

TORRENS BOOT CAMP

Directives & Certificates

The following is intended to assist with the administration of the Torrens system

I. Examiners approval and Certification prior to Recording is Needed for all Title Transfers, Including Mortgage (or Other Liens), Easements, Platting, etc., Which involve any of the Following:

- Trust Documents
- Probate Documents (Personal Representative's Deed or Decree)
- Guardian or Conservator's Documents
- Religious Corporation or Documents
- Power of Attorney's and Affidavit by Attorney-in-fact

II. Examiner's Directive

- To alter names, marital status, state of incorporation, etc.
- To transfer certificate to purchaser of tax title (if 10 years since filing of Auditor's Certificate of Forfeiture, sale or State Assignment Certification)
- After vacation of street or alley – to add accruing portion to the certificate
- Condominium documents – CIC's type condos
- To drop old documents which have expired by their terms or are outlawed by statute
- After Foreclosure by action
- Plat corrections (RLS)
- Where the Divorce Decree or Summary Real Estate Disposition Judgment is being used to transfer title
- After eminent domain proceedings
- To drop racial restrictions
- Transfers, Affidavits of Survivorship, etc., related to Minn. State 256B.15 or 514.980 – 514.985 (Medical Assistance Liens)
- To drop easements or restrictions which may appear on the Certificate of Title, but do not affect the title shown on the Certificate
- To transfer after repurchase of Auditor's Tax Sale

Proceeding Subsequent to Initial Registration

Proceedings Subsequent (District Court Action)

- After cancellation of Contract for Deed
- After mortgage foreclosure by advertisement
- Tax title less than 10 years old
- To reform the certificate of title or documents (to remove or add anything not specified under directive statutes)
- To transfer title to buyer under Contract for Deed where contract is paid off, but no deed forthcoming
- To determine boundaries
- After Mechanic's lien or judgment foreclosures
- After a named corporation is dissolved and three years have passed or dissolution of any other entity shown as the registered owner
- Lost deed or other instrument
- To determine adverse claims
- Any other change to the Certificate the Examiner doesn't feel comfortable in directing without a Court Hearing
- Lost deed or other instrument when a copy is available

I. Examiner's Approval and Certification Prior to Recording is Needed for all Title Transfers, Including Mortgage (or Other Liens), Easements, Platting, etc. Which Involve any of the Following:

- Trust documents (Deeds and Plats) 508.62
- Probate documents (Personal Representative's Deed or Decree) 508.69
- Guardian or Conservator's Documents 508.69
- Religious Corporation Documents
- Power of Attorney's and Affidavit by Attorney-in-Fact

II. Examiner's Directives

- To alter names, marital status, state of incorporation, etc. 508.71, Subd. 3.
- To transfer certificate to Purchaser of tax title (if 10 years since filing of Auditor's Certificate of Forfeiture, sale or State Assignment Certification) 508.67, Subd. 2.
- After vacation of street or alley – to add accruing portion to the certificate 508.73, Subd. 2.
- Condominium documents – CIC's type Condos ?
- To drop old documents which have expired by their terms or are outlawed by statute 508.71, Subd. 3.
- After Foreclosure by action 508.58, Subd. 2.
- Plat corrections (RLS)
- Where the Divorce Decree or summary Real Estate Disposition Judgment is being used to transfer title 508.59
- After eminent domain proceedings 508.73
- To drop racial restrictions 508.71, Subd. 3.

III. Proceedings Subsequent (District Court Action)

- After cancellation of Contract for Deed
- After mortgage foreclosure by advertisement 508.58, Subd. 1.
- Tax title less than 10 years old 508.67, Subd. 1.
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- To determine boundaries 508.67, Subd. 1.
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- After a named corporation is dissolved and three years have passed
- To determine adverse claims
- Any other change to the Certificate the Examiner doesn't feel comfortable in directing without a Court Hearing.

