision 2; 49.215, subdivision 3;
7 52.20, subdivisions 2, 3; 60B.16, subdivision 1; 60B.21,
8 subdivision 1; 60B.25; 60B.52, subdivision 2; 60B.53,
9 subdivision 2; 60B.55, subdivision 2; 66A.21, subdivision 2;
10 88.14, subdivision 3; 88.41; 88.49, subdivisions 2, 3, 5;
11 88.491, subdivision 2; 92.17; 93.52, subdivision 2; 93.55,
12 subdivisions 1, 1a, 2, 5; 93.551; 94.19; 103I.341, subdivisions
13 1, 4; 117.065; 164.06, subdivision 2; 164.07, subdivision 11;
14 222.29; 238.25, subdivision 10; 273.165, subdivision 1; 281.322;
15 281.328, subdivision 1; 284.07; 284.08; 284.11; 284.18; 306.02,
16 subdivision 1; 306.24; 307.06; 307.07; 315.01, subdivisions 3,
17 4; 315.17, subdivision 3; 315.19; 315.20, subdivisions 2, 3;
18 315.32; 315.365, subdivision 2; 315.44; 316.09; 317A.021,
19 subdivision 4; 317A.051, subdivision 2; 318.02, subdivision 3;
20 322.02; 322.25, subdivision 4; 322A.86; 327A.04, subdivision 3;
21 327C.095, subdivisions 8, 11; 344.06; 344.08; 375.14; 381.12,
22 subdivision 1; 382.08; 382.10; 384.02; 384.08; 385.02,
23 subdivision 1; 386.03; 386.04; 386.05; 386.13; 386.16; 386.19;
24 386.20, subdivisions 1, 3; 386.23, subdivisions 1, 2; 386.26,
25 subdivision 3; 386.29; 386.31; 386.32; 386.36; 386.37; 386.45;
26 387.01; 387.33, subdivision 2; 388.01; 388.10; 389.011,
27 subdivisions 1, 3; 390.05; 394.27, subdivision 8; 394.301,
28 subdivision 4; 394.33, subdivision 1; 394.35; 395.18; 395.22;
29 398.19; 410.11; 412.851; 429.061, subdivision 2; 444.17; 447.31,
30 subdivision 4; 462.359, subdivision 2; 462.3595, subdivision 4;
31 462.36, subdivision 1; 462A.31, subdivision 7; 463.15,
32 subdivision 4; 465.19; 471.928; 485.01; 485.03; 485.05; 489.03;
33 507.24, subdivision 1; 508.35; 508.37; 508.38; 519.091,
34 subdivision 2; 541.023, subdivisions 2, 2a, 4, 6; 548.09,
35 subdivision 1; 548.25; 550.31; 550.32; 559.17, subdivisions 2,
36 3; 559.209, subdivision 2; 559.21, subdivisions 3, 4; 559.23;
37 570.061, subdivision 2; 570.11; 570.14; 576.01, subdivision 2;
38 577.02; 577.10; 580.032, subdivisions 1, 3; 580.09; 580.15;
39 580.17; 580.23, subdivision 4; 580.24; 580.29; 600.21; repealing
40 Minnesota Statutes 2004, sections 386.183; 386.34; 386.53;
41 580.16.

42 Reports the same back with the recommendation that the bill
43 be amended as follows:

44 Page 51, line 17, before "The" insert "In a county in which
45 the county recorder performs abstract services"

46 Page 51, line 18, reinstate the stricken "shall" and delete
47 "may"

48 Pages 80 to 82, delete section 136

49 Renumber the sections in sequence

50 Amend the title as follows:

51 Page 1, line 40, delete "subdivisions 3," and insert
52 "subdivision"

53 And when so amended the bill do pass and be placed on the
54 Consent Calendar. Amendments adopted. Report adopted.

55
56 (Committee Chair)

57
58 February 7, 2005.....
(Date of Committee recommendation)

Senators Murphy, Rosen, Koering, Kierlin and Vickerman introduced--
S.F. No. 267: Referred to the Committee on State and Local Government Operations.

1 A bill for an act

2 relating to counties; providing for fees and standards
3 for the recording of certain documents; amending
4 Minnesota Statutes 2004, sections 357.18; 386.30;
5 507.093; 508.82; 508A.82; 515B.1-116.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

7 Section 1. Minnesota Statutes 2004, section 357.18, is
8 amended to read:

9 357.18 [COUNTY RECORDER.]

10 Subdivision 1. [COUNTY RECORDER FEES.] The fees to be
11 charged by the county recorder shall be ~~as follows~~ and not
12 exceed the following:

13 (1) for indexing and recording any deed or other instrument
14 ~~\$1 for each page of an instrument, with a minimum fee of \$15 a~~
15 fee of \$40; \$4 shall be paid to the state treasury and credited
16 to the general fund; 50 cents shall be retained by the county to
17 cover the administrative costs; \$10 shall be deposited in the
18 technology fund pursuant to subdivision 3; and \$25.50 to the
19 county general fund;

20 (2) for documents containing multiple assignments, partial
21 releases or satisfactions \$10 for each document number or book
22 and page cited;

23 (3) for certified copies of any records or papers, \$1 for
24 each page of an instrument with a minimum fee of \$5;

25 (4) for an abstract of title, the fees shall be determined

1 by resolution of the county board duly adopted upon the
2 recommendation of the county recorder, and the fees shall not
3 exceed ~~\$5~~ \$10 for every entry, ~~\$50~~ \$100 for abstract
4 certificate, \$1 per page for each exhibit included within an
5 abstract as a part of an abstract entry, and ~~\$2~~ \$5 per name for
6 each required name search certification;

7 (5) for a copy of an official plat filed pursuant to
8 section 505.08, the fee shall be ~~\$9-50~~ \$10 and an additional 50
9 cents \$5 shall be charged for the certification of each plat;

10 (6) for filing an amended floor plan in accordance with
11 chapter 515, an amended condominium plat in accordance with
12 chapter 515A, or a common interest community plat or amendment
13 complying with section 515B.2-110, subsection (c), the fee shall
14 be 50 cents per apartment or unit with a minimum fee of ~~\$30~~ \$50;

15 (7) for a copy of a floor plan filed pursuant to chapter
16 515, a copy of a condominium plat filed in accordance with
17 chapter 515A, or a copy of a common interest community plat
18 complying with section 515B.2-110, subsection (c), the fee shall
19 be \$1 for each page of the floor plan, condominium plat or
20 common interest community plat with a minimum fee of \$10.

