

**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, Bert J. McKasy ("Commissioner") presents herein his statement of the need for and reasonableness of the adoption of proposed forms relating to Minn. Stat. Chapter 507 (1990).

By Laws 1929, Chapter 135 (Minn. Stat. § 507.08) the Uniform Conveyancing Blanks Commission was authorized. The Uniform Conveyancing Blanks were "...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Laws 1975, Chapter 61, Section 26 repealed Minn.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.

The authority to promulgate rules under Minn. Stat. Chapter 507 is set forth at Minn. Stat. § 507.09 (1987). Where specific statutory authority is relied upon, it will be so noted.

The Commissioner has determined that the proposed adoption of these forms is necessary to carry out and make effective the provisions and purposes of Minn. Stat. Chapter 507 (1992).

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

The task force, since its renewal 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.

The SATISFACTION OF MORTGAGE (proposed uniform form number 51 1/2-M) is proposed for adoption to provide a form consistent with the new format for uniform forms. The satisfaction contains language to conform with the requirements of Minn. Stat. 507.411(1990, as amended) when a change in the name or identity of a corporate mortgagee or assignee of the mortgagee is caused by or results from a merger, consolidation, amendment to charter or articles of incorporation, or conversion of articles of incorporation or charter from federal to state, from state to federal, or from one form of entity to another.

PARTIAL RELEASE OF MORTGAGE (proposed uniform form number 53 1/2-M) is proposed to conform with the current uniform format. As

with the satisfaction (proposed form 51 1/2 M) the partial release contains language consistent with the requirements of Minn. Stat. 507.411(1990, as amended) regarding a change of name or identity.

SEVERANCE OF JOINT TENANCY (uniform form number 125-M) is a new form proposed to allow a joint tenant to sever and terminate joint tenancy pursuant to Minnesota Statutes § 500.19, subd. 5 (1).

THE SUMMARY REAL ESTATE DISPOSITION JUDGMENT PURSUANT TO MINN. STAT. 518.191 (proposed uniform form number 126-M) is proposed for adoption to facilitate the disposition of real property subject to a marriage dissolution in conformity with the provisions of Minn. Stat. 518.191(1990). This form will solve problems which arise with the disposition of property incident to a marriage dissolution in Minnesota and meets the standard requirements for a uniform form.

The proposed rules are necessary to provide the public, free of charge, with general forms which may be recorded to evidence a conveyance of an interest in real property. The rules will not have a direct impact on small businesses. Consequently it will not be necessary for the Department of Commerce to impliment any methods for reducing the impact of the rules on small business.