IV. Items You May wish to Discuss With the Examiner:

- Foreign notaries
- Blanket or not well-defined easements
- X by his mark
- Appointment of corporate agent to sign documents
- MERS (Mortgage Electronic Registration Systems Inc)
- Whether to continue Divorce Decree on new Certificate (if lien)
- Dropping old judgments, Federal tax liens, Mechanic's Liens
- Items expiring by their own terms (lease, option to purchase, etc.)
- Foreign decrees
- Alterations to documents
- Date only on acknowledgment
- Use of aka's as grantors or grantees
- Affidavit of Merger, Easement and subsequent property acquired by the same owner
- Owner redemption from Mortgage or other Lien Foreclosure Sale
- Registrar's correction document for clerical errors – only if it may adversely affect the interest of a party (See: 508.71(1a))
- Appeal to Examiner from Registrars rejection (See: 508.321)
- Notices of Adverse Claim
- Registered Land Surveys
- Lot or Parcel Splits

508.71 Alterations; court, examiner's order; new certificates.

Subdivision 1. **Alterations.** No erasure, alteration, or amendment shall be made upon the register of titles after the entry of a certificate of title or of any memorial on it, and the attestation of the same by the registrar, except by order of the court OR as otherwise provided in this chapter.

Subd. 1a. **Corrections of registrar's clerical errors.** The registrar may correct clerical errors or omissions made by the registrar's staff in producing certificates of title. An error shall not be erased or obliterated. The registrar may sign and file a correction document and memorialize it upon the affected certificate of title, or may make a correction memorial without a correction document. The memorial shall show the date, time of entry, the nature of the error or omission, and the correct information. If the error or omission may adversely affect the interest of a party, the registrar shall refer the correction to the examiner of titles. The registrar shall prepare subsequent certificates correctly and omit the memorial of the correction.

Subd. 2. **Court order.** A registered owner or other person in interest may, at any time, apply by petition to the court, upon the ground that (1) registered interests of any description, whether vested, contingent, expectant, or inchoate, have terminated and ceased; (2) new interests have arisen or been created which do not appear upon the certificate of title; (3) any error or omission was made in entering a certificate of title or any memorial thereon; (4) the name of any person on the certificate of title has been changed; (5) the registered owner has married, or, if registered as married, that the marriage has been terminated; (6) a corporation which owned registered land and has been dissolved has not conveyed it within three years after its dissolution; or (7) upon any reasonable ground, that any other alteration or adjudication should be made. The court may hear and determine the petition after notice given to all parties in interest, as determined by the examiner of titles, by a summons issued in the form and served in the manner as in initial applications or by an order to show cause, as the court may deem appropriate. After notice has been given as ordered, the court may order the entry of a new certificate of title, the entry, amendment, or cancellation of a memorial upon a certificate of title, or grant any other relief upon the terms, requiring security if necessary, as it may consider proper. The provisions of this section shall not give the court authority to open the original decree of registration, and nothing shall be done or ordered by the court which shall impair the title or other interest of a purchaser who holds a certificate of title for value and in good faith, or of the purchaser's heirs or assigns without written consent of the purchaser or heirs or assigns. A certified copy of the petition may be filed as a memorial on any appropriate certificate of title which shall be notice forever to purchasers and encumbrancers of the pendency of the proceeding and all matters referred to in the court files and records pertaining to the proceeding.

Subd. 3. **Directive by examiner.** At the request of a registered owner or other person in interest, the examiner of titles by a written directive may order (1) the amendment or cancellation of a memorial relating to racial restrictions, rights which are barred by a statute or rights which have expired by the terms of the instrument creating the rights, or (2) upon the submission of evidence satisfactory to the examiner, the correction of the name or designation of a party who is a registered owner or who has an interest registered on a certificate of title. The registrar of titles may register the directives of the examiner of titles upon the certificates of title, and shall give full faith to the directives.

