

HENNEPIN COUNTY

MINNESOTA

INSTRUCTIONS FOR CONDUCTING PROCEEDINGS SUBSEQUENT IN HENNEPIN COUNTY

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INSTRUCTIONS FOR CONDUCTING PROCEEDINGS SUBSEQUENT IN HENNEPIN COUNTY

Forms and Instructions referenced in this document are available on the Hennepin County Examiner of Titles [website](#).

SECTION 1: OVERVIEW

These are District Court proceedings and e-filing rules apply. [Rule 14](#), Minn Gen R Prac.

1. The proceedings are initiated by the filing of a **Petition**.
2. The Examiner of Titles issues a **Report** listing the persons who should be given notice of the proceeding.
3. An **Order to Show Cause** is issued and served on the persons named in the Examiner's Report.
4. **Proof of service** and affidavits are filed.
5. A **Hearing** is held, and for uncontested matters the **Order** is generally issued the same day.
6. A certified copy of the Order is filed with the **Registrar of Titles**.

SECTION 2: THE PETITION

1. Prepare the Petition

The Hennepin County Examiner of Titles office provides forms on our [website](#) for Petitions recommended for use in various types of proceedings subsequent. The Petition should conform to the requirements of Rule [213](#), Minn Gen R Prac.

See [#4](#) below for requirements for Petitions to register boundaries. See the Service of Process Section for requirements when the [United States](#) has an interest.

The Petition should be signed by the attorney, or by the Petitioner, if not represented by an attorney. Rule [11.01](#), Minn R Civ P.

The Petition should be verified by the Petitioner. Rule [213](#), Minn Gen R Prac. However, the Petitioner's attorney may verify the Petition if the verification contains the statement required by Minn Stat § [544.15](#) (3) regarding absent party or officer.

2. File the Petition

Attorneys:

E-file the Petition and pay the District Court civil case filing fee of \$299. For e-filing, select the Location "Hennepin Examiner of Titles". All attorneys must use e-filing. The attorney must also add him/herself to the service list. This allows the court administrator to send the Report of Examiner and other documents to Petitioner's attorney by e-service.

Self-Represented Petitioner:

If Petitioner does not have a lawyer, the Petition and filing fees may be mailed or delivered to:

Examiner of Titles Office
A-701 Government Center
300 South 6th Street, Minneapolis, MN 55487-0071

Include a check payable to: District Court Administrator for \$299 for the filing fee.

Important Notice: If you are representing yourself and your address changes, send your new address to the Examiner of Titles Office (referencing the court file number). The court mails notices and orders to the address you provide.

3. Request filing of the Petition on the Certificate of Title

Filing the Petition on affected certificates of title provides notice of the pendency of the proceeding to anyone acquiring an interest in the land. Minn Stat § [508.71](#), Subd 2.

If you want the Petition filed on a certificate of title, send a letter to the Examiner of Titles Office:

- Requesting that a certified copy of the Petition be filed on Certificate(s) of Title Nos. _____,
- Including a check for \$14 payable to the District Court Administrator, and
- Including a check for \$46 for the first Certificate of Title and \$20 per each additional Certificate of Title payable to the Registrar of Titles. Minn Stat § [508.82](#).

This is optional, except with a boundary registration. See [Determining boundaries](#).

4. Determining boundaries

If the Petition is brought to have boundary lines judicially determined pursuant to Minn Stat § [508.671](#), the Petition must contain the full names and post office addresses of all owners of adjoining lands and the legal descriptions of the adjoining abstract and registered land parcels which are in any manner affected by the boundary

determination. A certified copy of the Petition must be filed on each affected certificate of title and re-filed with the County Recorder if any affected adjoining land is abstract.

In addition to e-filing the Petition, submit to the Deputy Court Administrator in the Examiner of Titles office:

- a written request that a certified copy of the Petition be filed on affected Certificates of Title for adjoining lands, and with the County Recorder, if abstract land is affected;
- and fees, which will include:
 - \$14 payable to the District Court Administrator for a certified copy of the filed Petition;
 - \$46 for the first affected Certificate of Title and \$20 per each additional Certificate of Title payable to the County Recorder, and;
 - if any affected adjoining land is abstract, also include an additional \$46 payable to the County Recorder.

