

Application to Register Title (District Court Action)

Initial registration under Minnesota Statutes Chapter 508 is suitable for any property and includes the option of having judicial landmarks placed to determine the location of boundary lines. To register a boundary, a survey is required.

- The initial registration proceeding is initiated by the filing of an Application with the District Court. The Application must be in the form and contain the information required by Minn. Stat. §§508.05 and 508.06. The Hennepin County Examiner of Titles website provides sample Applications.
- The best practice is to prepare the Application and forward the draft Application to the Examiner for approval prior to filing. The Application should then be filed by the Applicant's attorney.
- The Applicant must also file an Abstract of Title. The Abstract should be certified to the legal description shown in the Application. Once the Application is filed in District Court, and a certified copy of the Application is filed in the office of the County Recorder, the Abstract should be continued to show the filing of the Application. The Abstract must be e-filed into the court file (Minn. Stat. §508.11 and Minn. Gen. R. Prac. 14.01 (b)(1)), and a paper version of the Abstract should be delivered to the Examiner of Titles as a working copy. A certificate of searches made in accordance with Minnesota Title Standard No. 82 must be included in the Abstract, or may be filed separately, as against the names of persons who have an interest or estate in the land being registered through the date of filing the Application.
- Applicant's attorney should e-file or forward to the Examiner any surveys of the property subject to the Application.
- After the Application and Abstract have been e-filed, the Examiner of Titles will conduct an examination and issue a Report. The Report will include the Examiner's opinion on title, the names of parties to be made defendants, and recommended evidence and findings to establish title in the Applicant. The Report is e-filed in the court file and e-served on the Applicant's attorney (Minn. Stat. §508.13; Minn. Gen. R. Prac. 205).
- Applicant's attorney will then file the Petition and Order for Summons.
- Upon approval of the Petition and Order for Summons by the Examiner, the Court Administrator will issue a Land Title Summons, which must be published and served on the defendants. The procedures for issuance of a Summons in a registration proceeding are governed by Minn. Stat. §§508.15 and 508.16, and are different from typical civil

proceedings. The Hennepin County Examiner of Titles website provides sample forms for (a) Petition and Order for Summons (b) Land Title Summons and (c) Affidavit in Support of Petition for Summons.

- A Hearing is held, after which the Court will likely issue its Order and Decree of Registration.
- A certified copy of the Order and Decree of Registration is filed with the Registrar of Titles who issues a Certificate of Title.