Subd. 4. **Registration of memorials.** Without order of court or directive of the examiner, the registrar of titles may receive and register as memorials upon any certificate of title to which they pertain, the following instruments: receipt or certificate of county treasurer showing redemption from any tax sale or payment of any tax described in a certificate of title, a state deed issued to purchaser of tax-forfeited land, a certified copy of a marriage certificate showing the subsequent marriage of any party shown by a certificate of title to be unmarried, a certified copy of a final decree of divorce or dissolution of a marriage entered in the state of Minnesota, or in any state, territory or possession of the United States, or the District of Columbia to establish the dissolution of a marriage relationship of any party shown on the certificate of title to be married, and a certified copy of the death record of party listed in any certificate of title as being the spouse of the registered owner when accompanied by an affidavit satisfactory to the registrar identifying the decedent with the spouse. In all subsequent dealings with the land covered by the certificates of title, the registrar shall give full faith to these memorials.

Subd. 5. **Survivorship.** In case of a certificate of title outstanding to two or more owners as joint tenants, upon the filing for registration of a record of death of one of the joint tenants and an affidavit of survivorship, the registrar without the order or directive shall issue a new certificate of title for the premises to the survivor in severalty or to the survivors in joint tenancy as the case may be.

Subd. 6. **Recorded instruments.** When instruments affecting registered land have been recorded in the office of any county recorder in this state, a certified copy thereof may be filed for registration and registered with like effect as the original instrument without the order or directive.

GLOSSARY OF TORRENS TERMS

Adverse Claim	Now known as Verified Claim of Unregistered Interest. Minn. Stat. § 508.70 provides for the filing on a Certificate of Title of a verified statement by a third party claiming an interest in registered land adverse to the registered owner. A copy of the unrecorded document may be but need not be attached. If deed tax or mortgage tax are payable if the document was recordable, it must be paid before the claim is recorded.
Adverse Possession	Statutory 15 year period whereby a party may acquire an interest in land by occupying it. Specifically not allowed on Torrens land, see Minn. Stat. § 508.02
Affidavit	Sworn statement by an individual about his/her knowledge of the facts in a situation. Contains a “jurat” (i.e. “subscribed and sworn to”) instead of an acknowledgment.
Affidavit of Purchaser	(REPEALED, 2000) Statement identifying new fee owner (grantee in deed) setting forth name, address, marital status, majority status (over 18) or minority status and any legal incapacity. Required only when new ownership is created by deed, affidavit of survivorship, divorce or probate decree, etc.) See Minn. Stat. §508.52.
Appeal (time for)	Time for appealing an Order of the District Court – for Torrens appeals see Minn. Stat. § 508.29.
Application	A Court pleading filed with the District Court when an owner seeks to convert abstract to Torrens property. See Minn. Stat. §§ 508.03 through 508.11.
Assurance Fund	Once a special fund created by fees paid at time of registration and filing of documents with registrar used to compensate parties suffering a loss because of an error made by the Registrar of Titles or the Examiner of Titles – now part of the general fund. See Minn. Stat. § 508.76.
Boundary Registration	A judicial (court-ordered) determination of the location of the boundary lines of land, see § 508.06. for determining boundaries in an Original Registration proceeding. See § 508.671 for determining boundaries after the land is registered (in a Proceeding

	Subsequent).
Cancel	The act of extinguishing a Certificate of Title when property has been transferred.
Certificate of Title	Official document of the Torrens system showing ownership of and documents affecting title to land – see §§ 508.25 and 508.35.
Certificate of Possessory Title	Created when land is registered under Chapter 508A without a court proceeding. Ripens into a regular Certificate of Title after 5 years.
Certification by Examiner	Procedure whereby the Examiners authorizes the filing of Probate Transfers, Divorce Decrees and Trustees conveyances – See §§ 508.59, 508.62 and 508.69.
Certified Copy	A copy of a document where a representative of the government agency authorized to maintain the record certifies that it is a true and correct copy of the original in that agency's office.
Common Interest Community	Condominiums, planned communities, cooperatives, etc. – See Minn.Stat. Chapter 515B.
Common Interest Certificate of Title (CECT)	Certificate of Title used to house project-wide documents such as declarations, mortgages (other than mortgages on individual units) and documents relating to the common elements of a condominium. May be replaced by “Common Interest Certificate of Title (CICT) in 2009 session of Legislature. New version may be used for planned communities and condominiums.
Conformed Copy	A copy of a document submitted with original at the time of filing, upon which the Registrar affixes filing data from the original and then returns the copy to filing party. Does not require great comparative scrutiny by Registrars.
Conveyance	The transfer of property or an interest in it from one owner to another.
Decree of Registration	The court document creating the first Certificate of Title – See Minn. Stat. § 508.22. (The Hennepin County Registrar's Office uses the term “First Decree” which is sort of a cross between “Decree of Registration” and “First Certificate”.)

