

IN PROCEEDINGS SUBSEQUENT TO INITIAL REGISTRATION

27-ET-CV-09-_____

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

In the matter of the Petition of

Case type: Other Civil – Torrens

For a New Certificate of Title After
Mortgage Foreclosure

PETITION

TO THE HONORABLE JUDGES OF THE DISTRICT COURT OF HENNEPIN COUNTY:

Comes now the Petitioner and shows to the Court as follows:

1. That on (date) the Registrar of Titles entered Certificate of Title No. to (registered fee owner) for land described on the attached Exhibit A. [**Attach a copy of the Certificate of Title as Exhibit A.**]

2. That there are registered on the Certificate of Title [recitals and] memorials as shown on the attached Exhibit A.

3. That mortgage Document No. was executed after July 1, 1987, that the amount claimed to be due and owing as of the date of the notice of the foreclosure sale was more than two-thirds of the principal amount secured by the mortgage, and that the mortgaged premises are less than 40 acres in size and were not in agricultural use as defined in Minn. Stat., §40A.02, Subd. 3.

4. That the land described in the mortgage is not “agricultural property” as defined in Minn. Stat., §583.22, Subd. 2 which would be subject to the provisions of the farmer-lender mediation act.

5. That more than 6 months have elapsed since the date of the mortgage foreclosure sale, that there has been no redemption therefrom, [except as shown on Exhibit A,] and that the statutory period for the time of redemption has expired.

6. That no bankruptcy proceedings have been instituted by or against (registered fee owner) through the period of redemption from the mortgage foreclosure proceedings [, except Bankruptcy Case No. ____ in which the Bankruptcy Court entered an Order, dated ____, lifting the automatic stay imposed by 11 USC §362(a) to permit the foreclosure of the mortgage] **or** [, except Bankruptcy Case No. ____ which was commenced during the period of redemption and the 60-day period provided by 11 USC §108(b) has expired without a redemption or the securing of additional time for redemption].

7. That (registered fee owner) was/were not in the military service of the United States as of the date of the mortgage foreclosure sale or for 3 months prior to it or for 6 months after it.

8. That the premises are occupied as follows: **[insert names of occupants and the nature of their interests]**.

9. That by reason of said foreclosure Petitioner is now the owner of said premises free and clear of all interests of (registered fee owner) and all junior liens memorialized on said Certificate of Title.

10. That the address of (Petitioner) is _____. [That (Petitioner) is unmarried/married to ____.]

Wherefore Petitioner prays for an Order directing the Registrar of Titles to cancel Certificate of Title No. _____ and to enter a new Certificate of Title in the name of the Petitioner for the land described therein.

Date: _____ Signed: _____

Attorney for Petitioner

Attorney's Name: _____

Attorney Registration No.: _____

Address: _____

Telephone: _____

Fax: _____

[VERIFICATION]

[By Individual]

STATE OF MINNESOTA)

) ss

COUNTY OF HENNEPIN)

_____ having been first duly sworn on oath, deposes and states that s/he is (one of) the Petitioner(s) in the above entitled proceeding, that s/he has read the foregoing Petition and the same is true of his/her own knowledge, except as to matters therein stated on information and belief and as to such matters s/he believes it to be true.

Subscribed and sworn to before me this

_____ day of _____, 2_____

Notary Public

[By Officer of a Legal Entity]

STATE OF MINNESOTA)

) ss

COUNTY OF HENNEPIN)

_____ having been first duly sworn on oath, deposes and states that s/he is the (President / other officer) of (name of entity), a (Minnesota / other) (corporation / other legal entity), the Petitioner in the above entitled proceeding, that s/he has read the foregoing Petition and the same is true of his/her own knowledge, except as to matters therein stated on information and belief and as to such matters s/he believes it to be true.

Subscribed and sworn to before me this

_____ day of _____, 2_____

Notary Public

[By Partner]

STATE OF MINNESOTA)

) ss

COUNTY OF HENNEPIN)

_____ having been first duly sworn on oath, deposes and states that s/he is the a partner of (name of partnership), a (Minnesota / other) partnership, the Petitioner in the above entitled proceeding, that s/he has read the foregoing Petition and the same is true of his/her own knowledge, except as to matters therein stated on information and belief and as to such matters s/he believes it to be true.

Subscribed and sworn to before me this
_____ day of _____, 2_____

Notary Public

[By Attorney for Individual]

STATE OF MINNESOTA)

) ss

COUNTY OF HENNEPIN)

_____ having been first duly sworn on oath, deposes and states that s/he is the attorney for the Petitioner in the above entitled proceeding, that the Petitioner is not within the County where the attorney resides, that s/he has read the foregoing Petition and the same is true of his/her own knowledge, except as to matters therein stated on information and belief and as to such matters s/he believes it to be true.

Subscribed and sworn to before me this
_____ day of _____, 2_____

Notary Public

[By Attorney for Legal Entity]

STATE OF MINNESOTA)

) ss

COUNTY OF HENNEPIN)

_____ having been first duly sworn on oath, deposes and states that s/he is the attorney for _____, a (Minnesota / other) (type of legal entity), that none of its (officers / managers / partners) acquainted with the facts and capable of making an affidavit to verify the Petition are within the County where the attorney resides, that s/he has read the foregoing Petition and the same is true of his/her own knowledge, except as to matters therein stated on information and belief and as to such matters s/he believes it to be true.

Subscribed and sworn to before me this
_____ day of _____, 2_____

Notary Public