

**REFERENCE THE CERTIFICATE OF TITLE NO. ON YOUR DOCUMENTS AND  
ALL CORRESPONDENCE TO THE EXAMINER OF TITLES.**

*Fee Schedule*

Effective June 1, 2015, as revised

- The McLeod County District Court has established the hourly rate of the McLeod County Examiner of Titles at \$180.00 per hour.
- The following fee schedule applies for matters that regularly come before the Examiner, which are not contested, do not require a Court appearance by the Examiner, and, which in the opinion of the Examiner, do not present extraordinary or unusual problems:
  - a. Examiner's Certifications and Directives - minimum fee \$180.00
  - b. Proceedings Subsequent After Mortgage Foreclosure, Contract for Deed Cancellation, or Other Lien Foreclosures (When Not Contested) - average fee \$800.00, billed hourly
  - c. Other types of Proceedings Subsequent, and contested Proceedings Subsequent will be charged at the hourly rate
- Filing fees, copies and other out-of-pocket costs are in addition to these fees.

Racheal M. Holland  
McLeod County Examiner of Titles  
Melchert Hubert Sjodin, PLLP  
121 West Main Street, Suite 200  
Waconia, MN 55387  
Phone: (952) 442-7767  
Email: [rholland@mhslaw.com](mailto:rholland@mhslaw.com)

Jackie Schoenbauer  
Paralegal  
Melchert Hubert Sjodin, PLLP  
121 West Main Street, Suite 200  
Waconia, MN 55387  
Phone: (952) 442-7794  
Email: [jschoenbauer@mhslaw.com](mailto:jschoenbauer@mhslaw.com)

## REFERENCE THE CERTIFICATE OF TITLE NO. ON YOUR DOCUMENTS AND ALL CORRESPONDENCE TO THE EXAMINER OF TITLES.

### *Directives & Certifications*

The following is intended to assist with the administration of the Torrens system in McLeod County. Please contact Racheal Holland if you have any questions.

#### **When is a Directive or Certification Needed?**

#### **I. Examiner's Approval and Certification Prior to Recording is Needed for all Title Transfers, Liens (generally not mortgages), Easements, Platting, etc., Which Involve any of the Following:**

- Trust documents (which must comply with Minn. Stat. Chapter 501C)
- Probate documents (e.g. Personal Representative's Deed, Deeds of Distribution, and accompanying documents)
  - If letters issued to the Personal Representative are required to be recorded at the time of conveyance, the certification by the Court must occur on a date which is on or after the date of conveyance, and must include language that the letters are in full force and effect and have not been revoked
- Guardian or Conservator's Documents
- Religious Corporation Documents
- Powers of Attorney and Affidavits by Attorney-in-Fact (if on behalf of an individual)
- Certificates of Redemption from mortgage foreclosure (if not signed by the holder of the Sheriff's Certificate)
- Where a Divorce Decree or Summary Real Estate Disposition Judgment is being used to transfer title
- After eminent domain proceedings

#### **II. Examiner's Directives**

- To alter names, marital status, state of incorporation, legal description, etc. on the face of the Certificate of Title
- To transfer Certificate to purchaser of tax title (if it has been at least 10 years since the filing of an Auditor's Certificate of Forfeiture, Sale or State Assignment

Certification; if less than 10 years since the filing of an Auditor's Certificate of Forfeiture, Sale or State Assignment Certification, a proceedings subsequent is required)

- After vacation of street or alley - to add accruing portion to the Certificate
- Condominium documents - CIC type condos
- To drop or delete old documents which have expired by their terms or are outlawed by Statute
- After a mortgage foreclosure by action
- After cancellation of a Contract for Deed if legally sufficient documents evidencing the cancellation have been memorialized on the Certificate of Title for at least 5 years
- Plat corrections (RLS)
- To drop racial restrictions
- Transfers, Affidavits of Survivorship, and the like related to Medical Assistance Liens (Minn. Stat. § 256B.15)
- To drop easements or restrictions which may appear on the Certificate of Title, but do not affect the title shown on the Certificate

#### **How to get one?**

- Email a copy of the documents to be filed to Racheal Holland at [rmholland@mhslaw.com](mailto:rmholland@mhslaw.com) and mail a \$180.00 check for the Examiner's fee made payable to Melchert Hubert Sjodin, PLLP at 121 West Main Street, Suite 200, Waconia, MN 55387. Include a reference to the Certificate of Title No. on all correspondence. Indicate whether the original Directive or Certification should be forwarded directly to the Registrar of Titles Office or returned to you.

or

- Mail the original documents to be recorded together with a \$180.00 check for the Examiner's fee made payable to Melchert Hubert Sjodin, PLLP at the address stated above. Include a reference to the Certificate of Title No. on all correspondence. Indicate whether the original documents and Directive or Certification should be forwarded directly to the Registrar of Titles Office (in which case the checks payable to the County for recording fees, tax payments and the like should be included) or returned to you.

The cost for a Certification or Directive is usually \$180.00. The cost may be higher in complex cases.

McLeod County requires the Directive or Certification be filed on the existing Certificate of Title for a fee of \$46.00. To file a Directive or Certification on multiple Certificates of Title, an additional \$20.00 per Memorial/Certificate is required, after payment of the \$46.00 fee for the first Certificate. If you have any questions as to the amount of filing fees needed, please contact the McLeod County Registrar of Titles Office.

## Proceedings Subsequent (District Court Action)

### When is a Proceedings Subsequent (District Court Action) needed?

- After cancellation of Contract for Deed (unless documents evidencing a legally sufficient cancellation under §559.21 have been of record on the Certificate of Title for at least 5 years)
- After mortgage foreclosure by advertisement
- Tax titles that are less than 10 years old
- To reform the Certificate of Title or documents (to remove or add anything not specified under Statutes permitting reformation by Directive)
- To transfer title to buyer under Contract for Deed where contract is paid off, but no deed is recorded
- To determine or adjust (only if RLS is not available) 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 where only a copy is available
- To determine adverse claims
- Any other change to the Certificate of Title the Examiner doesn't feel comfortable in directing without a Court Hearing

### Initiation and Process

- Any Petition which complies with Minnesota Statutes Chapter 508 is acceptable to initiate a Proceedings Subsequent. The Hennepin County Examiner of Titles website provides a good set of forms.
- Forward the Petition to the Examiner of Titles for approval *before* e-filing the Petition. Include a signature block for the Examiner of Titles, for example:

Approval by Examiner of Titles

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Racheal M. Holland

- **E-file the approved Petition with Court Administration, listing the Examiner of Titles as an interested observer or other party and e-serve the Examiner of Titles with Petition.** The Examiner of Titles will then e-file and e-serve a Report of Examiner.

- The proposed Order to Show Cause and proposed final Order should each contain the following at the end of the document:

Approval by Examiner of Titles

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Racheal M. Holland

### **Hearing**

- Submit documents for approval by Examiner at least one week prior to Order to Show Cause Hearing. If the documents are approved, the Examiner will sign indicating approval. If the documents are not approved, the Examiner will contact the Petitioner's attorney for additional information or explanation.
- In McLeod County, an appearance by the Petitioner's attorney is needed even if the Petitioner(s) and the Examiner believe there will be no objections, however, the appearance may be made by telephone if prior arrangements are made with McLeod County Court Administration.

## *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 e-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 e-filing. The Application should then be e-filed by the Applicant's attorney.
- The Applicant must also e-file an Abstract of Title. The Abstract should be certified to the legal description shown in the Application. Once the Application is e-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 e-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 e-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.