Description Block	Part of the face of a certificate of title where the legal description of the property appears. Mineral exceptions are part of the legal description and not part of the recitals.
Directive	A written order from the Examiner of Titles authorizing some action by the Registrar. May be used to add, drop or amend a memorial or recital; correct typographical errors; create a residue; or cancel a certificate. – See § 508.71, Subd. 3.
Dismissal	Where all or part of an action to register title is ended or withdrawn without completing the entire process. A common dismissal is that of minerals.
District Court Block	Part of the face of a certificate of title identifying the District Court file number and first certificate when the property was originally registered. Also identifies the certificate from which it is derived.
Divorce Decree	(Commonly used term for marriage dissolution decree) Court decree dissolving a marriage – Examiner of Titles certification is required to use a divorce decree to transfer title – See § 508.59.
Dropped Memorial	A memorial that is not carried from a cancelled certificate to the resulting new certificate. Usually includes satisfied or released liens.
Due Process	Doctrine created by the Fifth and Fourteenth Amendments to the Constitution, where, among other things, a party's interest in property may not be involuntarily extinguished without notice and hearing.
Easement	The right of use over property of another. An appurtenant easement is an easement which attaches to land, passes with it and has a dominant (benefited) and servient (burdened) estate. May be registered – See § 508.04.
Estate	a. how property is held (e.g. fee simple, joint tenancy, life estate). b. the property of a decedent or of a ward or conservatee administered by a probate court.
Estates Block	The part of certificate citing fee ownership and tenancy.
Ex Parte Petition	Used mostly in St. Louis County. A written request to the Examiner of Titles in the format of a petition to the court for a directive or certification in lieu of the request for a directive

provided for in Minn. Stat. § 508, (See, for example, Minn. Stat. § 508.58, Subd. 2). Although there is no Minnesota Statute providing for an “ex parte petition”, the St. Louis County Torrens office uses it as a common format in cases where a trustee is deeding out, an attorney-in-fact is deeding out, where unplatted descriptions are being converted to platted descriptions, and for help in solving problems under “twenty year rule”.

- Examiner of Titles** A licensed attorney assigned as legal advisor to the Registrar of Titles. May be a county employee or a private practitioner working on a contractual basis.
- Exchange Certificates** Certificates generated where one or more certificates are surrendered to be canceled and re-issued to drop satisfied memorials, combine legal descriptions, separate legal descriptions or, in some counties, convert from unplatted to platted descriptions.
- Face of the Certificate** (also called the “body” of the Certificate) The part of the certificate appearing before the memorials; usually contains the fee owners, description, recitals and registration, estates, identification and signature blocks.
- Fee Title** (Fee simple absolute) – where the owner is entitled to the entire property with unconditional power of disposition during his or her life. The only estate which may be registered other than an appurtenant easement – See Minn. Stat. § 508.04, Subd. 1.
- Fee Owner** Same as registered owner (except where appurtenant easement is registered).
- Filed** Rendering a document to the public record by affixing recording data and keeping the document in the Recorder/Registrar’s office so that the public may view it if necessary. Until 2000, all Torrens documents ere “filed”. (See Recorded.)
- File Number** (in some counties)
- a. The document number of the document creating a Certificate of Title;
 - b. The number of a file folder in the Registrars’ office containing copies of documents pertinent to certificate showing that file number.

- c. The District Court number assigned to the Original Registration Case (appears on Certificate of Title in Hennepin County).

