



GUIDE TO RECORDING REAL ESTATE DOCUMENTS

This manual is for reference purposes only and is subject to change.

This manual is an introduction to the basic principles of recording and filing documents. It is hoped that customers of this office will realize the complexity of the work in the Recorder's office, and know that professional competency will come from practical experience. It is important to remember that the Office of the County Recorder is two legally separate offices:

**Office of the County Recorder
Office of the Registrar of Titles**

Minnesota Statutes prohibit anyone except a licensed attorney from giving legal advice. This manual is not a substitute for legal advice, and questions regarding the validity of title and legal effects of a document are questions to be answered by competent legal advisers.

The Recorder and Registrar's Office and Members of the Northeast Minnesota Chapter of PREP have a commitment to provide prompt, responsive, courteous service to the public as they collect, create and maintain accurate records and disseminate information.

The information on the following pages will outline how this commitment is met.

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PROGRAM DESCRIPTION

The operations of the County Recorder are specified and mandated by state law. Briefly, the Recorder is required to record all documents submitted by the public which are qualified to be recorded, to maintain an up-to-date and accurate set of indexes which show the current ownership of land in the entire county, and to perform all functions of a clerical and technical nature to accomplish those objectives.

The Recorder, by law, is charged with passing upon the sufficiency of records presented to his office and charged with creating and displaying these records for the use of the public.

An essential consideration is that all records are open to public inspection during regular business hours, and that the public is entitled to rely upon the accuracy of what is shown on the record. Accuracy thus becomes a critical and overriding concern of the entire operation, with the resultant higher ratio of time to production that would be normal in a commercial business operation where the primary concern is profit.

All of these records are imaged. Security microfilm and servers are stored off-site and working images are available to the public in both Duluth and Virginia. Certified and non-certified copies may be purchased at either location. The Recorder's Office began scanning digital images in the year 2000, allowing subscribers access on the internet. Information is also provided to walk-in, telephone, and email customers.

In perspective, the operation of the entire county government depends upon the public records. Taxation of real property is the cornerstone of financing governmental operations. The ownership of the real property is thus responsible for taxes assessed; and it follows that the records must accurately reflect the status of each individual tract of land - its dimensions and locations, and the names of the owners. While each of the other offices is essential to the governmental function, they follow the Recorder's office in the flow chart: i.e., the Assessor bases his work upon the information turned over to that office by the Recorder; and in turn the Auditor collects the taxes assessed.

Understanding the work in the Recorder's office, however, does require an awareness and understanding of some of the terminology of real estate law, the legal system and property rights.

ABSTRACT PROPERTY

The evidence of title most commonly found in the United States is Abstract Title. An Abstract of Title is a history of the recorded title to a particular tract of land. It is a document which consists of a summary of the material parts of every recorded instrument affecting the title. It begins with the legal description of the land covered by the Abstract, and then shows the original patent and all subsequent recorded documents (deeds, mortgages, satisfactions, probate papers, judgments, mechanic liens, foreclosure proceedings, tax sales and others) affecting the title. Therefore, what has been certified to by the licensed abstractor (when the Abstract was last updated, and to what extent, and what records have been checked by the abstractor) determines whether the Abstract of Title is complete.

In most cases a person has a licensed attorney do an "opinion of title," based upon an examination of the Abstract of Title, to determine whether there are any title problems or defects, and if so, what should be required by affidavits, quit claim deeds, other documents and/or court procedure to legally clear up any title defects.

The St. Louis County Recorder's office does not have a complete tract index, but is required by law to maintain Grantor/Grantee, Mortgagor/Mortgagee indexes and a Reception Record. Since January 1, 1987, these records are being maintained on a computer system.

Quiet Title Action is a court proceeding to establish title to land by court action. An adverse claimant of interest in real estate is brought under the jurisdiction of the court and provided a hearing to establish a claim, or to be barred from asserting it by the quiet title judgment. Whenever a deed or other instrument exists that may cloud the title or create a title problem, a court can clear the title by judgment setting forth the current ownership. For example, when a real estate mortgage is valid on its face, but has ceased to be a lien, it may be canceled by an action to quiet title.

Adverse Possession is the legal concept of acquiring title to Abstract property, by occupying the land for a period fixed by statute. Occupancy must be continuous, open, hostile, visible and exclusive. The adverse possession must have continued for the statutory period of time.

TORRENS PROPERTY

Torrens property is property in which the title has been adjudicated under the authority of Minnesota Statutes, Chapter 508. This means that all matters pertaining to the title are under the supervision of the court, from the initial title registration proceeding, through proceedings subsequent to initial registration. Under the supervision of the Court, the Registrar of Titles issues an original Certificate of Title, kept in the office of the Registrar of Titles, and a copy of it, which is delivered to the registered owner.

All encumbrances and rights to be effective against registered land must be shown upon the Certificate of Title. There are seven statutory exceptions to this (set out in Minn. Stat. 508.25):

1. Liens, claims or rights arising under the Constitution.
2. The lien of any real property tax or special assessment for which the land has not been sold.
3. Any lease for a period not exceeding three years when there is any occupation.
4. Rights in public highways upon the land.
5. The right of appeal or right to contest the application.
6. Rights of any person in possession under deed or contract for deed from the owner of the Certificate of Title.
7. Outstanding mechanic's liens which may exist at the time of initial registration.

