



REGISTRATION OF TITLE WITHOUT A COURT PROCEEDING IN RAMSEY COUNTY

I. INTRODUCTION

An owner of abstract land in Ramsey County can register the title (i.e., convert it to the Torrens system) by an inexpensive administrative procedure. This enables the abstract land owner to get a registered (Torrens) title and the benefits of registered land in less time and at a lower cost than by registration through a court proceeding. However, this administrative registration procedure can be used only for titles which are marketable; titles with defects cannot be registered in this manner because this is not a Judicial proceeding with power to cure those defects. The procedure is governed by Minn. Stat. Chapter 508A.

This method of registration begins with recording an Application for Certificate of Possessory Title with the County Recorder. The abstract is then submitted to the Ramsey County Examiner of Titles. After analyzing the abstract and other title evidence, the Examiner issues a report on the condition of the title. Assuming the applicant has good title; notices are mailed to all parties who have an interest in the land. If there is no objection, the Examiner will direct the Registrar of Titles to issue a Certificate of Possessory Title (CPT) to the applicant. The CPT will contain all mortgages, easements and other interests which affect title to the land.

The owner of a CPT may sell, mortgage and otherwise deal with the land in the same manner as an owner of other registered land. If the fee title is conveyed, a CPT will be issued to the new owner. After 5 years, the CPT will be converted to a regular Certificate of Title. When this occurs, the registered owner will have the same assurance of ownership as owners of land registered in a court proceeding, except for one small difference: the Certificates of Title will always state that the land is subject to any rights of persons in possession and to rights which would be disclosed by a survey. The fact that the Certificates note the existence of these rights should not be a problem because they also are included as standard exceptions in title insurance policies and are listed as exceptions in all title opinions of attorneys.

The following pages contain information about the reasons to bring a CPT registration, its cost and the registration procedure.

For other information or assistance, please call the Examiner of Titles office, 651-266-2886.

II. REASONS TO BRING A CPT REGISTRATION

1. To reduce the time and expense involved in abstracting and title examination when the property is refinanced or sold.
2. To eliminate the problem of storing the abstract and the possibility of losing it. If an abstract is lost, a new one can cost \$1,000 or more.

3. For land which is part abstract and part registered, to eliminate the extra expense and inconvenience of dealing with two recording offices and needing both an abstract and a registered property abstract.
4. To acquire the protection afforded owners of registered land against the acquisition by other parties of title by adverse possession and easements by prescription.
5. To eliminate the need to get affidavits of non-identity when there are judgments against persons with similar names.

III. COST OF A CPT REGISTRATION

A typical CPT Registration will cost approximately \$375.00, without attorney's fees. The cost breaks down as follows:

1. Attorney and/or legal assistant fees:

A property owner may handle the CPT registration without assistance. If an attorney is employed, there will be attorney fees, but they should not be as large as an initial registration in District Court because the CPT procedure does not require as much time.

2. Recording and filing fees:

The fees are \$46.00 for recording the Application for Certificate of Possessory Title with the County Recorder and \$2.00 to have the copy of the application stamped with a "Duplicate Filing Certificate" stamp; and \$46.00 for filing the Examiner's original Directive with the Registrar of Titles and the issuance of the first Certificate of Possessory Title.

3. Title Evidence, Judgment, Bankruptcy and Tax Lien Searches:

In most CPT registrations there will be no need to continue the abstract. The Examiner of Titles will inform the Applicant what title evidence will be required, including judgment, bankruptcy and tax lien searches. Title fees will be charged by the company performing the service.

4. Examination fee:

The examination fee has been set by the Ramsey County Board of Commissioners at \$255.00 for each parcel of land. The statute gives the Examiner of Titles the authority to determine how many parcels of land are involved. For example, 10 lots would be just one parcel if they have been conveyed in the same chain of title.

IV. CPT REGISTRATION PROCEDURE

The applicant or the attorney is responsible for filling out the CPT application, ordering a judgment search from a title company, finding addresses for parties identified in the Report of Examiner and preparing envelopes addressed to those parties, and paying the fees set out above. A detailed procedural guide follows.

1. Obtain and complete the appropriate CPT application. The Examiner's office has application forms on line at <http://www.co.ramsey.mn.us/et> for individuals and business entities.
2. Bring the completed application and an executed copy of it together with the abstract of title to the Examiner's office and leave it for approval. In most cases it will not be necessary to continue the abstract. If you lack an abstract or a complete abstract, contact the Examiner's office to determine whether alternative title evidence may suffice, e.g., reference to adjoining Torrens property with stub abstract from the date of the last common ownership. Unless the description is complex, we can search the Abstract Index from October 1993, so no additional abstracting would be required from October 1993 to the present.
3. The Examiner's office will call you when the application has been approved and ask you to send checks to cover the examination fee (\$255 for the typical CPT registration) and the County Recorder filing fees (\$48.00). The Examiner's office will then record the application for you.
4. We will require a standard name search. See Title Standard No. 82. An examiner will contact you with instructions to obtain judgment, bankruptcy and tax lien searches against parties in the chain of title. The searches should be made through the date the application was recorded. Order the searches and have the report delivered to the Examiners office. The Examiner will then issue a Report of Examiner.
5. Upon receipt of the Report of Examiner, you must obtain the addresses for the parties required to be given notice. Their names and addresses must be inserted on the Notice to Examiner to Mail Notice of Certificate of Possessory Title Application (available online). Deliver or send this form to the Examiner together with stamped envelopes addressed to these parties with a return address of:

Examiner of Titles Office
90 W. Plato Blvd., Suite 170
St. Paul, MN 55107

6. The Examiner will mail a notice of the pending CPT registration to these parties. If no objection is received by the Examiner within 20 days, the Examiner will prepare a Directive to the Registrar of Titles to issue a Certificate of Possessory Title to the applicant. A copy

of the proposed directive will be mailed to you along with a CPT Affidavit and instructions to send a check to the Examiner for the fees due to the Registrar for issuing the CPT.

7. When your check and CPT Affidavit have been received, the Examiners office will file the Directive for you.
8. The Registrar of Titles office will send you a copy of the CPT when the registration is complete.