

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE

IN THE MATTER OF THE PROPOSED)
ADOPTION AND AMENDMENT OF FORMS) STATEMENT OF NEED
RELATING TO MINNESOTA UNIFORM) AND REASONABLENESS
CONVEYANCING BLANKS PURSUANT)
TO MINN. STAT. CHAPTER 507)

Commissioner of Commerce Michael A. Hatch ("Commissioner") presents herein his statement of the need for and reasonableness of the adoption of proposed forms and the amendment of existing forms relating to Minn. Stat. Chapter 507 (1982).

By Laws 1929, Chapter 135 (Minn. Stat. §507.08) the Uniform Conveyancing Blanks Commission was authorized. The work of this Commission was "... approved and recommended for use in the state..." by Laws 1931, Chapter 272, Section 1 (Minn. Stat. §507.09).

Laws 1975, Chapter 61, Section 26 repealed Minn. Stat. §507.08 (i.e. the Commission).

Laws 1975, Chapter 61, Section 2 authorized the Commissioner of Securities to appoint an advisory committee on uniform conveyancing forms to recommend to the Commissioner amended or new forms to be adopted by rule. The committee was appointed in 1976.

Laws 1983, Chapter 260, Section 62 (Minn. Stat. §507.09) changed the advisory committee to a task force.

On December 26, 1983 the Division caused to be published at Volume 8, State Register, page 1538, a Notice of Intent to Solicit Outside Opinion concerning changes in the forms.

The general statutory authority to promulgate rules under Minn. Stat. Chapter 507 is set forth at Minn. Stat. §507.09 (1982). Where specific statutory authority is relied upon, it will be so noted.

The Commissioner has determined that the proposed adoption or

amendment of these rules and forms is reasonably necessary to carry out and make effective the provisions and purposes of Minn. Stat. Chapter 507 (1982).

The need for and reasonableness of each of the proposed forms and amendments to existing forms is as follows:

Since 1976 the task force has amended or adopted conveyancing blanks to replace the blanks which have been unaltered for some time. The task force found that many forms were in need of revision, due to changes in the laws relating to the forms, changes in application and the plain language law.

In this regard the task force, since its new appointment in 1976, has had the following objectives in the revision or creation of conveyancing blanks:

1. Whenever possible, a one-page form (including all recording data) should be used to reduce recording time and alleviate storage problems in the offices of the County Recorders.
2. The forms should be understandable to the general public.
3. The format should minimize the amount of additional typing necessary to complete the form and the probability of error by the person preparing the form.
4. The form should eliminate duplication of language and phrases rendered unnecessary by statute or case law.

It is believed that the proposed forms meet these objectives.

Limited Warranty Deeds (15-M to 26-M). The amendments of these forms provides a clearer, more functional form. The amendments conform to changes made on other uniform conveyancing forms. The amendments are designed to provide the user with a simpler, more understandable form.

Power of Attorney to Convey Real Estate (63-M). This new form replaces the general power of attorney form. It provides a form

specifically established for use in conveying real property. As such the form is designed to provide a more precise, understandable form. The power is based upon a common law power and was not found by the task force to be in conflict with the statutory power (Minn. Stat. ch. 523).

Affidavit of Attorney-In-Fact (63 1/2M). This new form is proposed to compliment Form 63-M. It affirms that the attorney has no notice of any impediment to the power granted under 63-M.