Petitions Subsequent to initial registration are court proceedings to adjudicate unusual matters concerning registered property arising after the initial court proceeding registering the title.

Although registered land (Torrens property) is subject to the same incidents as unregistered land (Abstract property), title to registered land may not be established by adverse possession.

Title to registered property is legally separate and distinct from title to Abstract property. Documents recorded in the Office of the County Recorder are not legal notice to persons interested in registered (Torrens) property. Conversely, documents filed in the Office of Registrar of Titles are not legal notice to persons interested in unregistered (Abstract) property.

A transfer of ownership in registered land may be accomplished only by deed from the registered owner, by an order from the court, or by a certificate from the Examiner of Titles. There must always be a "chain of title" of voluntary instruments to transfer title.

The legal adviser to the Registrar of Titles is the Examiner of Titles, who also supervises the initial registration proceedings and all petitions subsequent to initial registration.

CHECKING INDIVIDUAL DOCUMENTS

The first step in recording any document that comes into the office is to check if it affects Abstract or Torrens property. An index of Torrens property is maintained in the Recorder's Land Records Inquiry. If the document concerns both Abstract and Torrens property, as a rule it is usually handled in the Torrens department first. When recorded in paper form, these documents are stamped "TORRENS ALSO" and are returned to the Torrens department after they have been recorded and filmed in the Abstract department. ERecorded documents to be filed in both Torrens and Abstract should first be submitted to Torrens. Once recorded, it is up to the submitter to send the documents on for Abstract recording.

DEEDS

A Quit Claim Deed is generally used to convey, or to release, one person's right, title or interest in real property to another without providing a guarantee or warranty of title.

A Warranty Deed is a deed warranting that the grantor has a good title, free and clear of all liens and encumbrances, and will defend the grantee against all claims.

Generally, deed tax is required to be shown on every deed filed, though there are a few exceptions. Deed tax is required even on deeds to and from the State of Minnesota.*

Prior to July 1, 1987, the only occasions where current real estate taxes had to be paid in full were where plats were to be recorded or where conveyances were made to tax-exempt governmental agencies. Since that time, this requirement has been expanded to include all conveyances where a tax parcel was to be split. In the case of a conveyance to a governmental agency where a tax parcel is to be split, a letter from the agency to the Auditor accepting responsibility for payment of the taxes is required.

**Exemption from deed tax was repealed to or from the State of Minnesota or any of its agencies, or to or from a governmental subdivision of the State of Minnesota, effective for deeds recorded on or after June 1, 1987. This does not apply to deeds to or from the federal government or its agencies.*

MINNESOTA STATUTES REGARDING DOCUMENT STANDARDS

MN Statute § 507.093

STANDARDS FOR DOCUMENTS TO BE RECORDED OR FILED.

The following standards are imposed on documents to be recorded with the county recorder or the registrar of titles other than by electronic means as provided in section 507.24, except as provided in sections 505.021, subdivision 1, and 505.04 for plats; 508.47, subdivision 4, and 508A.47, subdivision 4, for registered land surveys; and 515B.2-110(c) and 515B.2-1101(c) for common interest community plats:

- (1) The document shall consist of one or more individual sheets measuring no larger than 8.5 inches by 14 inches.
- (2) The form of the document shall be printed, typewritten, or computer generated in black ink and the form of the document shall not be smaller than 8-point type.
- (3) The document shall be on white paper of not less than 20-pound weight with no background color or images and, except for the first page, shall have a border of at least one-half inch on the top, bottom, and each side.
- (4) The first page of the document shall contain a blank space at the top measuring three inches, as measured from the top of the page, and a border of one-half inch on each side and the bottom. The right half of the blank space shall be reserved for recording information and the left half shall be reserved for tax certification. Any person may attach an administrative page before the first page of the document to accommodate this standard. The administrative page may contain the document title, document date, and, if applicable, the grantor and grantee, and shall be deemed part of the document when recorded.
- (5) The title of the document shall be prominently displayed at the top of the first page below the blank space referred to in clause (4), or on the administrative page.
- (6) No additional sheet shall be attached or affixed to a page that covers up any information or printed part of the form.
- (7) A document presented for recording must be sufficiently legible to reproduce a readable copy using the county recorder's or registrar of title's current method of reproduction.

History:

1996 c 338 art 3 s 1; 2000 c 275 s 2; 2002 c 365 s 1; 2005 c 156 art 2 s 40; 2006 c 222 s 1; 2008 c 238 art 3 s 11; 2015 c 7 s 12

Note MN Statute § 357.18 COUNTY RECORDER Subdivision 5 cited below:

Subd. 5.Variance from standards. A document should conform to the standards in section 507.093, paragraph (a), but should not be rejected unless the document is not legible or cannot be archived. This subdivision applies only to documents dated after July 31, 1997, and does not apply to Minnesota uniform conveyancing blanks on file in the office of the commissioner of commerce provided for under section 507.09, certified copies, or any other form provided for under Minnesota Statutes.