21 Subd. 1a. [ABSTRACTING SERVICE FEES.] Fees fixed by or
22 established pursuant to subdivision 1 shall be the maximum fee
23 charged in all counties where the county recorder performs
24 abstracting services and shall be charged by persons authorized
25 to perform abstracting services in county buildings pursuant to
26 section 386.18.

27 Subd. 2. [FEES FOR RECORDING INSTRUMENTS IN COUNTY
28 RECORDER OFFICE.] Notwithstanding the provisions of any ~~general~~
29 or special law to the contrary, the established fees pursuant to
30 subdivision 1 shall be the recording fee per document charged in
31 all counties. The fees prescribed by this section shall govern
32 the filing or recording of all instruments in the office of the
33 county recorder other than Uniform Commercial Code documents,
34 and documents filed or recorded pursuant to sections 270.69,
35 subdivision 2, paragraph (c), 272.481 to 272.488, 277.20, and
36 386.77.

1 Subd. 3. ~~{SURCHARGE.}~~-In-addition-to-the-fees-imposed-in
 2 subdivision-1, a \$4.50 surcharge shall be collected--on each
 3 fee charged under subdivision 1, clauses (1) and (6), and for
 4 each abstract certificate under subdivision 1, clause (4).
 5 Fifty cents of each surcharge shall be retained by the county to
 6 cover its administrative costs and \$4 shall be paid to the state
 7 treasury and credited to the general fund.

8 Subd. 4. [EQUIPMENT TECHNOLOGY FUND.] \$1 of each The \$10
 9 fee collected under subdivision 1, clause (1), shall be
 10 deposited in an equipment a technology fund to for obtaining,
 11 maintaining, and updating current technology and equipment to
 12 provide services from the record system. The fund shall be
 13 disbursed at the county recorder's discretion to provide modern
 14 information services from the records system. The fund is a
 15 supplemental fund and shall not be construed to diminish the
 16 duty of the county governing body to furnish funding for
 17 expenses and personnel necessary in the performance of the
 18 duties of said office pursuant to section 386.015, subdivision
 19 6, paragraph (a), clause (2), and to comply with the
 20 requirements of section 386.30.

21 Subd. 5 4. [VARIANCE FROM STANDARDS.] A document ~~that does~~
 22 ~~not~~ should conform to the standards in section 507.093,
 23 paragraph (a), ~~shall not be recorded except upon payment of an~~
 24 ~~additional fee of \$10 per document~~ but should not be rejected
 25 unless the document is not legible or cannot be archived. This
 26 subdivision applies only to documents dated after July 31, 1997,
 27 and does not apply to Minnesota uniform conveyancing
 28 ~~blanks contained in the book of forms~~ on file in the office of
 29 the commissioner of commerce provided for under section 507.09,
 30 certified copies, or any other form provided for under Minnesota
 31 Statutes.

32 Sec. 2. Minnesota Statutes 2004, section 386.30, is
 33 amended to read:

34 386.30 [DEEDS RECORDED WITHIN 30 15 BUSINESS DAYS.]

35 Each county recorder shall, within 30 15 business days
 36 after any instrument entitled to record is left for that

1 purpose, actually record the same in the manner provided by law
 2 and return the same in person or by mail to the person who left
 3 such instrument for record, if the person's residence is known,
 4 or to such other person and at such address as the recorder may
 5 be directed to deliver the same. If the instrument is submitted
 6 electronically, the recorder must return it in the same manner
 7 within five business days. Persistent failure to so record and
 8 return instruments entitled to record, upon demand therefor and
 9 payment of recording fees, shall constitute nonfeasance in
 10 office and be sufficient ground for removal therefrom. The
 11 15-business-day and five-business-day periods begin on the day
 12 that the tax certifications required by chapters 272 and 287 are
 13 made. In a county in which the office of county recorder has
 14 been combined with another county office, the ~~30-day~~
 15 15-business-day time period begins when the tax certifications
 16 required by chapters 272 and 287 are made, but the total period
 17 to complete the time period after receipt of the instrument by
 18 the office must not exceed ~~60~~ 30 business days.

19 Sec. 3. Minnesota Statutes 2004, section 507.093, is
 20 amended to read:

21 507.093 [STANDARDS FOR DOCUMENTS TO BE RECORDED OR FILED.]

22 (a) The following standards are imposed on documents to be
 23 recorded with the county recorder or filed with the registrar of
 24 titles:

25 (1) The document shall consist of one or more individual
 26 sheets measuring no larger than 8.5 inches by 14 inches.

27 (2) The form of the document shall be printed, typewritten,
 28 or computer generated in black ink and the form of the document
 29 shall not be smaller than 8-point type.

30 (3) The document shall be on white paper of not less than
 31 20-pound weight with no background color, or images, or writing
 32 and shall have a clear border of approximately one-half inch on
 33 the top, bottom, and each side.

34 (4) The first page of the document shall contain a blank
 35 space at the top measuring three inches, as measured from the
 36 top of the page. The right half is to be used by the county

1 recorder or registrar of titles for recording information or
 2 registrar-of-titles-for-filing-information and the left half is
 3 to be used by the county auditor or treasurer for
 4 certification. An administrative page may be attached to the
 5 face of the document to accommodate this standard.

6 (5) The title of the document shall be prominently
 7 displayed at the top of the first page below the blank space
 8 referred to in clause (4).

9 (6) No additional sheet shall be attached or affixed to a
 10 page that covers up any information or printed part of the form.