First Certificate	Certificate of Title created upon the Order of the Court when a parcel is converted from abstract to Torrens.
Foreclosure	Process whereby the holder of a mortgage or other lien takes fee title to land after a default. - See§ 508.58 for issuance of a new certificate after foreclosure.
Forfeiture	(Tax forfeiture) process whereby the state takes title to land in trust for the taxing district after the fee owner or taxpayer fails to pay the real estate taxes. See § 508.67 for entering a new Certificate by Court Order or Examiner's Directive after forfeiture.
Fractional Interest	Undivided interest shown in the form of a fraction. Example: "an undivided 290,625/129,560,000 ..." (See St. Louis County Certificate No. 195695).
Grantor/Grantee	Parties to a transaction. The grantor conveys interest in property; the grantee receives it.
Hearing	Official proceeding before a judge or Examiner where evidence and testimony are taken so that a judicial determination may be made to register a parcel or resolve an issue.
Identification Block	(Repealed, 2000) The part of a certificate of title where the age and marital status of the fee owners appear.
Incapacity	Legal standing where persons are unable to act on their own behalf; usual incapacities are minority (under the age of 18) or persons under guardianship or conservatorship.
Judgment	The final decision of the Court resolving the dispute and determining the rights of the parties -- once docketed, it may become a lien on Torrens land only by filing a certified copy of the judgment on the certificate. See§ 508.63.
Lien	Interest where a creditor has a less than fee interest in property for the life of the debt. Example: Mortgagee's interest, judgment.
Limitation of Actions	Statutes of limitation on Torrens property. See§§ 508.26, 508.28 and 508.29.

Live Certificate	Certificate showing current ownership of property; uncanceled certificate.
Lost Owners' Duplicate Certificate of Title	(Repealed, 2000). A statement filed with the Registrar verifying that the Owner's Duplicate Certificate has been lost, destroyed or cannot be produced and requesting a replacement. See Minn. Stat. § 508.44
Memorial	A memorandum on the Certificate of Title identifying filed (now recorded) documents or proceedings affecting the title. See Minn. Stat. § 508.49.
Mineral Interest (Mineral Rights)	An interest in the surface or sub-surface minerals of a parcel. Owner of such interest is entitled to a certificate of title separate from the fee owner's certificate for the surface. Notice of the mineral rights appears as a recital on the fee owner's certificate of title.
Notice	Formal notification, by either personal service or publication, to a party to a court proceeding.
Opening Decree	An order from the District Court that a decision or decree registering land to be re-opened, upon proof of faulty service of process, to allow a person having right, title or interest in land to file a petition and/or answer. See Minn. Stat. § 508.26.
Operation of Law	Condition where rights or interests of an interest holder expire by the mere application of the terms of a statute, without an act by any party. Example: Mechanics liens may be dropped after one year; judgments after ten. Caveat: When in doubt, check with the Examiner.
Order to Show Cause	Notice to a party in interest to appear and explain at a hearing why the court should not proceed with a proposed action. Used in Proceedings Subsequent.
Original Registration	The decree by the court that converts a parcel from abstract to Torrens property. The date of the original registration of a parcel appears on all subsequent certificates. See Minn. Stat. §508.22.
Owners' Block	Part of the face of a certificate that identifies the name (s) of the fee owners

Owners Duplicate Certificate of Title (Owner's Duplicate Receipt, O.D. or O.D.C.)	(Repealed, 2000) Duplicate of the official certificate of title in the Registrar's office to be in the possession of property owner. Was required to be presented to registrar together with any voluntary document.
Petition Subsequent (to initial registration)	Formal request that the court take some action on registered property. Requires opening a court file, notice and hearing.
Possessory Title (Possessory Estate)	Method of registering title without a court proceeding. See Ch. 508A.
Publication	Required in Original Registration cases to give notice to unknown parties who may claim an interest in the land being registered. See Minn. Stat. § 508.16.
Power of Attorney	Written authority for one person (the attorney-in-fact) to do some act related to real property which the owner (person granting the authority) could perform himself. See Minn. Stat. § 508.72. Conveyance under power of attorney requires additional documents – power of attorney and affidavit of attorney-in-fact.
Reception Record (Reception Books)	Numerical index of documents as they are filed in the Registrar's office. See Minn. Stat. § 508.37.
Recital	Reference to abstract document that followed a parcel from Abstract to Torrens. Also may be created by a Court Order in a Proceeding Subsequent. See also "Statutory Recitals" and "Memorials."
Recorded	Rendering a document to the public record by affixing recording data, copying it by scanning, microfilm, photocopying, etc and returning the original to the submitting party. After 2000, Torrens document were only recorded. (See "Filed")
Recitals Block	Location of the face of a certificate of title where the above recitals are found.
Registered Land Survey	A drawing (survey) of a parcel of land filed pursuant to the request of the Registrar of Titles. See Minn. Stat. § 508.47. Survey operates similarly to a plat in that a long metes-and-bounds description is re-named as a Tract, but is different from a plat in that a survey may not create easements or dedications. Especially useful in eliminating residue certificate with multiple exceptions.