RECORDING CHECKLIST BY DOCUMENT TYPE

The St. Louis County Recorder/Registrar's Office does not offer legal advice or help to prepare documents. Questions and assistance inquiries should be directed to a Real Estate Attorney or Title and Abstract Company.

Links to Minnesota Uniform Conveyancing Blanks, Well Disclosure and eCRV information can be found at www.stlouiscountymn.gov/recorder (Click on Recording, then Real Estate Recording, then Forms.)

Or go directly to: <http://mn.gov/commerce-stat/pdfs/uniform-conveyancing-blanks.pdf>

AFFIDAVIT (A1) (Form Series 50)

1. Legal description of property (if document is to be indexed to specific property)
2. Affiant signature, notarized
3. Drafted By statement with name & address (if notarized in MN)

AFFIDAVIT OF ATTORNEY-IN-FACT (regarding Power of Attorney) (A1) (Form Series 100) & **AFFIDAVIT OF TRUSTEE (regarding Certificate of Trust) (A1)** (Form Series 90)

1. Legal description of property, when applicable
2. Affiant signature, notarized (dated on or after accompanying Power of Attorney or Certificate of Trust document)
3. Drafted By statement with name & address (if notarized in MN)

AFFIDAVIT OF SEVERANCE OF MANUFACTURED HOME (MV)

1. Date
2. Legal description of property
3. Owner name(s), residence address, and mailing address
4. Description of manufactured home being severed (dimensions, make, model year, serial number)
5. Statement of any information known that could affect the validity of the title of the manufactured home
6. Attorney's affidavit as to condition of real estate
7. Auditors statements showing:
 - All property taxes paid for current year or are not applicable
 - Legal description of property
8. Affiant signature, notarized

AFFIDAVIT OF SURVIVORSHIP & IDENTITY (AS) (for joint/life tenants) (Form Series 50)

1. Submit to Auditor's Office prior to recording
2. Name and address of Affiant
3. Name of decedent
4. Name(s) of survivor(s) of joint/life tenancy
5. Legal description of property

(Continued on following page)

AFFIDAVIT OF SURVIVORSHIP & IDENTITY (AS) *(Continued)*

6. Recording date and document or certificate of title number that shows joint/life tenancy
7. Affiant's signature, notarized
8. Name and address where tax statements are to be sent
9. Drafted By statement with name & address (if notarized in MN)
10. Certified copy of death certificate (or cross-reference to one already recorded)

AFFIDAVIT OF SURVIVORSHIP FOR TRANSFER ON DEATH (AT) (Form Series 10 & 50)

1. See #1-10 under Affidavit of Survivorship & Identity
2. In Torrens, accompanying Clearance Certificate is required to create new Title

AGREEMENT (A2)

1. Date
2. Legal description of property
3. Marital status of all signers, when applicable
4. Signatures of all parties & spouses, notarized
5. Drafted By statement with name & address (if notarized in MN)

AMEND OR EXTEND CONTRACT FOR DEED (AX) (Form Series 30)

1. Does not need submission to Auditor's Office
2. Date
3. Name & marital status of grantor(s)
4. Recorded document number of original Contract for Deed being amended
5. Legal Description of property
6. Signatures of grantor(s), their spouse(s), & Grantee(s), notarized
7. Drafted By statement with name & address (if notarized in MN)

AMEND, MODIFY, OR EXTEND MORTGAGE (A3,MA,EM) (Form Series 20)

1. Submit to Auditor's Office prior to recording
2. Date
3. Name & marital status of mortgagor(s)
4. Recorded document number of original mortgage
5. Statement of original mortgage amount, the mortgage tax receipt number, amount of mortgage tax paid, and, if any new funds are involved, additional mortgage tax being paid on said funds (to be included in statement of what is being amended/modified/extended)
6. Legal description is not required (unless part of the modification), but if given must be correct
7. Signature of Mortgagor(s), their spouse(s), Mortgagee, notarized
8. Drafted By statement with name & address (if notarized in MN)
9. Torrens requires bank merger or name change be memorialized as applicable

ARTICLES OF INCORPORATION (AI)

1. Certified copy from State where filed

**ASSIGNMENT OF CONTRACT FOR DEED (AD) & QUIT CLAIM DEED (AQ)
& WARRANTY DEED (AW) (Form Series 30)**

1. Submit to Auditor's Office prior to recording
2. Date
3. Statement of who is assigning (& deeding) to whom & their marital status
(Can be assigned by either Seller or Buyer in contract)
4. Recorded document number of original contract
5. Legal description of property
6. Signatures of Assignor(s) & their spouse(s), notarized
7. Name and address where tax statements are to be sent
8. Drafted By statement with name & address (if notarized in MN)

ASSIGNMENT OF LEASES & RENTS (A9)

1. Date
2. Grantor(s) name & marital status
3. Legal description of property
4. Signature of Grantor(s) & their spouse(s), notarized
5. Drafted By statement with name & address (if notarized in MN)

ASSIGNMENT OF MORTGAGE (AM)