11 (7) A document presented for recording or-filing must be
 12 sufficiently legible to reproduce produce a readable copy using
 13 the county recorder's or registrar of title's titles' current
 14 method of reproduction archiving records.

15 ~~The standards in this paragraph do not apply to a document~~
 16 ~~that is recorded or filed as part of a pilot project for the~~
 17 ~~electronic filing of real estate documents implemented by the~~
 18 ~~task force created in Laws 20007 chapter 391.~~

19 (b) ~~The recording or filing fee for a document that does~~
 20 ~~not conform to the standards in paragraph (a) shall be increased~~
 21 ~~as provided in sections 357.187 subdivision 57-508.827 and~~
 22 ~~508A.82.~~

23 (c) The recorder or registrar general fund shall refund the
 24 recording or-filing fee to the applicant if the real estate
 25 documents are not ~~filed or registered~~ recorded within ~~30~~ 15
 26 business days after receipt or after five business days if the
 27 document is submitted electronically, or as otherwise provided
 28 by section 386.30.

29 Sec. 4. Minnesota Statutes 2004, section 508.82, is
 30 amended to read:

31 508.82 [REGISTRAR'S REGISTRAR OF TITLES' FEES.]

32 Subdivision 1. [STANDARD DOCUMENTS.] The fees to be paid
 33 to charged by the registrar of titles shall be ~~as follows~~ and
 34 not exceed the following:

35 (1) of the fees provided herein, ~~five-percent~~ \$1.50 of the
 36 fees collected under clauses (3), ~~(5)7-(11)7-(13)7~~ (4), (10),

1 ~~(12), (14), (16), and (17)~~ for filing or memorializing shall be
 2 paid to the ~~commissioner-of-finance~~ state treasury pursuant to
 3 section 508.75 and credited to the general fund; ~~plus-a-\$4-50~~
 4 ~~surcharge-shall-be-charged-and-collected-in-addition-to-the~~
 5 ~~total-fees-charged-for-each-transaction-under-clauses-(2)-(3)~~
 6 ~~(5)-(11)-(13)-(14)-(16)-and-(17)-with-50-cents-of-this~~
 7 ~~surcharge-to-be-retained-by-the-county-to-cover-its~~
 8 ~~administrative-costs-and-\$4-to-be-paid-to-the-state-treasury~~
 9 ~~and-credited-to-the-general-fund;~~

10 (2) for registering a first certificate of title, including
 11 issuing a copy of it, ~~\$30~~ \$40. Pursuant to clause (1),
 12 distribution of this fee is as follows:

13 (i) \$4 shall be paid to the state treasury and credited to
 14 the general fund;

15 (ii) 50 cents shall be retained by the county to cover
 16 administrative costs;

17 (iii) \$10 shall be deposited in the technology fund
 18 pursuant to section 357.18, subdivision 3; and

19 (iv) \$25.50 shall be deposited to the county general fund;

20 (3) for registering each instrument transferring the fee
 21 simple title for which a new certificate of title is issued and
 22 for the registration of the new certificate of title, including
 23 a copy of it, ~~\$30~~ \$40. Pursuant to clause (1), distribution of
 24 this fee is as follows:

25 (i) \$1.50 shall be paid to the state treasury and credited
 26 to the general fund;

27 (ii) \$4 shall be paid to the state treasury and credited to
 28 the general fund;

29 (iii) 50 cents shall be retained by the county to cover
 30 administrative costs;

31 (iv) \$10 shall be deposited in the technology fund pursuant
 32 to section 357.18, subdivision 3; and

33 (v) \$24 shall be deposited to the county general fund;

34 ~~(4) for-issuance-of-a-CECT-pursuant-to-section-508.351,~~
 35 ~~\$15,~~

36 ~~(5) for the entry of each memorial on a~~

1 certificate, ~~5~~ \$40. For multiple certificate entries, \$20
2 thereafter. Pursuant to clause (1), distribution of this fee is
3 as follows:

4 (i) \$1.50 shall be paid to the state treasury and credited
5 to the general fund;

6 (ii) \$4 shall be paid to the state treasury and credited to
7 the general fund;

8 (iii) 50 cents shall be retained by the county to cover
9 administrative costs;

10 (iv) \$10 shall be deposited in the technology fund pursuant
11 to section 357.18, subdivision 3;

12 (v) \$24 shall be deposited to the county general fund; and

13 (vi) \$20 shall be deposited to the county general fund for
14 each multiple entry used;

15 ~~(6)~~ (5) for issuing each residue certificate, ~~\$20~~ \$40;

16 ~~(7)~~ (6) for exchange certificates, ~~\$10~~ \$20 for each
17 certificate canceled and ~~\$10~~ \$20 for each new certificate
18 issued;

19 ~~(8)~~ (7) for each certificate showing condition of the
20 register, ~~\$10~~ \$50;

21 ~~(9)~~ (8) for any certified copy of any instrument or writing
22 on file or recorded in the registrar's registrar of titles'
23 office, the same fees allowed by law to county recorders for
24 like services;

25 ~~(10)~~ (9) for a noncertified copy of any certificate of
26 title, other than the copies issued under clauses (2) and (3),
27 any instrument or writing on file or recorded in the office of
28 the registrar of titles, or any specified page or part of it, an
29 amount as determined by the county board for each page or
30 fraction of a page specified. If computer or microfilm printers
31 are used to reproduce the instrument or writing, a like amount
32 per image;

33 ~~(11)~~ (10) for filing two copies of any plat in the office
34 of the registrar, ~~\$30~~ \$50. Pursuant to clause (1), distribution
35 of this fee is as follows:

36 (i) \$1.50 shall be paid to the state treasury and credited

1 to the general fund;

2 (ii) \$4 shall be paid to the state treasury and credited to
3 the general fund;

4 (iii) 50 cents shall be retained by the county to cover
5 administrative costs;

6 (iv) \$10 shall be deposited in the technology fund pursuant
7 to section 357.18, subdivision 3; and

8 (v) \$34 shall be deposited to the county general fund;

9 ~~(12)~~ (11) for any other service under this chapter, such
10 fee as the court shall determine;

