

ON YOUR DOCUMENTS AND ALL CORRESPONDENCE TO THE EXAMINER OF TITLES, PLEASE INCLUDE THE FOLLOWING:

- 1) THE COUNTY IN WHICH THE PROPERTY IS LOCATED;
- 2) THE CERTIFICATE OF TITLE NUMBER.

Directives & Certifications

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

How to get one?

- Email a copy of the executed documents to be filed to Racheal Holland at rholland@mhslaw.com and mail a \$200.00 check for the Examiner's fee (or other amount if indicated by Examiner) made payable to Melchert Hubert Sjodin, PLLP, and addressed to 121 West Main Street, Suite 200, Waconia, MN 55387, ATTN: Jackie. **Include a reference to the County and Certificate of Title No. on all email and regular mail correspondence.** Enclose with your check a postage pre-paid envelope for the original Directive or Certification addressed to the requesting party or the Registrar of Titles Office if you would rather have the Directive/Certification meet up with your recording package at the County.

or

- Mail the original documents to be recorded together with a \$200.00 check (or other amount if indicated by Examiner) for the Examiner's fee made payable to Melchert Hubert Sjodin, PLLP, and addressed to 121 West Main Street, Suite 200, Waconia, MN 55387, ATTN: Jackie. **Include a reference to the County and Certificate of Title No. on all email and regular mail correspondence.** Enclose a postage pre-paid envelope for the original documents and Directive or Certification addressed to the requesting party or 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).

General Information about Directives and Certifications.

The base cost for a Certification or Directive is \$200.00. The cost may be higher in complex cases or matters requiring changes or significant document review.

Counties require the Directive or Certification be filed on the existing Certificate of Title. The Directive or Certification can be attached to the deed or filed separately with an additional filing fee of \$46.00 (Please advise the Examiner if the Directive or Certification will be filed separately so that the Examiner includes a “drafted by” statement). To file a Directive or Certification on multiple Certificates of Title additional recording fees are required, so please contact the appropriate Registrar of Titles Office to determine the amount of additional fees.

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) with the Affidavit of Trustee executed on the same date as the Trustee’s Deed. Note: the name of the Trust and the legal description for the property must match that which is contained on the Certificate of Title.
- Probate documents (e.g. Personal Representative’s Deeds of Sale or Distribution, Decrees of Descent, etc.)
 - 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 - McLeod and Sibley Counties only)

- 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 (i.e. there is no accompanying deed)
- 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
- Any other matter for which the Registrar needs the advice or guidance of the Examiner.