1. Document number of original mortgage or contract
2. Signature(s) of party assigning instrument, acknowledged and notarized
3. Drafting Statement
4. Date
5. On Contract, check legal description, where to send tax statements, and must be certified for taxes; Can be assigned by either buyer or seller
6. Statement of show is assigning and to whom
7. Additionally, Torrens filings must have bank merger or name change memorialized where applicable

ASSIGNMENT OF SHERIFF'S CERTIFICATE OF SALE (A6)

1. Document number must be referred to and checked
2. Notarized signature of assignor
3. Legal description of property (having only cross-reference number is insufficient)
4. Auditor transfer complete
5. Drafting statement
6. Date

ASSUMPTION AGREEMENT (AA)

1. Party taking over must sign
2. Signature notarized
3. Date
4. Document number of mortgage being assumed
5. May have legal description, but it is unnecessary
6. Marital status of party assuming
7. Drafting statement

ATTORNEY'S LIEN (AL)

1. Attorney's notarized signature
2. Legal description
3. Date
4. Drafting statement

BANKRUPTCY PAPERS (BP)

1. Original certification (not a photocopy)

BONA FIDE PURCHASER DECLARATION - ABSTRACT (DB)

1. No Auditor transfer needed
2. Certified copy of letters attached
3. Signed & notarized
4. Date
5. Drafting statement

BUSINESS CORPORATION RESOLUTION (RS)

1. Original signature of corporate officer
2. Name of corporation

CANCELLATION OF CONTRACT FOR DEED (CC)

(See Form 30.4.1 and MN Statutes § 559.21 & 559.213)

1. Date
2. Description and/or document number of contract (usually both)
3. Signed by either seller(s) or their attorney
4. Proof of service of notice
5. Affidavit showing purchaser has not complied with terms of notice
6. Drafting statement

CERTIFICATE OF REDEMPTION (CR)

1. Name and notarized signature of party redeeming
2. Date
3. Amount paid by person redeeming
4. Legal description of property
5. Description of sale for which redemption is made
6. Statement of claim upon which redemption is made
7. Taxpayer name and address

CERTIFICATE OF SALE OF FORFEITED LAND (CF)

1. Auditor Certification and transfer
2. Date
3. Legal description of property
4. Purchase price
5. Names & notarized signatures of seller(s) and buyer(s)
6. Marital status of seller(s); if married, spouse must be signed/notarized
7. Drafting statement
8. Taxpayer name & address
9. Well statement

CERTIFICATE OF TRUST (T2)

(See Form 90.1.1)

1. Date
2. Signature of trustee/affiant
3. Full name of trust
4. Name of settlor(s) & trustee(s)
5. Number of trustees required to act
6. Full jurat (signed and sworn)
7. Drafting statement

CERTIFICATE OF TRUST WITH AFFIDAVIT OF TRUSTEE (T3)

(See Form 90.1.1 and 90.1.3)

1. All of above Certificate of Trust requirements
2. In Torrens, info/date of accompanying document (“certain instrument” blanks)
3. Legal description of property

CLEARANCE CERTIFICATE (CL)

1. In Torrens, must be attached to Affidavit of Survivorship for Transfer on Death Deed
2. Date
3. Legal description of property
4. Decedent name
5. Statement that there is or is not a claim
6. Original County signature and/or seal

COMMON INTEREST COMMUNITY (CIC)

FOR A CONDOMINIUM OR A PLANNED COMMUNITY WITH A CONDO-STYLE PLAT (DP)

1. Plat & declaration recorded as one document (mylar plat stays with Recorder's Office)
2. Plat name with assigned CIC number across top portion of map, matching declaration
3. Subject to platting requirements
4. Subject to all MN Statute 515 requirements

(Continued on following page)

COMMON INTEREST COMMUNITY (CIC) / (DP) (Continued)

1. Signatures of the following:
 - a. Private surveyor, signed & notarized
 - b. Architect/Engineer, if applicable
 - c. County Surveyor
 - d. County Auditor
 - e. Blank for County Recorder/Registrar of Titles signature and info
2. Filing fee: \$56.00, +\$20.00 for each add'l Certificate of Title
3. Declarations must contain:
 - a. Auditor Certification
 - b. Date
 - c. Acknowledged owner signature(s)
 - d. Drafting statement
4. If Torrens, Certification by the Examiner of Titles
5. Torrens Planned Communities must include deed to Association for Common Elements

FOR A PLANNED COMMUNITY OVER A 505 PLAT (DE)

1. Declaration and plat are separate documents. Plat is recorded prior to the Declaration
2. Plat must meet all MN Statute 505 requirements (see **PLATS**)
3. Declarations must contain:
 - a. Auditor Certification
 - b. Date
 - c. Acknowledged owner signature(s)
 - d. Drafting statement

CONTRACT FOR DEED (CD)

1. Auditor Certification and transfer (CRV required, but no deed/mortgage tax)
2. Date
3. Legal description of property
4. Purchase price
5. Names & notarized signatures of seller(s) and buyer(s)
6. Marital status of seller(s); if married, spouse must be signed/notarized
7. Drafting statement
8. Taxpayer name & address
9. Well statement