Minn Stat §§ [357.18](#), [508.82](#), and [508.671](#).

A survey showing the proposed boundary lines should be submitted for examiner review before the survey is e-filed. For survey requirements, see the Instructions "[Survey requirements for boundary registration](#)" on the examiner of titles website.

SECTION 3: THE REPORT OF EXAMINER

After the Petition is filed, the Examiner of Titles will conduct an examination and issue a Report of Examiner. The Report will include the names of persons/entities to be given notice of the proceeding and set out recommended evidence and findings to support an Order granting the relief requested in the Petition. Rule [215](#), Minn Gen R Prac.

The Report is filed in the court file and e-served to the Petitioner's attorney. If Petitioner is not represented by a lawyer and is not registered for e-filing, the Report will be mailed by the court to Petitioner.

SECTION 4: THE ORDER TO SHOW CAUSE

Notice of the proceeding is given by service of an Order to Show Cause (except where other notice is specified by statute or order). Rule [215](#), Minn Gen R Prac.

1. Prepare the Order to Show Cause

Use the form Order to Show Cause on the Hennepin County Examiner of Titles [website](#).

- Insert the Certificate of Title number(s) and the legal description from the certificate of title(s) in the caption.
- Insert the hearing date, allowing sufficient time for service (see [Section 5](#).) Hearings are held on Thursdays, at 11:00 am.
- After the word “TO:” list the name of each person and entity recommended in the Report of Examiner to be given notice.

If the Report of Examiner requires that notice be given to “occupants,” determine the occupants and state their names in the Order to Show Cause. If you are concerned there may be additional unidentified adult occupants, you may include “Any other occupants of _____.” If an additional occupant is served, the affidavit of service should state the person’s name and that he/she is an occupant of _____.

If a business entity has changed its name due to merger, amendment to governing documents, or otherwise, determine the current name and list it instead of the name stated in the Report of Examiner. If an individual has changed his/her name, list the current legal name in the Order to Show Cause.

If a person recommended in the Report of Examiner to be given notice is deceased and the person’s heirs have been determined by a Probate Court, list the names of the heirs in lieu of the deceased person. However, if there has not been a court determination of heirs, then list the names of the known heirs which you have ascertained and, in addition, insert in the list of names “the unknown heirs of _____, deceased.”

2. Send the Order to Show Cause to the Examiner of Titles office for approval

Email the Order to Show Cause to ex.titles@hennepin.us After the Order to Show Cause has been approved by the Examiner of Titles, the Court Administrator will obtain a judge’s signature on the Order to Show Cause, file it, and deliver a copy of the Order to Show Cause to the Petitioner’s attorney through the eFile and Serve system. If Petitioner does not have an attorney, the Order to Show Cause will be mailed to Petitioner.

SECTION 5: SERVICE OF PROCESS

Serve a copy of the signed and filed Order to Show Cause on each person/entity named in the Order to Show Cause. See [Section 10](#) for tips on locating parties for service. The Petition itself is not served (except in the case of service on the United States).

Service must be made as specified in the Order to Show Cause. Common service situations are addressed below. If you are uncertain how to serve a party, you may consult the Examiner of Titles office before serving the Order to Show Cause. In unusual situations, it may be necessary to revise the Order to Show Cause to provide a different method of service.

1. [Service on Resident Individuals](#)

Serve the Order to Show Cause on individuals who can be found in Minnesota via personal service in accordance with Rule [4.03](#) (a), Minn R Civ P., at least 10 days prior to the hearing date stated on the Order to Show Cause. Example: If the hearing date is the 15th, personal service must be no later than the 5th.

2. [Service on Non-resident Individuals](#)

If the current address of a non-resident individual is known, serve the individual by registered or certified mail, return receipt requested, at least 14 days prior to the hearing date. If evidence of delivery is not returned, start over with a different address or with a different method of service.

3. [Service on Individuals Who Cannot Be Found](#)

Serve an individual who cannot be found (resident or non-resident) by:

(a) publishing the Order to Show Cause once a week for 2 consecutive weeks in a legal newspaper where the property is located, and

(b) mailing a copy of the Order to Show Cause by first class mail to the address for the individual stated on the Certificate of Title, if an address is stated, and

(c) by mailing another copy of the Order to Show Cause by first class mail to the individual's last known address.

