



www.claycountymn.gov

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Clay County Land Records

August 2024 – All About Torrens Property

All things are difficult, before they are easy. – Thomas Fuller

Torrens a.k.a. Registered Land

Torrens is a system for registration of land under which, upon the landowner's application, the court may, after appropriate proceedings, direct the issuance of a certificate of title. The certificate of title is kept in the office of the Registrar of Titles. With the "abstract system" an abstract is evidence of title. In the "torrens system" the certificate of title is the title.

Registrar of Titles – Kimberly S. Savageau

When acting as the Registrar of Titles, the Clay County Recorder reviews each document before recording to determine if the document will cloud the title, similar to when an attorney examines an abstract for abstract property. When property is held in a trust, an estate or is part of a court proceeding, the Examiner of Titles issues a directive to the Registrar of Titles regarding how to proceed.

Examiner of Titles – Zenas Baer

The Clay County Examiner of Titles is appointed by the district court and provides legal advice and assistance to the Registrar of Titles.

Determining if a tax parcel is Torrens

To determine if a parcel is Torrens in Clay County, search the parcel number on the [GIS Map](#) and look at the property type in the information box.



Torrens Registration Process

There are two ways in which to register land in Clay County.

Land in Clay County can become registered by court order (initial registration) or by examiner's directive (certificate of possessory title). In either process the owner submits an application setting out all interests in the land and provides evidence of the chain of title (usually an abstract). The examiner of title investigates and issues a report.

Initial Registration (Court Action)

Minnesota Statutes Chapter 508

Initial registration under M.S. 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. Once land is registered, it is important to record documents on the certificate of title, not in the abstract records.

Certificate of Possessory Title (CPT)

Minnesota Statutes Chapter 508A

A CPT registration under M.S. 508A is appropriate for uncontested titles where the applicant is the record owners and provides an administrative alternative to a judicial registration. Boundary registration is not an option. After a CPT is issued, boundaries may be registered in a proceeding subsequent.

Registration of possessory title is generally less expensive than a judicial registration. The process does not involve the courts and requires no publication or personal service of notice of the registration, other than by mail.

Registration Forms

Hennepin County has extensive information for torrens property on their website. For additional resources and samples of forms, visit their [website](https://www.hennepin.us/business/property/examiner-titles). (<https://www.hennepin.us/business/property/examiner-titles>)

Who started Torrens?

The Torrens system was developed by Sir Robert Richard Torrens (1814-1884), an Australian customs officer and reformer of Australian land laws. He subsequently became the Registrar of Deeds.

Where did the Torrens system idea come from?

The Torrens system was originally a ship registry system whereby each ship owner was assigned a certificate that included various information. When a vessel was sold, the seller surrendered the certificate for cancellation and a new certificate was given to the new owner.

Did you know?

Clay County has **175** total Torrens parcels.

Four of those parcels are both abstract and torrens.

Examiner's Approval and Certification

Examiner's Approval and Certification prior to recording is needed for all title transfers, including some liens (generally not mortgages), easements, platting, etc. which involve any of the following:

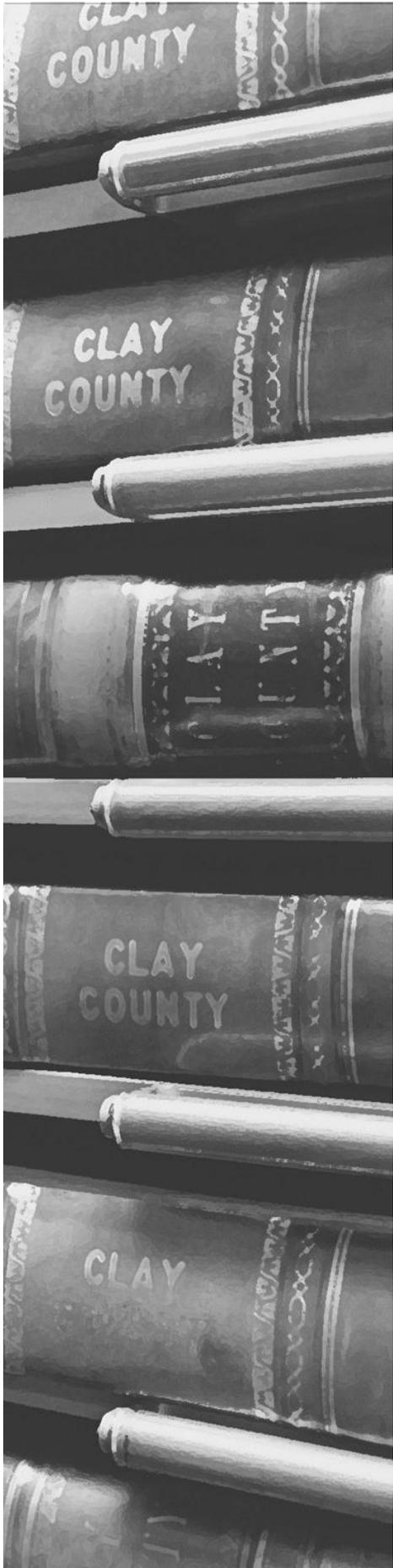
- Trust Documents (only for title transfer) (M.S. 508.62)
- Probate Documents (PR's Deed or Decree) (M.S. 508.69)
- Guardian or Conservator's Documents (M.S. 508.69)
- Religious Corporation Documents
- POA's and Affidavit by Attorney-In-Fact

Examiner's Directive

The Directive is recorded in torrens for a recording fee of \$46.00.

