**Service Instructions for Initial Registration**

Every Initial Registration case requires service of a Summons on defendants named in the Report of Examiner plus publication of the Summons to obtain jurisdiction over unknown persons who may claim an interest in the property being registered. Minn. Stat. 508.16

The Summons must be published in a qualified newspaper for the county where the land is located, once each week for three consecutive weeks. For purposes of this proceeding, a “qualified newspaper” is the same as a “legal newspaper.” A list of “legal newspapers” is maintained by the Minnesota Secretary of State and available to view on-line for free.

The Summons is served on named Defendants in the manner of a Summons in a civil action under Rule 4.03 Minn. R. Civ. Pro. The following special notes are provided to clarify the service requirements in unusual situations.

Delegation. Torrens cases require service on specific persons named as Defendants in the Report of Examiner. The only permissible ‘substituted service’ situations are set forth below. Do not serve someone who claims to be authorized to accept service unless the recipient can prove the person named in the Report has delegated authority to accept service to the recipient.

Agent for Service. You may serve a registered agent for a business entity by handing to and leaving with.

Attorney-at-law. You may **not** serve the attorney-at-law for a defendant. *Mavco v. Eggink,* 739 N.W.2d 148 (Minn. 2007).

Attorney-in-fact. You may serve the attorney-in-fact for a defendant only if you also e-file in the court file a copy of the Power of Attorney instrument authorizing the attorney-in-fact to accept service and the attorney-in-fact’s affidavit stating the power of attorney has not been revoked or terminated.

Dissolved entity. Serve a dissolved, withdrawn, or revoked business entity governed by Minn. Stat., Chapters 302A, 303, 317A, 322A, 322B, or 323 in the manner provided by Minn. Stat. § 5.25. Note: service is not complete until 30 days after date of mailing by the Secretary of State, not date of delivery to the Secretary of State.

Spouse. You may serve a Defendant at his/her usual place of abode by leaving the Order to Show Cause with a person of suitable age and discretion residing therein. Rule 4.03(a) Minn. R. Civ. Pro. You may NOT serve the defendant in that manner outside the home, for instance leaving with a spouse at their place of employment.

Name Change

The Report of Examiner names Defendants based on interests shown in the land records.

Where the Examiner has named an entity Defendant that has changed its name through merger or amendment of articles, file an Affidavit in the Court File stating the facts and serve the successor entity. A Supplemental Report of Examiner is not required. Include a paragraph in the final Decree explaining the name change.

Where the Examiner has named an individual Defendant whose name has changed by reason of adoption, divorce, immigration, marriage, or court-ordered name change, file an Affidavit in the Court File stating the facts and serve the individual. Make sure the Affidavit of Service uses the individual’s new name. A Supplemental Report of Examiner is not required. Include a paragraph in the final Decree explaining the name change.

Deceased Defendant

If a Defendant named in the Report of Examiner is deceased, file an affidavit in the court file stating the fact and include a finding in the final Order and Decree. Every Summons in Initial Registration cases automatically includes the unknown heirs of deceased defendants. Those persons will be served by publication, so you do not need a diligent search for heirs and do not need to serve them. A Supplemental Report of Examiner is not required.

United States of America as Defendant

Service of process on an agency of the federal government is governed by 28 USC 2410(b).

To serve the United States, deliver one copy each of the Summons and the Application to the United States Attorney for the District of Minnesota by personal service, and send one copy each of the Summons and the Application, by registered mail or by certified mail, to the Attorney General of the United States in Washington, D.C. (service by mail is effective upon mailing, not upon return of the receipt). NOTE: If your initial Application did not mention the interest of the United States so you filed an Amended Application, serve the Amended Application, not the initial Application. The purpose of serving the Application is so the US Attorney knows what interest is being challenged. Make sure you send the correct document giving that information.

When scheduling a hearing for Interlocutory Order or Default Judgment, remember that the United States is entitled to 60 days to Answer.

Specific Entities as Defendant

State of Minnesota, Rule 4.03(d), deliver a copy to the Attorney General, Deputy Attorney General or Assistant Attorney General.

Municipal corporation (county, city, township, school district, other public board), Rule 403(e), deliver a copy to the persons named for their respective organizations.

Minnesota Housing Finance Agency, deliver a copy to one of its 7 members, which members include the State Planning Director, the State Auditor and 5 other members as defined in Minn. Stat. 462.04.

Ramsey County, Ramsey County HRA, Ramsey County Regional Rail Authority: deliver a copy to a member of the Ramsey County Board. Note: Ramsey County once adopted a resolution delegating authority to receive service of process, but that resolution has been rendered obsolete as the individuals named to accept service are no longer employed by the county. At this time, the only permissible means of service is on a member of the County Board.

City. Serve the Mayor or City Clerk pursuant to Rule 4.03(e)(2) of Minn. R. Civ. P., at least 10 days prior to the hearing date.

St. Paul Housing and Redevelopment Authority, deliver a copy to one of its commissioners as designated in Minn. Stat. 469.003. In St. Paul, the HRA Commissioners are the members of the City Council.

St. Paul Economic Development Authority, Port Authority, or Board of Water Commissioners: deliver a copy to one of the members of the City Council. These entities have not adopted an effective delegation resolution.

Capital Watershed District. A watershed district is a political subdivision. Minn. Stat. 103D.225, Subd. 6. Service is governed by Rule 4.03 (e)(5). Deliver a copy to any member of the Board of Managers.

Town of White Bear, deliver a copy to the chair of the town board or Town Clerk pursuant to Rule 4.03(e)(3), Minn. R. Civ. P., at least 10 days prior to the hearing date.

School District, serve a member of the school board pursuant to Rule 4.03(e)(5) of Minn. R. Civ. P., at least 10 days prior to the hearing date. Do not serve the superintendent, principal, or school secretary.

End of memo