The first date of publication and the date(s) of mailing must be at least 14 days before the hearing.

Each envelope should be addressed to only one individual. Do not address one envelope to more than one person.

4. Service on Legal Entities

Minnesota Corporation

The Order to Show Cause provides for “service at least 10 days before the hearing upon parties residing in this State in the manner provided by law for the service of Summons in a civil action.” Service in a civil action is governed by Rule [4.03](#) (c), Minn R Civ P, and Minn Stat §§ [302A.901](#) and [5.25](#).

Serve an active Minnesota corporation at least 10 days prior to the hearing by personal service upon the registered agent at the address listed on the Minnesota Secretary of State’s website, or upon an officer found in Minnesota. Service on the following officers will be accepted: CEO, CFO, President, Vice President, Assistant Vice President, Secretary, and Treasurer, unless there is evidence of lack of authority. For service upon any other officer or “agent” (other than the registered agent), proof of delegation of authority to accept service (e.g. corporate resolution) generally will be required. Merely stating in the affidavit of service that the person is an agent authorized to accept service, or that the person stated he/she is authorized to accept service, is not sufficient.

Service on the Secretary of State under Minn Stat § [5.25](#), Subd 1 (3) is allowed if no agent or officer can be found “at the address on file with the secretary of state.” It is not clear if “address on file” means only the corporation’s registered office address, or includes other addresses shown on the Secretary of State website. If more than one address is shown, affidavits of not found at all addresses should be filed along with the affidavit of service on the Secretary of State.

Before serving the Secretary of State, check the status of the corporation on the Secretary of State’s [website](#). For “inactive” corporations, order a complete business record from the Minnesota Secretary of State to see if the corporation merged into another entity. If the name listed in the Report of Examiner is not current or is merely an “assumed name,” substitute the current legal name in the Order to Show Cause and include a finding in the proposed order addressing the change. Then search for a registered agent or officer of the current entity to complete personal service within the state. If no registered agent or officer is found at any address on file with the Secretary of State, serve the Secretary of State under Minn Stat § [5.25](#), Subd 1. When serving an entity under Minn Stat § [5.25](#) Subd 1 the hearing date must be at least 30 days after mailing by the Secretary of State.

If the business entity is dissolved, withdrawn, or revoked, serve the entity per Minn Stat § [5.25](#), Subd 5.

Chapter 303 Foreign Corporation authorized to transact business in Minnesota

Personally serve:

(a) the registered agent listed on the Minnesota Secretary of State's [website](#), in accordance with Minn Stat § [5.25](#), or

(b) an officer or agent found in Minnesota, in accordance with Rule [4.03](#) (c).

If an officer or agent cannot be found in Minnesota for service:

(a) serve the Minnesota Secretary of State per Minn Stat § [5.25](#), Subd 4, or

(b) mail a copy of the Order to Show Cause to the foreign entity's post office address, by registered or certified mail, return receipt requested, in accordance with paragraph (b) on the Order to Show Cause.

If evidence of delivery is not returned, service by another method is required. Mail to the entity's main office; do not mail to the address of a registered agent, per a foreign state's Secretary of State website.

Serve a dissolved, withdrawn, or revoked foreign corporation or business entity in accordance with Minn Stat § [5.25](#), Subds 4 and 5.

If service is made on the Minnesota Secretary of State under Minn Stat § [5.25](#), the hearing date must be at least 30 days after mailing by the Secretary of State.

Foreign Corporation never authorized to transact business in Minnesota

Personally serve an officer or agent found in Minnesota, in accordance with Rule [4.03](#)(c), Minn R Civ P.

If an officer or agent cannot be found in Minnesota for service, mail a copy of the Order to Show Cause to the foreign entity's post office address, by registered or certified mail, return receipt requested, in accordance with paragraph (b) on the Order to Show Cause. If evidence of delivery is not returned, service by another method is required.

If a current address for the corporation cannot be found, or the corporation is dissolved (and did not merge into a successor corporation), review Minn Stat § [5.25](#), Subds 4 (a) and (b) and Chapter [303](#). If service on the Minnesota Secretary of State is not permitted, serve in accordance with paragraph (c) of the Order to Show Cause by two weeks published notice and first class mail at least 14 days before the hearing to the last

known address and to the address on the certificate of title, if any. Other methods of service may be possible but would require changes to the Order to Show Cause. Contact the Examiner if you want another method of service to be ordered.

