

**Brown County  
Examiner of Titles Requirements**

**I. 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 **Minn. Stat. § 508.62** (Only for Title Transfer; Not for Mortgages or Other Liens)
- Probate documents (PR's Deed or Decree) **Minn. Stat. § 508.69**
- Guardian or Conservator's Documents **Minn. Stat. § 508.69**
- Religious Corporation Documents (excluding non-profit corporation)
- POA's and Affidavit by Attorney-in-Fact
- Transfer on Death Deed (TODD) Affidavit of Survivorship and Clearance Certificate

**II. Examiner's Directives**

- To alter names, marital status, state of incorporation, etc. **Minn. Stat. § 508.71, Subd. 3**
- To transfer the certificate to the purchaser of tax title (if 10 years since filing of Auditor's Certificate of Forfeiture, sale or State Assignment Certification) **Minn. Stat. § 508.67, Subd. 2**
- After the vacation of a street or alley - to add the accruing portion to the certificate **Minn. Stat. § 508.73, Subd. 2**
- Condo documents – CIC's type condos **Minn. Stat. § 508.351**
- To drop old documents which have expired by their terms or are prohibited **Minn. Stat. § 508.71, Subd. 3** (for Covenants and Restrictions **Minn. Stat. § 500.20 Subd. 2a**)
- After mortgage foreclosure by action **Minn. Stat. § 508.58, Subd. 2**
- Plat or RLS corrections
- Where the Divorce Decree or Summary Real Estate Disposition Judgment is being used to transfer title **Minn. Stat. § 508.59**
- After eminent domain proceedings **Minn. Stat. § 508.73**
- To drop racial restrictions **Minn. Stat. § 508.71, Subd. 3**
- To drop easements or restrictions which may appear on the Certificate of Title, but do not affect the title shown on the Certificate
- 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 **Minn. Stat. § 508.48, Subd. 5**
- Document has expired by its terms or by written instrument satisfactory to Examiner **Minn. Stat. § 507.71, Subd. 3(3)**
- Assignment of Rents and Leases **NOT** tied to Mortgage that has been satisfied, released or expired
- Tax Title more than 10 years old **Minn. Stat. § 508.67, Subd. 2**

- Association Lien more than 3 years after filing **5 Minn. Stat. § 15A.3-115(d) and 515B.3-116(d)**
- Expired Conditional Use Permit, Interim Use Permit or Variance (may require local government approval)
- Expired Lease
- Expired Notice of Adverse Claim **Minn. Stat. § 508.70**

### **III. Proceedings Subsequent (District Court Action)**

- After cancellation of Contract for Deed, if the Notice of Cancellation has been of record less than five (5) years
- After mortgage foreclosure by advertisement **Minn. Stat. § 508.58, Subd. 1**
- Tax title less than 10 years old **Minn. Stat. § 508.67, Subd. 2**
- To reform the certificate of title or documents (to remove or add anything not specified under directive statutes)
- 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 (only if RLS is not available) boundaries **Minn. Stat. § 508.671**
- After Mechanic's Lien or judgment foreclosures
- After a named corporation is dissolved and three years have passed or dissolution of any other entity shown as the registered owner
- Lost deed or other instrument where only a copy is available
- To determine adverse claims
- Any other change to the Certificate the Examiner doesn't feel comfortable in directing without a Court Hearing.

### **IV. Items You May Wish to Discuss with the Examiner**

- Foreign notaries
- Blanket or not well-defined easements
- X by his/her mark
- Appointment of corporate agent to sign documents
- Whether to continue Divorce Decree on new Certificate (if lien)
- Dropping old judgments, federal tax liens, Mechanic's Liens
- Items expiring by their own terms (lease, options to purchase, etc.)
- Foreign decrees
- Alterations to documents
- Date only on acknowledgment
- Use of AKA's as grantors or grantees
- Affidavit of Merger, Easement and subsequent property acquired by the same owner
- Owner redemption from Mortgage or other Lien Foreclosure Sale
- Registrar's correction document for clerical errors – only if it may adversely affect the interest of a party (**See Minn. Stat. § 508.71(1(a))**)
- Appeal to Examiner from Registrar's rejection (**See: Minn. Stat. § 508.321**)
- Notices of Adverse Claims
- Registered Land Surveys
- Lot or Parcel Splits

**V. How to Request an Examiner's Directive or Certificate of Sufficiency**

- For pre-review of documents (recommended), email a copy of your documents to the Examiner of Titles or the Deputy Examiner of Titles and the paralegal
- Forward all original documents together with applicable payment for the Examiner's Fee payable to the Examiner of Titles or Deputy Examiner of Titles firms. Include your recording instructions to the Brown County Registrar of Titles, and your check payable to Brown County for all recording fees (including \$46 for recording of the Examiner's Directive/Certificate), State Deed Tax, Mortgage Registration Tax and any other fees/taxes. The documents, together with the Examiner's Directive or Certificate, will be forwarded for recording.

**VI. Fee Schedule**

- The hourly rate is \$370.00 per hour.
- The following fee schedule will apply for matters that regularly come before the Examiner, which are not contested, do not require a Court appearance by the Examiner, and, which in the opinion of the Examiner, do not present extraordinary or unusual problems:

Examiner's Certifications and Directives (minimum fee)	\$275.00
Proceedings Subsequent After Mortgage Foreclosure, Contract for Deed Cancellation or other Lien Foreclosures (where not contested)	\$850.00

- Applications to Register Title and Contested Matters      Hourly
- Fees are subject to change

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