Examiner's Directive needed for the following:

- To alter names, marital status, state of incorporation, etc. [508.71, Subd. 3](#)
- To transfer certificate to purchaser of tax title (If 10 years have lapsed since filing of Auditor's Certificate of Forfeiture, Sale or State Assignment Certificate) [508.67, Subd. 2](#)
- After vacation of street or alley - to add accruing portion to the certificate [508.73, Subd. 2](#)
- Condo documents - CIC's type condos [508.351](#)
- To drop old documents which have expired by their terms or are prohibited [508.71, Subd. 3](#) (for Covenants and Restrictions [500.20, Subd. 2a](#))
- After mortgage foreclosure by action [508.58, Subd. 2](#)
- Where the Divorce Decree or Summary Real Estate Disposition Judgment is being used to transfer title [508.59](#)
- After eminent domain proceedings [508.73](#)
- To drop racial restrictions [508.71, Subd. 3](#)
- To drop documents related to the Cancellation of a Contract for Deed where the Notice of Cancellation has been of record for five (5) years [508.58, Subd. 5](#)
- Document has expired by its terms or by written instrument satisfactory to Examiner 507.71, Subd. 3(3)
- Association Lien more than 3 years after filing 515A-115(d) and 515B.3-116(d)
- Expired Notice of Adverse Claim [508.70](#)



Proceedings Subsequent (District Court Action)

- After cancellation of contract for deed, if the notice has been of record less than five years
- After mortgage foreclosure by advertisement [508.58, Subd. 1](#)
- Tax title less than 10 years old [508.67, Subd. 2](#)
- Owner redemption from mortgage or other lien foreclosure sale
- To transfer title to a buyer under a Contract for Deed where the contract is paid off, but no deed forthcoming
- To determine or adjust boundaries [508.671](#)
- To determine adverse claims

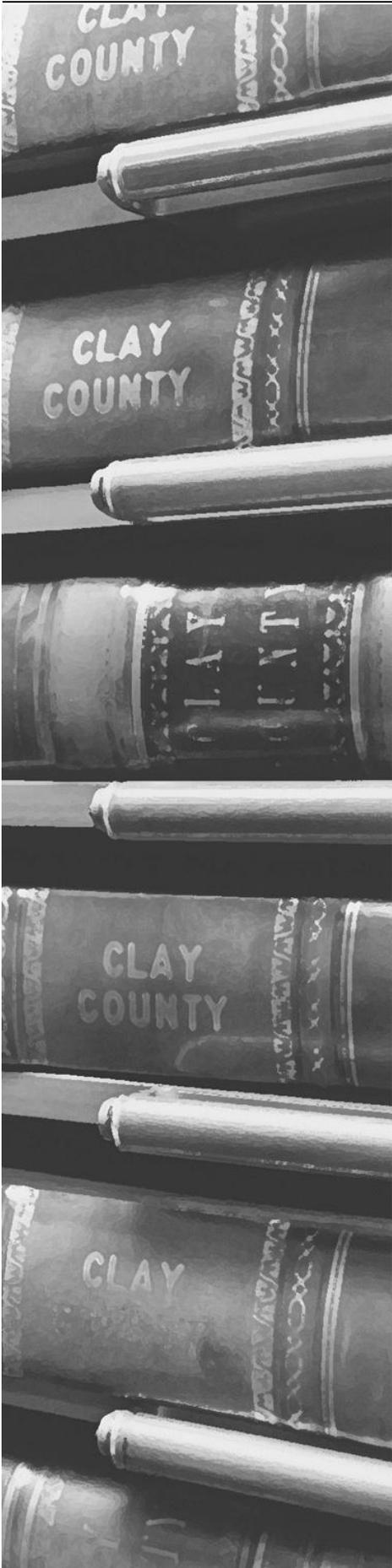
Obtaining Examiner Approval and Certification or Directive

Clay County has a process for which to request the Examiner's Approval and Certification or an Examiner's Directive. To determine if either is needed, please check the county website: [Torrens Title | Clay County, MN - Official Website \(claycountymn.gov\)](#)

If you are unsure, please contact the County Registrar of Titles at 218-299-5031 or recorder@claycountymn.gov.

If an Examiner's Approval & Certification or Directive is needed, complete the following steps:

- Send the following documents to the Examiner via e-mail
 - Current Certificate of Title
 - Copies of the documents that will be recorded
- Fee of \$300.00 via check to law firm. The cost may be higher in complex cases.



Certificates of Title

M.S. 508.52 Conveyance; Cancellation of Old and Issuance of New Certificate

Effective August 1, 2023 a new Certificate of Title will not be issued with each transfer. Only upon request will a copy of the new Certificate of Title be made for the property owner.

Document Recording

At this time, Clay County is not able to e-record torrens documents. The original paper documents will need to be presented for recording.

Registered Land Survey

M.S. 508.47 Registered Lands; Transfers, Surveys.

The Registrar of Titles may require that the owner of a parcel of registered land, who conveys a part of the parcel which is not a full government subdivision, or simple fractional or quantity part of a full government subdivision, shall first file with the Registrar of Titles a drawing of said parcel showing the tract or tracts being conveyed, which drawing shall be known as a "Registered Land Survey."

Best Practice for a tax parcel split: Contact the County Registrar to determine if a RLS will be required.

Torrens Recording Fees

Recording Fee (No Page Limit)	\$46
Each Additional Document Number Cited Over 4 – Satisfaction, Partial Release or Assignment	\$10
Certified Copy of Certificate of Title	\$10
Plat Recording Fee	\$56
Registered Land Survey	\$56
Well Certificate	\$50
Full Size Certified Copy - Registered Land Survey	\$15
Full Size Noncertified Copy - Registered Land Survey	\$10
Additional New Certificate or Residue Certificate	\$40
Additional Memorials	\$20