

## 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.