Partnerships or Limited Liability Partnerships

Serve Minnesota partnerships by serving a partner in accordance with Rule [4.03](#) (b), Minn R Civ P, at least 10 days prior to the hearing date on the Order to Show Cause.

Limited Partnerships or Limited Liability Limited Partnerships

Serve a limited partnership or limited liability limited partnership:

(a) by serving a general partner in accordance with Rule [4.03](#) (b), Minn R Civ P, or the partnership's registered agent for service of process per the Minnesota Secretary of State website at least 10 days prior to the hearing date on the Order to Show Cause, or

(b) in accordance with Minn Stat § [5.25](#).

Minn Stat § [323A.1001](#) (a) (3).

Limited Liability Companies

Serve a limited liability company:

(a) by serving a manager (officer) or the registered agent at least 10 days prior to the hearing date on the Order to Show Cause, or

(b) in accordance with Minn Stat § [5.25](#).

Minn Stat § [322C.0116](#).

State of Minnesota

Serve the State of Minnesota:

(a) by serving the attorney general, a deputy attorney general or an assistant attorney general in accordance with Rule [4.03](#) (d), Minn R Civ P, at least 10 days prior to the hearing date on the Order to Show Cause.

City

Serve a city by serving the chief executive officer (usually the mayor) or the city clerk in accordance with Rule [4.03](#) (e)(2), Minn R Civ P, at least 10 days prior to the Order to Show Cause.

Do not serve an “assistant” or “deputy” city clerk.

Do not serve someone who says he is authorized to accept service unless you are able to support the affidavit of service with documents establishing that (a) the chief executive officer or city clerk is legally authorized to delegate the responsibility to accept service, and (b) the delegation was made in the manner authorized.

County

Serve a county by serving the chair of the county board, the county auditor or a deputy county auditor in accordance with Rule [4.03](#) (e)(1), Minn R Civ P and Minn Stat § [384.08](#), at least 10 days prior to the hearing date on the Order to Show Cause.

United States

Service on the United States must be made in accordance with the requirements of federal law:

(a) The Petition must set forth with particularity the nature of the interest or lien of the United States. If the interest of the United States involves a lien under the Internal Revenue laws, the Petition must include the name and address of the taxpayer whose liability created the lien, the identity of the internal revenue office which filed the notice of lien, and the date and place the notice was filed.

If the Petition does not contain the required information, prepare and file an Amended Petition containing the information.

(b) Send 2 copies of the Order to Show Cause and 2 copies of the Petition (or Amended Petition) to the Attorney General of the United States at Washington, D.C. by registered mail or by certified mail.

(c) Serve a copy of the Order to Show Cause and a copy of the Petition (or Amended Petition) on the United States Attorney for the District of Minnesota, or on an Assistant United States Attorney, or on a clerical employee designated

by the United States Attorney in a writing filed with the Hennepin County District Court Administrator.

(d) The United States may appear within 60 days after service, therefore, service must be made at least 60 days prior to the hearing date of the Order to Show Cause.

28 USC § [2410](#).

Town

Serve a town by serving the chair of the town board or the town clerk in accordance with Rule [4.03](#) (e)(3), Minn R Civ P, at least 10 days prior to the hearing date on the Order to Show Cause.

Do not serve an “assistant” or “deputy” town clerk. (See [City](#) for further information.)

School District

Serve a school district by serving a member of the school board in accordance with Rule [4.03](#) (e)(4), Minn R Civ P, at least 10 days prior to the hearing date on the Order to Show Cause.

Do not serve the Superintendent of the school district.

Other public body

Serve a public body not enumerated above by serving a member of the board or other governing body in accordance with Rule [4.03](#) (e)(5), Minn R Civ P, at least 10 days prior to the hearing date on the Order to Show Cause.

SECTION 6: PROOF OF SERVICE

Publication

Publication, if made, is proved by an Affidavit of Publication provided by the printer.

Rule [4.06](#), Minn R Civ P; Minn Stat §§ [600.10](#) and [600.11](#).

Personal Service

Personal service is proved:

- (a) an Affidavit of Service, or
- (b) a written Admission of Service.