11 ~~(13)~~ (12) for filing an amendment to a declaration in
12 accordance with chapter 515, ~~\$10~~ \$40 for each certificate upon
13 which the document is registered and ~~\$30~~ for multiple
14 certificate entries, \$20 thereafter; \$50 for an amended floor
15 plan filed in accordance with chapter 515. Pursuant to clause
16 (1), distribution of this fee is as follows:

17 (i) \$1.50 shall be paid to the state treasury and credited
18 to the general fund;

19 (ii) \$4 shall be paid to the state treasury and credited to
20 the general fund;

21 (iii) 50 cents shall be retained by the county to cover
22 administrative costs;

23 (iv) \$10 shall be deposited in the technology fund pursuant
24 to section 357.18, subdivision 3;

25 (v) \$24 shall be deposited to the county general fund for
26 amendment to a declaration;

27 (vi) \$20 shall be deposited to the county general fund for
28 each multiple entry used; and

29 (vii) \$34 shall be deposited to the county general fund for
30 an amended floor plan;

31 (13) for issuance of a CECT pursuant to section 508.351,
32 \$40;

33 (14) for filing an amendment to a common interest community
34 declaration and plat or amendment complying with section
35 515B.2-110, subsection (c), ~~\$10~~ \$40 for each certificate upon
36 which the document is registered and ~~\$30~~ for multiple

1 certificate entries, \$20 thereafter and \$50 for the filing of
2 the condominium or common interest community plat or amendment.

3 Pursuant to clause (1), distribution of this fee is as follows:

4 (i) \$1.50 shall be paid to the state treasury and credited
5 to the general fund;

6 (ii) \$4 shall be paid to the state treasury and credited to
7 the general fund;

8 (iii) 50 cents shall be retained by the county to cover
9 administrative costs;

10 (iv) \$10 shall be deposited in the technology fund pursuant
11 to section 357.18, subdivision 3;

12 (v) \$24 shall be deposited to the county general fund for
13 the filing of an amendment complying with section 515B.2-110,
14 subsection (c);

15 (vi) \$20 shall be deposited to the county general fund for
16 each multiple entry used; and

17 (vii) \$34 shall be deposited to the county general fund for
18 the filing of a condominium or CIC plat or amendment;

19 (15) for a copy of a condominium floor plan filed in
20 accordance with chapter 515, or a copy of a common interest
21 community plat complying with section 515B.2-110, subsection
22 (c), the fee shall be \$1 for each page of the floor plan or
23 common interest community plat with a minimum fee of \$10;

24 (16) for the filing of a certified copy of a plat of the
25 survey pursuant to section 508.23 or 508.671, ~~\$10~~ \$40. Pursuant
26 to clause (1), distribution of this fee is as follows:

27 (i) \$1.50 shall be paid to the state treasury and credited
28 to the general fund;

29 (ii) \$4 shall be paid to the state treasury and credited to
30 the general fund;

31 (iii) 50 cents shall be retained by the county to cover
32 administrative costs;

33 (iv) \$10 shall be deposited in the technology fund pursuant
34 to section 357.18, subdivision 3; and

35 (v) \$24 shall be deposited to the county general fund;

36 (17) for filing a registered land survey in triplicate in

1 accordance with section 508.47, subdivision 4, ~~§30~~ §50.
2 Pursuant to clause (1), distribution of this fee is as follows:
3 (i) \$1.50 shall be paid to the state treasury and credited
4 to the general fund;
5 (ii) \$4 shall be paid to the state treasury and credited to
6 the general fund;
7 (iii) 50 cents shall be retained by the county to cover its
8 administrative costs;
9 (iv) \$10 shall be deposited in the technology fund pursuant
10 to section 357.18, subdivision 3; and
11 (v) \$34 shall be deposited to the county general fund; and
12 (18) for furnishing a certified copy of a registered land
13 survey in accordance with section 508.47, subdivision 4, ~~§10~~ §15.

14 Subd. 1a. [FEES FOR RECORDING INSTRUMENTS WITH REGISTRAR
15 OF TITLES' OFFICE.] Notwithstanding the provisions of any
16 general or special law to the contrary, the established fees
17 pursuant to subdivision 1 shall be the recording fee per
18 document charged in all counties. No other fee may be required
19 for recording a document with the registrar of titles without
20 amending section 508.82. The fees prescribed by this section
21 shall govern the filing or recording of all instruments in the
22 office of the registrar of titles other than Uniform Commercial
23 Code documents and documents filed or recorded pursuant to
24 sections 270.69, subdivision 2, paragraph (c); 272.481 to
25 272.488; 277.20; and 386.77.

26 Subd. 2. [VARIANCE FROM STANDARDS.] A document that does
27 not should conform to the standards in section 507.093,
28 paragraph (a), shall-not-be-filed-except-upon-payment-of-an
29 additional-fee-of-§10-per-document but should not be rejected
30 unless the document is not legible or cannot be archived. This
31 subdivision applies only to documents dated after July 31, 1997,
32 and does not apply to Minnesota uniform conveyancing
33 blanks contained-in-the-book-of-forms on file in the office of
34 the commissioner of commerce provided for under section 507.09,
35 certified copies, or any other form provided for under Minnesota
36 Statutes.

1 Sec. 5. Minnesota Statutes 2004, section 508A.82, is
2 amended to read:

3 508A.82 [~~REGISTRAR'S~~ REGISTRAR OF TITLES' FEES.]