DECLARATION (See Common Interest Community)

DECREE OF DESCENT - ABSTRACT (90)

1. Decedent name
2. Legal description
3. Certified court document, signed by Deputy Court Administrator
4. Auditor certification and transfer

DECREE OF DESCENT, TESTATE - TORRENS (90)

1. Abstract requirements listed above
2. Certified copy of Will and Order Admitting Will, or language in order such as
“Decedent’s last will duly executed on _____ is hereby formally probated and construed as above states.”
3. Certification of Examiner of Titles

DECREE OF DESCENT, INTESTATE - TORRENS (90)

1. Abstract requirements listed above
2. Certification of Examiner of Titles

DECREE OF DISTRIBUTION / FINAL DECREE OF DISTRIBUTION (88)

1. Legal description
2. Auditor Certification and transfer
3. Certified court document, signed by Deputy Court Administrator
4. If testate (in Torrens), must include certified copies of Letter, Will, & Order Admitting Will.

DEEDS - PERSONAL REP (PR), WARRANTY (WD), QUIT CLAIM (QC) TRUSTEE (TD), ETC.)

1. Auditor Certification
2. Type of document
3. Date
4. Legal description
5. Name of grantor(s) and their marital status
6. Notary acknowledgement of signature(s); spouse must sign if married
7. Name of grantee(s)
8. Drafting statement
9. Taxpayer name & address
10. Well statement if total consideration is over \$3,000

ADD’L REQUIREMENTS FOR TORRENS DEEDS

1. Spouse signature in all cases
2. Examiner approval for deeds from a trustee or attorney-in-fact
3. If Grantor is a government agency, a certified copy of resolution permitting the conveyance must be recorded before the deed

DITCH LIEN CANCELLATION (DH)

1. Verify book & page number (in St. Louis County, see doc 687911.0).

DIVORCE (DC)

1. Unaltered certified copy from District Court
2. Decrees that make a transfer must be certified by Auditor
3. If Torrens, Examiner determines if sufficient to cancel Certificate without deed.

EASEMENT (ET)

1. Date
2. Legal description of easement
3. Name of grantor(s) and their marital status
4. Notary acknowledgement of signature(s)
5. Names of all grantees
6. Drafting Statement

ADD'L REQUIREMENTS FOR TORRENS EASEMENTS

1. Legal description must be specific, including a map or drawing if possible
2. Examiner approval

EXTENSION OF MORTGAGE (EM)

1. Date
2. Document number & date of original mortgage
3. Acknowledged signatures of bank official(s) and mortgagor(s)
4. Drafting statement

ADD'L REQUIREMENTS FOR TORRENS EXTENSIONS

1. Bank merger or name change must be memorialized where applicable

FINANCING STATEMENT / FIXTURE LIEN (FOR REAL ESTATE RECORDS) (FS)

1. Name & address of debtor
2. Name & address of secured party
3. Legal description

ADD'L REQUIREMENTS FOR TORRENS FINANCING STATEMENTS

1. Certificate of Title number must be shown

JUDGMENTS & ORDERS - ABSTRACT (JM, 93)

1. Date
2. Legal description (if applicable)
3. Certified copies, signed by Deputy Court Administrator

JUDGMENTS & ORDERS - TORRENS (JM, 93)

1. Abstract requirements listed above
2. If no legal description appears, attach Affidavit requesting recording on specific Title; Parties in instrument and parties on Certificate must be the same

LEASE (LS)

1. Date
2. Legal description
3. Acknowledged signature of landlord(s) and tenant(s)
4. Drafting statement

LETTERS OF SPECIAL ADMINISTRATION (LA)

1. Certified copies, signed by Deputy Court Administrator
2. Contains the correct number of pages (to match court stamp)

MANUFACTURED HOME AFFIXATION (MN Statute 168A.1412) (MF)

1. Name of Manufactured Home owner(s) and statement that they are also owner(s) of the property
2. Manufacturer, make, model, year, serial #, dimensions
3. Address and legal description of property
4. Copy of Notice of Cancellation from MN DPS
5. Signature of person executing affidavit, properly acknowledged by notary or individual authorized in MN
6. Drafting statement

MECHANIC'S LIEN (ML)

1. Date
2. Legal description
3. Name of firm/person filing lien & their acknowledged signature(s)
4. Name of person lien if filed against
5. Type/dates of work performed
6. Drafting statement

MILITARY DISCHARGE (DA)

No filing fee. Filed in Abstract Department only.

Original and two certified copies given.

Additional certified copies at no charge are available upon written request.

