

CONTESTED TORRENS CASES

IN HENNEPIN COUNTY

These instructions apply to original registration proceedings and proceedings subsequent to original registration.

By standing order, uncontested matters are handled by the Examiner of Titles.

If an Answer is filed, the matter is considered contestedⁱ and a District Court judge assigned. The judge may refer the case to the Examiner of Titles for hearing.

CERTIFICATE OF REPRESENTATION AND PARTIES

Once an Answer is filed, and the time for all parties to Answer or appear has expired, the Applicant/Petitioner must e-fileⁱⁱ a “Certificate of Representation and Parties”.ⁱⁱⁱ A “Civil Cover Sheet” is not required.^{iv}

If the case is a Proceeding Subsequent, the Petition should be filed with the Registrar of Titles on the affected Certificate(s) of Title. The Petition acts as a Notice of Lis Pendens. Petitioner may deliver two checks to the deputy court administrator in the Examiner of Titles office, one payable to District Court for a certified copy of the Petition and one payable to Hennepin County for the filing fee to file the Petition on the Certificate(s) of Title. The deputy court administrator will deliver the Petition to the Registrar of Titles for filing.

The parties or their attorneys will receive a notice of judicial assignment giving the name of the judge and contact information for the judge’s clerks.

Self- Represented? If you are not represented by an attorney and are not registered in the eFS system for e-filing, file the “Certificate of Representation and Parties” and any other documents by delivering or mailing them to: Deputy Court Administrator, Examiner of Titles, A-701 Government Center, 300 South 6th St., Minneapolis, MN 55487-071. Telephone (612) 348-3191 (press 1).

CIVIL CASE

Once an answer is filed, the case proceeds like a civil action,^v except that Torrens matters are exempt from: alternative dispute resolution,^{vi} discovery required initial disclosure,^{vii} and scheduling order requirements.^{viii} Additionally, there is no right to a jury trial.^{ix}

DISCOVERY ORDER AND REFERRAL TO EXAMINER

The judge will issue an order addressing discovery. All discovery matters will be heard by the judge. The parties should notify the judge's clerk if no discovery is necessary, or when discovery is complete. Upon completion of discovery, the judge will generally issue an order referring the case to the Examiner of Titles for hearing pursuant to Minn. Stat. §508.20.

JUDGE RETAINS THE CASE FOR HEARING

The judge may retain some or all issues for hearing, especially if some of the issues are not title matters (e.g. trespass or damages). If the judge keeps the case, any proposed final order must be reviewed by the Examiner of Titles as to form.^x

JUDGE REFERS THE CASE TO THE EXAMINER FOR HEARING

The Examiner may issue a Scheduling Order. Parties may also request motion and trial dates from the deputy court administrator in the Examiner of Titles office by calling 612-348-3191 (press 1).

HEARING

Hearings are held in the Examiner of Titles Courtroom, Room A-702 of the Government Center, 300 S. 6th Street, Minneapolis, MN. A record is made, and the Rules of Evidence apply as in any civil matter.

Pursuant to Minn. Stat. §508.20, the Examiner will issue a "Report to the Court, including Findings of Fact, Conclusions of Law, and Recommended Order" ("Report"). This "Report" is filed in the court file and served on the parties or their attorneys.

JUDGE REVIEWS THE REPORT OF EXAMINER

The Examiner files the "Report" without exhibits or transcript, and requests that the judge review the Report for adoption. The Examiner typically issues the "Report" within 75 days of the hearing or final submissions.

The judge has discretion to issue an Order adopting the "Report", or may require further hearing or proof.^{xi} Parties may engage in post-judgment motion practice. Motions may include a copy of the transcript of proceedings, obtained at the party's expense from the Court Reporter Unit, which may be contacted at 612-596-2870. Minn. Stat. §508.29 addresses appeals to the Court of Appeals.

SETTLEMENT OR WITHDRAWAL OF ANSWER

Parties should attempt to settle the case. Parties may contact the Examiner to initiate a settlement conference, or the Examiner may require it. If all Answers are withdrawn or a Settlement is reached, contact the deputy court administrator in the Examiner of Titles office to see if the matter may be placed on the default calendar for issuance of an order. (612) 348-3191 press 1.

ⁱ A matter is not contested if the Answer only sets up rights admitted in the application or petition.

Minn. Gen. R. Prac. Rule 209

ⁱⁱ Minn. R. Civ. P. Rule 5.06, <http://www.mncourts.gov/File-a-Case/File-in-A-District-Trial-Court.aspx>

ⁱⁱⁱ Form CIV117 on the court's website

^{iv} Minn. Gen. R. Prac. Rules 104(a) and 111.01(k)

^v Minn. Gen. R. Prac. Rule 210 and Minn.Stat.§508.20

^{vi} Minn. Gen. R. Prac. Rule 114.01

^{vii} Minn. Gen. R. Prac. Rule 26.01 (a)(1) and (a)(2)(I)

^{viii} Minn. Gen. R. Prac. Rule 111.01(k)

^{ix} Carl v. De Toffol, 223 Minn. 24, 25 N.W.2d 479 (1946).

^x Minn. Gen. R. Prac. Rule 215

^{xi} Minn.Stat.§508.20