4 Subdivision 1. [STANDARD DOCUMENTS.] The fees to be paid
5 to charged by the registrar of titles shall be as follows and
6 not exceed the following:

7 (1) of the fees provided herein, five-percent \$1.50 of the
8 fees collected under clauses (3), (5), (11), (13), ~~(14)~~ (15),
9 and ~~(17)~~ (18) for filing or memorializing shall be paid to the
10 commissioner-of-finance state treasury pursuant to section
11 508.75 and credited to the general fund; plus-a-\$4.50-surcharge
12 shall-be-charged-and-collected-in-addition-to-the-total-fees
13 charged-for-each-transaction-under-clauses-(2)-(3)-(5)-(11)-
14 (13)-(14)-and-(17)-with-50-cents-of-this-surcharge-to-be
15 retained-by-the-county-to-cover-its-administrative-costs,-and-\$4
16 to-be-paid-to-the-state-treasury-and-credited-to-the-general
17 fund;

18 (2) for registering a first CPT, including issuing a copy
19 of it, ~~\$30~~ \$40. Pursuant to clause (1), distribution of the
20 fee is as follows:

21 (i) \$4 shall be paid to the state treasury and credited to
22 the general fund;

23 (ii) 50 cents shall be retained by the county to cover
24 administrative costs;

25 (iii) \$10 shall be deposited in the technology fund
26 pursuant to section 357.18, subdivision 3; and

27 (iv) \$25.50 shall be deposited to the county general fund;

28 (3) for registering each instrument transferring the fee
29 simple title for which a new CPT is issued and for the
30 registration of the new CPT, including a copy of it, ~~\$30~~ \$40.
31 Pursuant to clause (1), distribution of the fee is as follows:

32 (i) \$1.50 shall be paid to the state treasury and credited
33 to the general fund;

34 (ii) \$4 shall be paid to the state treasury and credited to
35 the general fund;

36 (iii) 50 cents shall be retained by the county to cover

1 administrative costs;

2 (iv) \$10 shall be deposited in the technology fund pursuant
3 to section 357.18, subdivision 3; and

4 (v) \$24 shall be deposited to the county general fund;

5 (4) for issuance of a CECT pursuant to section 508A.351,
6 \$15;

7 (5) for the entry of each memorial on a CPT, ~~\$15~~ \$40; for
8 multiple certificate entries, \$20 thereafter. Pursuant to
9 clause (1) distribution of the fee is as follows:

10 (i) \$1.50 shall be paid to the state treasury and credited
11 to the general fund;

12 (ii) \$4 shall be paid to the state treasury and credited to
13 the general fund;

14 (iii) 50 cents shall be retained by the county to cover
15 administrative costs;

16 (iv) \$10 shall be deposited in the technology fund pursuant
17 to section 357.18, subdivision 3;

18 (v) \$24 shall be deposited to the county general fund; and

19 (vi) \$20 shall be deposited to the county general fund for
20 each multiple entry used;

21 (6) for issuing each residue CPT, ~~\$20~~ \$40;

22 (7) for exchange CPTs or combined certificates of title,
23 ~~\$10~~ \$20 for each CPT and certificate of title canceled and
24 ~~\$10~~ \$20 for each new CPT or combined certificate of title
25 issued;

26 (8) for each CPT showing condition of the
27 register, ~~\$10~~ \$50;

28 (9) for any certified copy of any instrument or writing on
29 file or recorded in the registrar's registrar of titles' office,
30 the same fees allowed by law to county recorders for like
31 services;

32 (10) for a noncertified copy of any CPT, other than the
33 copies issued under clauses (2) and (3), any instrument or
34 writing on file or recorded in the office of the registrar of
35 titles, or any specified page or part of it, an amount as
36 determined by the county board for each page or fraction of a

1 page specified. If computer or microfilm printers are used to
2 reproduce the instrument or writing, a like amount per image;

3 (11) for filing two copies of any plat in the office of the
4 registrar, ~~\$30~~ \$50. Pursuant to clause (1), distribution of
5 the fee is as follows:

6 (i) \$1.50 shall be paid to the state treasury and credited
7 to the general fund;

8 (ii) \$4 shall be paid to the state treasury and credited to
9 the general fund;

10 (iii) 50 cents shall be retained by the county to cover
11 administrative costs;

12 (iv) \$10 shall be deposited in the technology fund pursuant
13 to section 357.18, subdivision 3; and

14 (v) \$34 shall be deposited to the county general fund;

15 (12) for any other service under sections 508A.01 to
16 508A.85, the fee the court shall determine;

17 (13) for filing an amendment to a declaration in accordance
18 with chapter 515, ~~\$10~~ \$40 for each certificate upon which the
19 document is registered and ~~\$30~~ for multiple certificate entries,
20 \$20 thereafter; \$50 for an amended floor plan filed in
21 accordance with chapter 515. Pursuant to clause (1),
22 distribution of the fee is as follows:

23 (i) \$1.50 shall be paid to the state treasury and credited
24 to the general fund;

25 (ii) \$4 shall be paid to the state treasury and credited to
26 the general fund;

27 (iii) 50 cents shall be retained by the county to cover
28 administrative costs;

29 (iv) \$10 shall be deposited in the technology fund pursuant
30 to section 357.18, subdivision 3;

31 (v) \$24 shall be deposited to the county general fund for
32 amendment to a declaration;

33 (vi) \$20 shall be deposited to the county general fund for
34 each multiple entry used; and

35 (vii) \$34 shall be deposited to the county general fund for
36 an amended floor plan;

1 (14) for issuance of a CECT pursuant to section 508.351,
2 \$40;

3 (15) for filing an amendment to a common interest community
4 declaration and plat or amendment complying with section
5 515B.2-110, subsection (c), and issuing a CECT if
6 required, ~~\$10~~ \$40 for each certificate upon which the document
7 is registered and ~~\$30~~ for multiple certificate entries, \$20
8 thereafter; \$50 for the filing of the condominium or common
9 interest community plat or amendment~~7~~. Pursuant to clause (1),
10 distribution of the fee is as follows:

11 (i) \$1.50 shall be paid to the state treasury and credited
12 to the general fund;

13 (ii) \$4 shall be paid to the state treasury and credited to
14 the general fund;

15 (iii) 50 cents shall be retained by the county to cover
16 administrative costs;

17 (iv) \$10 shall be deposited in the technology fund pursuant
18 to section 357.18, subdivision 3;

19 (v) \$24 shall be deposited to the county general fund for
20 the filing of an amendment complying with section 515B.2-110,
21 subsection (c);