MODIFICATION AGREEMENT (MA)

1. Date
2. Name and marital status of mortgagor(s)
3. Acknowledged signatures by mortgagor and mortgagee
4. Reference document number
5. Drafting statement
6. If additional funds advanced, stamp from Auditor stating new Mortgage Registration Tax has been paid
7. Torrens must have bank merger or name change memorialized, as applicable

MORTGAGE (LIEN) (MO)

1. Date
2. Name and marital status of mortgagor(s) & their acknowledged signature
3. Mortgagee (lender)
4. Legal description
5. Drafting statement
6. Auditor's stamp stating Mortgage Registration Tax has been paid
7. If document is a corrective mortgage, should state it is corrective & have original receipt number for Mortgage Registration Tax

NAME CHANGE (NM)

1. Certified copy of document changing name
(Examples: Court Order, Secretary of State Document, Marriage Certificate)

NOTICE OF INTENT TO REDEEM (NI)

2. Date
3. Legal description
4. Notarized signature
5. Document number of Sheriff's Certificate
6. Drafting statement

NOTICE OF LIS PENDENS (LP)

1. Date
2. Legal description
3. Names of Plaintiff(s) and Defendant(s)
4. Signature of attorney for Plaintiff(s)

NOTICE OF PENDENCY (NP)

1. Date
2. Original mortgage recording number & date, mortgagor & mortgagee
3. Signature of attorney

NOTICE OF PENDENCY & POWER OF ATTORNEY (NY)

1. Date
2. Original mortgage recording number & date, mortgagor & mortgagee
3. Party given Power of Attorney
4. Signature of current holder of mortgage

ORDINANCE (OR)

1. Date
2. Signed by clerk (or some authority) and Witness OR
Be a certified copy from authorized government agency

PARTIAL RELEASE OF MORTGAGE (P1)

1. Date
2. Legal description of property being released
3. Mortgage recording number
4. Acknowledged signature of mortgagee
5. Drafting statement
6. Torrens must have bank merger or name change memorialized, as applicable

PATENT (PT)

1. Date
2. Grantor (USA) & Grantee(s)
3. Legal description
4. Grantor signature with seal
5. Auditor's certification

PERSONAL REPRESENTATIVE DEED (PR)

1. Date
2. Name of Personal Representative and individual they are representing
3. Legal description
4. Acknowledged signature(s) of grantor; acknowledgement should include individual being represented
5. Name of grantee(s)
6. Drafting statement
7. Name & address of taxpayer
8. Auditor transfer & certified for taxes paid
9. If Torrens and TESTATE, certified copy of Letters Testamentary must be dated same or later than deed
10. If Torrens and INTESTATE, certified copy of Letters of Guardianship
11. If Torrens, Certificate from Examiner of Titles is required by Registrar

PLATS (PL)

1. Labeled and recorded as the OFFICIAL PLAT; One additional copy (labeled COPY) may accompany the official plat, but is not required
2. Only black ink (not ball point) shall be used for signatures and dates
3. Notary stamps not required if name, jurisdiction, and expiration are printed (If notary stamp is used, should be permanent ink)
4. Mylar shall measure 22" x 34".
5. Approval of platting authority - City or County, depending on location of property
6. Auditor's certification for taxes paid, with signature
7. Signature of County Surveyor
8. Plat is subject to all platting requirements pursuant to MN Statute 505.
9. Filing fee \$56 minimum (additional Torrens fees may apply - see below)

PLATS (PL) (Continued)

ADD'L REQUIREMENTS FOR TORRENS PLATS

1. Approval of Examiner of Titles (obtained by Registrar)
2. Filing fee is \$56 for first Certificate of Title & \$20 for each add'l certificate thereafter
3. Plat must be accompanied by Ex Parte Petition to Examiner of Titles

POSTPONEMENT OF SHERIFF'S SALE / POSTPONEMENT AFFIDAVIT (PK)

1. Name of owner(s), with their acknowledged signature(s)
2. Published Notice of Mortgage Foreclosure Sale attached
3. Drafting statement

POWER OF ATTORNEY (PA)

1. Date
2. Name of grantor(s)
3. Name of grantee(s) being given power
4. Acknowledged signature(s) of grantor(s)
5. Drafting statement, if the document contains real estate

RELEASE OF LAND FROM JUDGMENT LIEN (RJ)

1. Date
2. Acknowledged signature of releaser
3. Legal description
4. Drafting statement

RELEASE OF SPECIFIC PROPERTY (FROM TAX LIEN) (RP)

1. Date
2. Acknowledged signature of releaser
3. Name of party being releases
4. Legal description
5. Drafting Statement

RELEASE OF STATE TAX LIENS (R2)

1. Date
2. Signature of releaser (may be electronic)
3. Document number of lien being released
4. Recording fee is \$30

REQUEST FOR NOTICE (RQ)

1. Date
2. Name & mailing address of requester
3. Acknowledged signature of requester
4. Legal Description
5. Description of redeemable interest (usually includes date & recording info of document creating the interest)
6. Request for notice of foreclosure

REPAYMENT AGREEMENT (RA)

7. Date
8. Acknowledged signature of Borrower(s)
9. Legal Description
10. Drafting statement

RESOLUTION (RS)

1. Unnecessary for non-profit organizations, but necessary for governmental agencies to transfer property
2. Original signatures or certified copy

REVOCAION OF TRANSFER ON DEATH DEED (RO)

1. Date
2. Acknowledged signature of grantor(s)
3. Document number of TODD being revoked

SATISFACTION OF MORTGAGE OR LIEN (SM, SL)