Registered Property Abstract (RPA) or Registered Property Certificate (RPC)	Compilation by an abstractor of information on a live certificate along with information about tax liens, real estate taxes, bankruptcy, and often, but not necessarily, judgments. Gives out-of-state title examiners something familiar (i.e. abstract) upon which to base an opinion.
Registration Block	The top portion of a certificate of title identifying the date of initial registration, the prior certificate, etc.
Registration of Boundaries	A judicial determination of the exact location of boundary lines. See Minn. Stat. § 508.23 (for original registration cases) and § 508.671 (for Proceedings Subsequent).
Reservation	The retention of an interest or right in property upon its transfer to someone else. Often easements or life estate are reserved by the grantor.
Residue Certificate	Certificate describing the “left-overs” when a fee owner conveys only part of the property described on a certificate. The legal description on the residue certificate should match the description on the cancelled certificate omitting the description on the conveyancing instrument.
Second Line	Short description of the content of a document memorialized on a certificate.
Signature Block	The part of the certificate where the Registrar signs and dates the certificate.
Statutory Recitals (aka “Standard Recitals”)	The seven statutory exceptions on all certificates of title which define those conditions that affect Torrens property. See Minn. Stat. § 508.35.
Standard Recitals Block	Location of the face of a certificate of title where the above recitals are found.
“Subject to”	Reference to specific conditions that affect or govern title. Parcel or interests may be “subject to” easements, mortgages, mineral reservations, life estates, etc. Different from “together with”.
Ten Year Old Tax Forfeiture	Minn. Stat. § 508.67, Subd. 2, allows for an Examiner’s Directive to cancel a certificate of title and issue a new one to a state deed purchaser where the forfeiture is more than ten

years old.

Title Standards	Set of guidelines adopted by the Real Property Section of the Minnesota State Bar Association to resolve disputes over technical objections to title.
“Together with”	Identification of other interests accompanying a parcel when it is conveyed, i.e. “Parcel A, together with an easement over Parcel B.” Different from “Subject to”.
Torrens System	System of registration of land titles by District Court Order resulting in the creation of a Certificate of Title set forth in Chapter 508.
Torrens, Robert	Australian who invented the system. Originally a method of registering title to ships.
Torrens Statute	Minnesota Statutes Chapters 508 and 508A. Define the steps necessary to register property and the procedures Registrars follow when processing documents and certificates of title.
Tract Index	Index to Certificates of Title arranged by legal description. See Minn. Stat. § 508.37.
Trust	A right of property held by one party (the trustee) for the benefit of another (the beneficiary) pursuant to a trust instrument created by a trustor or settlor. The Trustee holds the title and Certificates should be entered in the name of the Trustee, as Trustee under the XYZ Trust Agreement – See Minn. Stat. § 507.421 as amended by the laws of Minnesota 1999.
Twenty Year Rule	“Torrens glitches come back to haunt you after twenty years.”
Undivided Interest	An interest in property that is shared with someone else. (e.g., where there are two tenants in common in title, each holds an undivided interest.)
Voluntary Instrument	A document signed by the fee owner named on the face of the certificate of title or by party whose interest appears as a memorial.

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