22 (vi) \$20 shall be deposited to the county general fund for
23 each multiple entry used; and

24 (vii) \$34 shall be deposited to the county general fund for
25 the filing of a condominium or CIC plat or amendment;

26 ~~(15)~~ (16) for a copy of a condominium floor plan filed in
27 accordance with chapter 515, or a copy of a common interest
28 community plat complying with section 515B.2-110, subsection
29 (c), the fee shall be \$1 for each page of the floor plan, or
30 common interest community plat with a minimum fee of \$10;

31 ~~(16)~~ (17) in counties in which the compensation of the
32 examiner of titles is paid in the same manner as the
33 compensation of other county employees, for each parcel of land
34 contained in the application for a CPT, as the number of parcels
35 is determined by the examiner, a fee which is reasonable and
36 which reflects the actual cost to the county, established by the

1 board of county commissioners of the county in which the land is
2 located;

3 ~~(17)~~ (18) for filing a registered land survey in triplicate
4 in accordance with section 508A.47, subdivision 4, ~~\$30~~ and \$50.

5 Pursuant to clause (1), distribution of the fee is as follows:

6 (i) \$1.50 shall be paid to the state treasury and credited
7 to the general fund;

8 (ii) \$4 shall be paid to the state treasury and credited to
9 the general fund;

10 (iii) 50 cents shall be retained by the county to cover
11 administrative costs;

12 (iv) \$10 shall be deposited in the technology fund pursuant
13 to section 357.18, subdivision 3; and

14 (v) \$34 shall be deposited to the county general fund; and

15 ~~(18)~~ (19) for furnishing a certified copy of a registered
16 land survey in accordance with section 508A.47, subdivision
17 4, ~~\$10~~ \$15.

18 Subd. 1a. [FEES TO RECORD INSTRUMENTS WITH REGISTRAR OF
19 TITLES.] Notwithstanding any special law to the contrary, the
20 established fees pursuant to subdivision 1 shall be the
21 recording fee per document charged in all counties. No other
22 fee may be required for recording a document with the registrar
23 of titles without amending section 508A.32. The fees prescribed
24 by this section shall govern the filing or recording of all
25 instruments in the office of the registrar of titles other than
26 Uniform Commercial Code documents, and documents filed or
27 recorded pursuant to sections 270.69, subdivision 2, paragraph
28 (c); 272.481 to 272.488; 277.20; and 386.77.

29 Subd. 2. [VARIANCE FROM STANDARDS.] A document that does
30 not should conform to the standards in section 507.093,
31 paragraph (a), shall-not-be-filed-except-upon-payment-of-an
32 additional-fee-of-\$10-per-document but should not be rejected
33 unless the document is not legible or cannot be archived. This
34 subdivision applies only to documents dated after July 31, 1997,
35 and does not apply to Minnesota uniform conveyancing
36 blanks contained-in-the-book-of-forms on file in the office of

1 the commissioner of commerce provided for under section 507.09,
2 certified copies, or any other form provided for under Minnesota
3 Statutes.

4 Sec. 6. Minnesota Statutes 2004, section 515B.1-116, is
5 amended to read:

6 515B.1-116 [RECORDING.]

7 (a) A declaration, bylaws, any amendment to a declaration
8 or bylaws, and any other instrument affecting a common interest
9 community shall be entitled to be recorded. In those counties
10 which have a tract index, the county recorder shall enter the
11 declaration in the tract index for each unit affected. The
12 registrar of titles shall file the declaration in accordance
13 with section 508.351 or 508A.351.

14 (b) The recording officer shall upon request promptly
15 assign a number (CIC number) to a common interest community to
16 be formed or to a common interest community resulting from the
17 merger of two or more common interest communities.

18 (c) Documents recorded pursuant to this chapter shall in
19 the case of registered land be filed, and references to the
20 recording of documents shall mean filed in the case of
21 registered land.

22 (d) Subject to any specific requirements of this chapter,
23 if a recorded document relating to a common interest community
24 purports to require a certain vote or signatures approving any
25 restatement or amendment of the document by a certain number or
26 percentage of unit owners or secured parties, and if the
27 amendment or restatement is to be recorded pursuant to this
28 chapter, an affidavit of the president or secretary of the
29 association stating that the required vote or signatures have
30 been obtained shall be attached to the document to be recorded
31 and shall constitute prima facie evidence of the representations
32 contained therein.

33 (e) If a common interest community is located on registered
34 land, the recording fee for any document affecting two or more
35 units shall be ~~the then current fee for registering the document~~
36 ~~on the certificates of title for the first ten affected~~

1 ~~certificates-and-one-third-of-the-then-current-fee-for-each~~
2 ~~additional-affected-certificate \$40 for the first ten affected~~
3 ~~certificates and \$10 for each additional affected certificate.~~

4 This provision shall not apply to recording fees for deeds of
5 conveyance, with the exception of deeds given pursuant to
6 sections 515B.2-119 and 515B.3-112.

7 (f) Except as permitted under this subsection, a recording
8 officer shall not file or record a declaration creating a new
9 common interest community, unless the county treasurer has
10 certified that the property taxes payable in the current year
11 for the real estate included in the proposed common interest
12 community have been paid. This certification is in addition to
13 the certification for delinquent taxes required by section
14 272.12. In the case of preexisting common interest communities,
15 the recording officer shall accept, file, and record the
16 following instruments, without requiring a certification as to
17 the current or delinquent taxes on any of the units in the
18 common interest community: (i) a declaration subjecting the
19 common interest community to this chapter; (ii) a declaration
20 changing the form of a common interest community pursuant to
21 section 515B.2-123; or (iii) an amendment to or restatement of
22 the declaration, bylaws, or CIC plat. In order for an
23 instrument to be accepted and recorded under the preceding
24 sentence, the instrument must not create or change unit or
25 common area boundaries.

1 Senator Higgins from the Committee on State and Local
2 Government Operations, to which was referred

3 S.F. No. 267: A bill for an act relating to counties;
4 providing for fees and standards for the recording of certain
5 documents; amending Minnesota Statutes 2004, sections 357.18;
6 386.30; 507.093; 508.82; 508A.82; 515B.1-116.