1. Date
2. Name(s) of original Mortgagor(s)
3. Acknowledged signature of Mortgagee
4. Document number and recording date of mortgage/lien
5. Drafting statement

ADD'L REQUIREMENTS FOR TORRENS SATISFACTIONS

1. Statement that signer is the current holder, owner, assignee, or successor of the mortgagee's interest (or)
2. Bank merger or name change memorialized where applicable (or)
3. Most recent Assignee is signer

SHERIFF'S CERTIFICATE OF SALE (67, SC)

1. Date
2. Newspaper clipping from posting
3. Recording number of mortgage being foreclosed
4. Acknowledged signature of Sheriff or Deputy, with seal
5. Drafting statement

STATE, COUNTY, OR MUNICIPAL RESOLUTIONS, VARIANCES/AGREEMENTS (RS, VR)

1. Date
2. Legal description
3. Signature & seal of Clerk of County Board, etc.
4. Original signature or certified copy

STATE DEED / CONVEYANCE OF FORFEITED LANDS (SD)

1. Auditor Certification
2. Type of document
3. Date
4. Legal description
5. Acknowledged signature of grantor
6. Name of grantee(s)

(Continued on following page)

STATE DEED / CONVEYANCE OF FORFEITED LANDS (SD) (Continued)

7. Drafting statement
8. Taxpayer name & address
9. Well statement

STATEMENT OF SEVERED MINERALS (SV)

1. Date
2. Acknowledged signature(s)
3. Legal description
4. Document number where interest was acquired

SUBORDINATION AGREEMENT (S2)

1. Date
2. Acknowledged signature of subordinating party
3. Legal description
4. Related recording numbers
5. Drafting statement

TERMINATION OF FINANCE STATEMENT (TF)

1. Debtor & Secured Party
2. Document number of FS being terminated

TRANSFER ON DEATH DEEDS (TO)

1. Type of document
2. Date
3. Legal description
4. Name of grantor(s) and their marital status
5. Notary acknowledgement of signature(s); spouse must sign if married
6. Name of grantee(s)
7. Drafting statement

VERIFIED CLAIM OF UNREGISTERED INTEREST (VC)

1. Date
2. Acknowledged signature
3. Drafting Statement
4. Requirements of MN Statute § 508.70, including (but not limited to): the alleged interest, how or from whom it was acquired, the reason interest cannot be registered, Certificate of Title number, legal description
5. Examiner approval

VOLUNTARY MORTGAGE FORECLOSURE AGREEMENT (VF)

1. Date
2. Legal description
3. Mortgage date, recording number, and recording date
4. Acknowledged signatures of Mortgagor(s) and Mortgagee
5. Mailing addresses of Mortgagor(s) and Mortgagee

CALCULATION OF DEED & MORTGAGE REGISTRATION TAX

Deed Tax¹

The Deed Tax rate is 0.0033 of the net consideration.*

Mortgage Registration Tax²

The state Mortgage Tax rate is 0.0023 of the debt that is being secured by a mortgage on Minnesota real property.

*Definitions

Consideration: The value given in return for a conveyance of real property. (See Minnesota Statute 287.20 subdivision 2.)

Net Consideration: Consideration less the value of any lien or encumbrance remaining on the property prior to the time of sale and that is not released or satisfied as a result of the sale. An example would be a buyer's assumption of the seller's mortgage.

Execution and Delivery: Deed Tax is due when a taxable deed or instrument is presented for recording. (See Minnesota Statute 287.21 subdivision 1[d].)

1 <https://www.revenue.state.mn.us/deed-tax-rate>

2 <https://www.revenue.state.mn.us/mortgage-tax-rate>

**NOTARY ACKNOWLEDGMENT GUIDE
EXAMPLES**

Private Parties

Individual

State of Minnesota
County of St. Louis

This instrument was acknowledged before me on January 15, 2019 by John Q. Public, a single person*.

Notary Public

Husband and Wife

State of Minnesota
County of St. Louis

This instrument was acknowledged before me on January 15, 2019 by John R. Doe and Jane W. Doe, a husband and wife**.

Notary Public

Trustee

State of Minnesota
County of St. Louis

This instrument was acknowledged before me on January 15, 2019 by John Q. Public, Trustee of the John Q. Public Revocable Trust dated January 1, 2016.

Notary Public

Corporate

State of Minnesota
County of St. Louis

This instrument was acknowledged before me on January 15, 2019 by John Doe and Mary Roe, the President and Secretary of Custom Construction, Inc., a corporation under the laws of the State of Minnesota, on behalf of said corporation.

Notary Public

Attorney in Fact

State of Minnesota
County of St. Louis

This instrument was acknowledged before me on January 15, 2019 by John Q. Public, as attorney-in-fact for John R. Doe, a single person*.

Notary Public

***Other options for marital status:**

a not remarried widower	a not remarried widow
a divorced and not remarried person	wife of John R. Doe
husband of Jane W. Doe	spouse of Jane W. Doe

****Other options for spouse acknowledgment:**

John R. Doe, married to Jane W. Doe, and Jane W. Doe, married to John R. Doe
John R. Doe, spouse of David L. Smith, and David L. Smith, spouse of John R. Doe
Jane W. Doe and Mary s. Anderson, spouses of each other
John R. Doe and David L. Smith, married to each other

MN Remote Online Notarizations (RULONA)

Minnesota has enacted the **Revised Uniform Law on Notarial Acts (RULONA)** and specific provisions authorizing Notaries to perform Remote Online Notarizations.

