PROCEEDINGS SUBSEQUENT TO INITIAL REGISTRATION OF LAND

**NOTE: These instructions apply in ordinary times. During the Peacetime Emergency related to the Covid-19 virus, different instructions may apply. Call the Examiner of Titles office to learn the new instructions before you file or serve documents.**

Alternative Options:

Before commencing a court action in Proceedings Subsequent, determine whether your issue could be resolved administratively, such as:

 Request an Exchange Certificate to obtain a certificate of title free of expired memorials;

 Check the Deletion Table to see which memorials can be removed and by whom; or

 Ask the Examiner of Titles if a Directive can be issued.

All other changes to a certificate of title must be authorized by court order, as provided in Minn. Stat. 508.71, Subd. 2.

Authorities:

Minnesota Statutes 508.7, Subd. 2

Rules 201 – 222, Minnesota Rules of General Practice for the District Courts

Minnesota Rules of Civil Procedure

Forms:

Sample Petitions are available on the Ramsey County Examiner of Titles website.

Ramsey County has its own Order to Show Cause which differs from other counties; please use our form for Ramsey County cases.

The Certificate of Evidentiary Facts provides evidence required by the Report of Examiner.

Contact:

Please use the following contact information for all communications involving court cases with the Examiner of Titles Office:

90 West Plato Blvd

Suite 110

Saint Paul, Minnesota 55107

651-266-2886

2ndexamineroftitlesoffice@courts.state.mn.us

Procedure:

A Proceeding Subsequent case begins when you file a Petition with the court. Select the sample Petition on the website that best covers your problem and customize it to suit the facts of your situation. When the Petition is complete, it must be signed and verified, notarized, and e-filed with the District Court Civil Division. A separate Verification form is on the website – complete the section that applies to your situation and attach it to the Petition before e-filing in the Court File.

The verified Petition does not need Examiner of Titles approval before e-filing. Please provide a current email address and phone number for the attorney of record (if you do not have an attorney, you are “Pro Se” so provide your own email and phone number) on your Petition and make sure your contact information is up-to-date in MNCIS.

NOTE: If the petition seeks to register boundaries, the Report of Examiner will require additional steps such as recording a certified copy of the Petition and e-filing a survey in the court file. Read the Report of Examiner carefully and if you have questions, ask them!

When the verified Petition has been e-filed, the Court Administrator will send a Notice of Case Filing by email to the Petitioner, if Pro Se, or the attorney for the Petitioner, if represented. (In these instructions, we use the word “Petitioner” to cover both situations). At that time, the Petitioner must deliver to the Examiner of Titles a check in the amount of $300 payable to “Ramsey County” to pay the examination of title fee. Be sure to write the court file number on the check so that we know which case it pertains to.

The Examiner of Titles will review the issues raised in the Petition and will e-file a Report of Examiner in the court file. The Report will state the Examiner's findings, state the names the people who must be served with notice of the case, state what form of notice must be given, and state what evidence will be required at the hearing, together with the proposed order to be entered. The Examiner's Report will be e-mailed to the Petitioner via an automated system using whatever email address is on file in MNCIS **(so make sure your email in MNCIS is up-to-date)**.

Upon receipt of the Report of Examiner, Petitioner must ascertain the current address of all Defendants, then choose a hearing date. Hearings in ordinary time are held before the Examiner or Deputy Examiner of Titles at 2:00 o'clock on Wednesday afternoons **(hearings during the Peacetime Emergency follow a different procedure – call the office for details)**.

Pick a date far enough in advance that you can accomplish service of process, including publication if required or 60 days for service on the United States.

Almost all Proceedings Subsequent go by Order to Show Cause, but you must read the Report of Examiner carefully to learn if the Examiner of Titles requires a Land Title Summons in your case. If so, call the office for procedures to draft, issue and serve the Land Title Summons.

Assuming the case goes by Order to Show Cause, there is no need to call the Examiner of Titles office to schedule the hearing date for a hearing; we will learn the hearing date when you submit the Order to Show Cause to our office for approval and signing.