7 Reports the same back with the recommendation that the bill
8 be re-referred to the Committee on Finance without
9 recommendation. Report adopted.

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.....
(Committee Chair)

February 7, 2005.....
(Date of Committee recommendation)

Senator Larson introduced--

S.F. No. 551: Referred to the Committee on State and Local Government Operations.

1 A bill for an act

2 relating to local government; increasing the amount a
3 county or city may appropriate for the prevention of
4 cruelty to animals; providing that a property tax levy
5 to fund the appropriation is exempt from levy limits;
6 amending Minnesota Statutes 2004, sections 275.70,
7 subdivision 5; 343.11.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

9 Section 1. Minnesota Statutes 2004, section 275.70,
10 subdivision 5, is amended to read:

11 Subd. 5. [SPECIAL LEVIES.] "Special levies" means those
12 portions of ad valorem taxes levied by a local governmental unit
13 for the following purposes or in the following manner:

14 (1) to pay the costs of the principal and interest on
15 bonded indebtedness or to reimburse for the amount of liquor
16 store revenues used to pay the principal and interest due on
17 municipal liquor store bonds in the year preceding the year for
18 which the levy limit is calculated;

19 (2) to pay the costs of principal and interest on
20 certificates of indebtedness issued for any corporate purpose
21 except for the following:

22 (i) tax anticipation or aid anticipation certificates of
23 indebtedness;

24 (ii) certificates of indebtedness issued under sections
25 298.28 and 298.282;

26 (iii) certificates of indebtedness used to fund current

1 expenses or to pay the costs of extraordinary expenditures that
2 result from a public emergency; or

3 (iv) certificates of indebtedness used to fund an
4 insufficiency in tax receipts or an insufficiency in other
5 revenue sources;

6 (3) to provide for the bonded indebtedness portion of
7 payments made to another political subdivision of the state of
8 Minnesota;

9 (4) to fund payments made to the Minnesota State Armory
10 Building Commission under section 193.145, subdivision 2, to
11 retire the principal and interest on armory construction bonds;

12 (5) property taxes approved by voters which are levied
13 against the referendum market value as provided under section
14 275.61;

15 (6) to fund matching requirements needed to qualify for
16 federal or state grants or programs to the extent that either
17 (i) the matching requirement exceeds the matching requirement in
18 calendar year 2001, or (ii) it is a new matching requirement
19 that did not exist prior to 2002;

20 (7) to pay the expenses reasonably and necessarily incurred
21 in preparing for or repairing the effects of natural disaster
22 including the occurrence or threat of widespread or severe
23 damage, injury, or loss of life or property resulting from
24 natural causes, in accordance with standards formulated by the
25 Emergency Services Division of the state Department of Public
26 Safety, as allowed by the commissioner of revenue under section
27 275.74, subdivision 2;

28 (8) pay amounts required to correct an error in the levy
29 certified to the county auditor by a city or county in a levy
30 year, but only to the extent that when added to the preceding
31 year's levy it is not in excess of an applicable statutory,
32 special law or charter limitation, or the limitation imposed on
33 the governmental subdivision by sections 275.70 to 275.74 in the
34 preceding levy year;

35 (9) to pay an abatement under section 469.1815;

36 (10) to pay any costs attributable to increases in the

1 employer contribution rates under chapter 353 that are effective
2 after June 30, 2001;

3 (11) to pay the operating or maintenance costs of a county
4 jail as authorized in section 641.01 or 641.262, or of a
5 correctional facility as defined in section 241.021, subdivision
6 1, paragraph (f), to the extent that the county can demonstrate
7 to the commissioner of revenue that the amount has been included
8 in the county budget as a direct result of a rule, minimum
9 requirement, minimum standard, or directive of the Department of
10 Corrections, or to pay the operating or maintenance costs of a
11 regional jail as authorized in section 641.262. For purposes of
12 this clause, a district court order is not a rule, minimum
13 requirement, minimum standard, or directive of the Department of
14 Corrections. If the county utilizes this special levy, except
15 to pay operating or maintenance costs of a new regional jail
16 facility under sections 641.262 to 641.264 which will not
17 replace an existing jail facility, any amount levied by the
18 county in the previous levy year for the purposes specified
19 under this clause and included in the county's previous year's
20 levy limitation computed under section 275.71, shall be deducted
21 from the levy limit base under section 275.71, subdivision 2,
22 when determining the county's current year levy limitation. The
23 county shall provide the necessary information to the
24 commissioner of revenue for making this determination;

25 (12) to pay for operation of a lake improvement district,
26 as authorized under section 103B.555. If the county utilizes
27 this special levy, any amount levied by the county in the
28 previous levy year for the purposes specified under this clause
29 and included in the county's previous year's levy limitation
30 computed under section 275.71 shall be deducted from the levy
31 limit base under section 275.71, subdivision 2, when determining
32 the county's current year levy limitation. The county shall
33 provide the necessary information to the commissioner of revenue
34 for making this determination;

35 (13) to repay a state or federal loan used to fund the
36 direct or indirect required spending by the local government due

1 to a state or federal transportation project or other state or
 2 federal capital project. This authority may only be used if the
 3 project is not a local government initiative;

4 (14) to pay for court administration costs as required
 5 under section 273.1398, subdivision 4b, less the (i) county's
 6 share of transferred fines and fees collected by the district
 7 courts in the county for calendar year 2001 and (ii) the aid
 8 amount certified to be paid to the county in 2004 under section
 9 273.1398, subdivision 4c; however, for taxes levied to pay for
 10 these costs in the year in which the court financing is
 11 transferred to the state, the amount under this clause is
 12 limited to the amount of aid the county is certified to receive
 13 under section 273.1398, subdivision 4a; and

14 (15) to fund a police or firefighters relief association as
 15 required under section 69.77 to the extent that the required
 16 amount exceeds the amount levied for this purpose in 2001; and

17 (16) to pay for the maintenance and support of a city or
 18 county society for the prevention of cruelty to animals under
 19 section 343.11. If the city or county uses this special levy,
 20 any amount levied by the city or county in the previous levy
 21 year for the purposes specified in this clause and included in
 22 the city's or county's previous year's levy limit computed under
 23 section 275.71, must be deducted from the levy limit base under
 24 section 275.71, subdivision 2, in determining the city's or
 25 county's current year levy limit.