What to know:

- Notary Public must be physically located in this state (Minnesota) MN Statute § 358.645 Subd. 3 (a).
- Signer can be anywhere in US. (Or can be outside the county if 1) the Notary has no actual knowledge the act is permitted in the foreign jurisdiction, and 2) the Signer confirms the document is for matters in the US (MN Statute § 358.645 Subd. 3 (3)).
- Communication between Notary and Signer is by sight and sound (and makes reasonable accommodations for individuals with vision, hearing, or speech impairments).
- Notary Public uses an electronic signature and seal, and their certification must include a notation that the notarization is a remote online notarization and that the signer appeared before the Notary by means of communication technology.
- MN Statute 358.646 authorizes a Notary to certify a paper copy of electronic document that was originally in electronic form is a true and correct copy of the original electronic document & requires County Recorder to record a paper copy of an electronic document that was originally in electronic form and that is otherwise entitled to be recorded under MN.

For more information:

<https://www.revisor.mn.gov/statutes/cite/358.645/pdf>

<https://www.revisor.mn.gov/statutes/cite/358.646/pdf>

<https://www.nationalnotary.org/knowledge-center/news/law-updates/mn-senate-file-893>

See following page for examples.

Examples

State of Minnesota
County of St. Louis

This instrument was acknowledged before me on January 15, 2019 by John Q. Public, a single person, a remotely located individual using communication technology.

Notary Public

State of Minnesota
County of St. Louis

I, Jane Notary, do hereby certify that John Q. Public, a single person, appeared remotely before me using communication technology and acknowledged the due execution of the foregoing instrument this 15 day of January, 2019.

Notary Public

State of Minnesota
County of St. Louis

I, John Notary, certify that the foregoing and annexed document [entitled.....(document title, if applicable, or description)] [dated....(document date, if applicable)] and containing ___ pages is a true and correct copy of an electronic document bearing one or more electronic signatures this [certification date].

Notary Public

Notary Seal Requirements

Alabama	Embossing seal required	Missouri	Ink stamp or embossing seal required
Alaska	Ink stamp or embossing seal required	Montana	Ink stamp required
Arizona	Ink stamp required <i>Embossing seal may ONLY be used in conjunction with ink stamp</i>	Nebraska	Ink stamp required
Arkansas	Ink stamp or embossing seal required	Nevada	Ink stamp required <i>Embossing seal may ONLY be used in conjunction with ink stamp</i>
California	Ink stamp required <i>Embossing seal may ONLY be used in conjunction with ink stamp</i>	New Hampshire	Ink stamp or embossing seal required
Colorado	Ink stamp or embossing seal required	New Jersey	Not required
Connecticut	Not required	New Mexico	Ink stamp or embossing seal required
Delaware	Ink stamp or embossing seal required	New York	Not required
District of Columbia	Embossing seal required	North Carolina	Ink stamp or embossing seal required
Florida	Ink stamp required <i>Embossing seal may ONLY be used in conjunction with ink stamp</i>	North Dakota	Ink stamp or embossing seal required
Georgia	Ink stamp or embossing seal required	Ohio	Ink stamp or embossing seal required
Hawaii	Ink stamp or embossing seal required NOTE: Notaries may ONLY have either a stamp or a seal – NOT BOTH.	Oklahoma	Ink stamp or embossing seal required
Idaho	Ink stamp required	Oregon	Ink stamp required
Illinois	Ink stamp required	Pennsylvania	Ink stamp required <i>Embossing seal may ONLY be used in conjunction with ink stamp</i>
Indiana	Ink stamp or embossing seal required	Rhode Island	Not required NOTE: Although use of an official seal is not required by law, it is prudent all notaries use a seal when performing notarial acts
Iowa	Ink stamp or embossing seal required	South Carolina	Ink stamp or embossing seal required
Kansas	Ink stamp or embossing seal required	South Dakota	Ink stamp or embossing seal required
Kentucky	Not required	Tennessee	Round ink stamp required NOTE: Stamp must contain ink OTHER THAN BLACK or YELLOW
Louisiana	Not required NOTE: The state of LA considers the Notary's signature to be the notarial seal	US Virgin Islands	Embossing seal required <i>Ink stamp may ONLY be used in conjunction with embossing seal</i>
Maine	Not required	Utah	Ink stamp required NOTE: Stamp must contain PURPLE ink
Maryland	Ink stamp or embossing seal required	Vermont	Not required
Massachusetts	Ink stamp or embossing seal required	Virginia	Ink stamp or embossing seal required
Michigan	Not required	Washington	Ink stamp or embossing seal required
Minnesota	Ink stamp required <i>Embossing seal may ONLY be used in conjunction with ink stamp</i>	Wisconsin	Ink stamp or embossing seal required
Mississippi	Ink stamp required	Wyoming	