Prepare a Ramsey County Order to Show Cause using the form on our website and the information from the Report of Examiner. Insert the hearing date you have chosen. **Do not** e-file the Order to Show Cause in the court file as a “proposed order;” instead, email the Order to Show Cause to the Examiner of Titles Office in Word Format using the email address shown in the “Contact” section above.

Examiner of Titles staff will obtain the signatures of the Examiner of Titles and judge on the Order to Show Cause, then e-file the signed Order to Show Cause in the court file which will automatically generate an e-mail to Petitioner with a copy of the Order to Show Cause for Petitioner to print and serve **(so make sure your email in MNCIS is up-to-date)**.

The Examiner of Titles office will place the matter on the Torrens Calendar for hearing on the date shown in the Order to Show Cause.

NOTE: If the Petition seeks to register boundaries, a Land Title Summons may be required instead of an Order to Show Cause – read the Report of Examiner carefully and call to ask questions.

Petitioner must serve a plain photocopy of the Order to Show Cause on Defendants named in the Report of Examiner, following the service instructions set forth in the Report of Examiner.

If anyone makes contact with Petitioner to object to the relief requested in the Petition, whether by telephone, mail, e-mail or in person, or if anyone files an Answer in the Court File, the case becomes a “Contested Case” and special procedures apply. If your case becomes a Contested Case, call the Examiner of Titles immediately to learn the special procedures for a Contested Case.

If you learn that a named Defendant is deceased, you are required to perform a diligent search for defendants, after which a Supplemental Report of Examiner and Supplemental Order to Show Cause may be required. Call the Examiner of Titles for instructions on the search.

For uncontested cases, **no later than one week before the hearing**, Petitioner must complete the following requirements to keep the case on the hearing calendar for the scheduled date **(failure to comply will result in the hearing being delayed)**:

1. E-File in the Court File all proofs of service;
2. E-file in the Court File the Certificate of Evidentiary Facts Required by the Report of Examiner, including;

If the Report of Examiner requires evidence relating to bankruptcy, you can conduct your own bankruptcy search on-line using the federal government’s PACER website.

If the Report of Examiner requires evidence related to military service, you can search whether a person has ever served in the military; check the service branches at the addresses listed on the Servicemembers Civil Relief Act (SCRA) website: <https://scra-w.dmdc.osd.mil/scra/#/home>

If there is any variation between the names of the Defendants shown in the Report of Examiner and the names of the persons you served, you must explain the variation and why you served that person (for example, Bank B was served as successor-by-merger to Bank A, the named Defendant).

1. E-mail a proposed Order **in Word format** to the Examiner of Titles office at the e-mail address shown in the “Contact” section above. Do not include the words “draft” or “proposed” in your Order. The Order should track the Examiner's Report with common sense changes (e.g. "should be served" in the Report becomes "has been served" in the Findings; any new recordings on the Certificate of Title should be addressed), and it also must include all the information from the Certificate of Evidentiary Facts.
2. Check the court file in MNCIS to see if you paid for a certified copy when the court file was opened. If not, pay the court for one certified copy.
3. RECORDING THE ORDER: Deliver a check to the Examiner of Titles office payable to “Ramsey County” for the required recording fees. Include a self-addressed envelope. Our staff will generate the certified copy of the final Order and deliver it to the Registrar of Titles for recording. The Registrar will mail the recorded Order to you in the envelope you provide to the Examiner of Titles office.

The Petitioner is not required to personally appear at the hearing. Upon completion of the hearing, Examiner of Titles staff will obtain the signature of a District Court Judge on the Order. Examiner of Titles staff will e-file the Order in the court records, email a copy to Petitioner, and then deliver a certified copy of the Order to the Registrar of Titles for recording.

Questions:

If anything about the title to the land changes while the case is pending – if it is sold, or transferred to a trust, or a new mortgage has been given – ask the Examiner whether an Amended Petition is required.

This is a short guide to a complicated process. We encourage you to call for help at any step in the proceeding. There are no dumb questions, and you’re not bothering us – we’re here to help!