26 [EFFECTIVE DATE.] This section is effective for taxes
 27 levied in 2005, payable in 2006, and thereafter.

28 Sec. 2. Minnesota Statutes 2004, section 343.11, is
 29 amended to read:

30 343.11 [ACQUISITION OF PROPERTY, APPROPRIATIONS.]

31 Every county and district society for the prevention of
 32 cruelty to animals may acquire, by purchase, gift, grant, or
 33 devise, and hold, use, or convey, real estate and personal
 34 property, and lease, mortgage, sell, or use the same in any
 35 manner conducive to its interest, to the same extent as natural
 36 persons. The county board of any county, or the council of any

1 city, in which such societies exist, may, in its discretion,
2 appropriate for the maintenance and support of such societies in
3 the transaction of the work for which they are organized, any
4 sums of money not otherwise appropriated, not to exceed in any
5 one year the sum of \$4,800 or the sum of ~~50-cents~~ \$1 per capita
6 based upon the county's or city's population as of the most
7 recent federal census, whichever is greater; provided, that no
8 part of the appropriation shall be expended for the payment of
9 the salary of any officer of the society.

10 [EFFECTIVE DATE.] This section is effective January 1, 2006.

1 Senator Higgins from the Committee on State and Local
2 Government Operations, to which was referred

3 S.F. No. 551: A bill for an act relating to local
4 government; increasing the amount a county or city may
5 appropriate for the prevention of cruelty to animals; providing
6 that a property tax levy to fund the appropriation is exempt
7 from levy limits; amending Minnesota Statutes 2004, sections
8 275.70, subdivision 5; 343.11.

9 Reports the same back with the recommendation that the bill
10 do pass and be re-referred to the Committee on Taxes. Report
11 adopted.

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(Committee Chair)

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February 7, 2005.....
(Date of Committee recommendation)

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SENATE
STATE OF MINNESOTA
EIGHTY-FOURTH LEGISLATURE

S.F. No. 186

(SENATE AUTHORS: DIBBLE and Senjem; Companion to H.F. No. 112.)

DATE	D-PG	OFFICIAL STATUS
01/10/2005	63	Introduction and first reading
01/10/2005		Referred to State and Local Government Operations
02/10/2005		Committee report: To pass
02/10/2005		Second reading

1 A bill for an act
2 relating to economic development; providing a bidding
3 exception for certain federally subsidized transit
4 facilities; amending Minnesota Statutes 2004, section
5 469.015, subdivision 4.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

7 Section 1. Minnesota Statutes 2004, section 469.015,
8 subdivision 4, is amended to read:

9 Subd. 4. [EXCEPTIONS.] (a) An authority need not require
10 competitive bidding in the following circumstances:

11 (1) in the case of a contract for the acquisition of a
12 low-rent housing project:

13 (i) for which financial assistance is provided by the
14 federal government;

15 (ii) which does not require any direct loan or grant of
16 money from the municipality as a condition of the federal
17 financial assistance; and

18 (iii) for which the contract provides for the construction
19 of the project upon land that is either owned by the authority
20 for redevelopment purposes or not owned by the authority at the
21 time of the contract but the contract provides for the
22 conveyance or lease to the authority of the project or
23 improvements upon completion of construction;

24 (2) with respect to a structured parking facility:

25 (i) constructed in conjunction with, and directly above or

1 below, a development; and

2 (ii) financed with the proceeds of tax increment or parking
3 ramp general obligation or revenue bonds; and

4 (3) until August 1, 2009, with respect to a facility built
5 for the purpose of facilitating the operation of public transit
6 or encouraging its use:

7 (i) constructed in conjunction with, and directly above or
8 below, a development; and

9 (ii) financed with the proceeds of tax increment or parking
10 ramp general obligation or revenue bonds or with at least 60
11 percent of the construction cost being financed with funding
12 provided by the federal government; and

13 (4) in the case of any building in which at least 75
14 percent of the usable square footage constitutes a housing
15 development project if:

16 (i) the project is financed with the proceeds of bonds
17 issued under section 469.034 or from nongovernmental sources;

18 (ii) the project is either located on land that is owned or
19 is being acquired by the authority only for development
20 purposes, or is not owned by the authority at the time the
21 contract is entered into but the contract provides for
22 conveyance or lease to the authority of the project or
23 improvements upon completion of construction; and

24 (iii) the authority finds and determines that elimination
25 of the public bidding requirements is necessary in order for the
26 housing development project to be economical and feasible.

27 (b) An authority need not require a performance bond for
28 the following projects:

29 (1) a contract described in paragraph (a), clause (1);

30 (2) a construction change order for a housing project in
31 which 30 percent of the construction has been completed;

32 (3) a construction contract for a single-family housing
33 project in which the authority acts as the general construction
34 contractor; or

35 (4) a services or materials contract for a housing project.

36 For purposes of this paragraph, "services or materials

1 contract" does not include construction contracts.

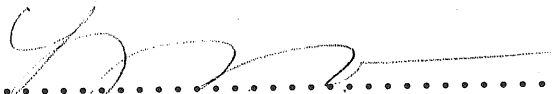
1 Senator Higgins from the Committee on State and Local
2 Government Operations, to which was referred

3 S.F. No. 186: A bill for an act relating to economic
4 development; providing a bidding exception for certain federally
5 subsidized transit facilities; amending Minnesota Statutes 2004,
6 section 469.015, subdivision 4.

7 Reports the same back with the recommendation that the bill
8 do pass. Report adopted.

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(Committee Chair)

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February 7, 2005.....
(Date of Committee recommendation)