Rule [4.06](#), Minn R Civ P.

The Affidavit or Admission must be signed under oath and notarized.

An Affidavit of Service which states that the Order to Show Cause was delivered to a person who is identified as the “attorney at law” for the named person will generally not be sufficient.

An Affidavit of Service which states that the Order to Show Cause was delivered to a person who is identified as “an agent” for the named person (with no further information or explanation) will generally not be sufficient.

Service on the Minnesota Secretary of State

Service made in accordance with Minn Stat § [5.25](#) is proved by Receipt/Invoice (“pink sheet”) provided by the Secretary of State, and an Affidavit of Service stating the date the Order to Show Cause was delivered to the Secretary of State for service.

Assent to Petition

A person or entity (not their attorney) may assent to the proceeding in lieu of being served with the Order to Show Cause. The Assent must be in writing and must be acknowledged.

Minn Stat § [358.66](#).

SECTION 7: THE HEARING

Hearing Date

The hearing date is stated on the Order to Show Cause. Proceedings subsequent to initial registration are heard by the Examiner of Titles or a Deputy Examiner on the regular Land Title Calendar on Thursdays at 11a.m. in A-702, Hennepin County Government Center.

The Petitioner's attorney may request a continuance of the matter to a later specific Thursday; the Examiner or Deputy Examiner having the calendar generally will continue the matter.

The Order

The Examiner of Titles office provides a general form Order on our [website](#). Prepare a (proposed) Order. Insert Findings and Order as recommended in the Report of Examiner.

Evidence: Affidavits and Documents

Evidence to support the Findings called for in the Report of Examiner may be in Affidavit form and e-filed prior to the hearing. The Petitioner's attorney is usually the most appropriate affiant. If all evidence has been filed, the Petitioner and attorney do not need to appear at the hearing.

Some Findings should be supported by documentary evidence and not by Affidavit. For example, a Finding that the property involved is not subject to delinquent real estate taxes should be supported by a certificate from the County Auditor. Documentary evidence may also be e-filed before the hearing.

Submissions

At least 7 business days before the hearing:

(a) E-file the following:

- Proofs of service, including Affidavit of Publication if applicable;
- evidentiary affidavit(s);
- documentary evidence, if any.

These submissions are reviewed prior to the hearing and you will be notified of any deficiencies. See [Section 9](#) for examples of common problems.

Rule [208](#), Minn Gen R Prac.

(b) Email a Proposed Order to Ex.titles@hennepin.us. If the petitioner has requested that boundary lines be marked by placement of judicial landmarks, also submit a proposed Interlocutory Order, using the form on the Examiner's [website](#);

- (c) Mail or deliver the following checks to the Examiner of Titles Office:
- a check in the amount of \$14, payable to the District Court Administrator for a certified copy of the Order (additional copies of the Order may be obtained: \$8 for uncertified and \$14 for certified);
 - a check in the amount of \$46 payable to the Registrar of Titles for recording the certified copy of the Order.

If the attorney attends the hearing, the checks may be submitted at the time of hearing.

The Hearing

Evidence in the form of verbal testimony may be presented at the hearing. However, if satisfactory evidentiary affidavits were submitted prior to the hearing, it is not necessary for the Petitioner or the Petitioner's attorney to appear at the hearing. See [Section 8](#) regarding appearance by a defendant.

Filing the Order

At the conclusion of the hearing, the Examiner of Titles will endorse the Examiner's approval on the Order.

The Deputy Court Administrator will obtain a judge's signature on the Order, file the document in the court file, make a certified copy of the document, and deliver the certified copy to the Registrar of Titles. If judicial landmarks have been placed in a proceeding pursuant to Minn Stat § [508.671](#), Subd 3, the Deputy Court Administrator will also deliver to the Registrar of Titles a certified copy of the survey showing judicial landmarks (see Special Case: Interlocutory Order, below).

The Registrar of Titles will file the certified copy of the Order and enter memorials and take other actions as directed in the Order.

Special Case: Interlocutory Order

In a case where the Petitioner has requested that boundary lines be marked by the placement of judicial landmarks, after the hearing the Examiner of Titles will endorse the Examiner's approval on the Interlocutory Order (not on the final Order).

The Deputy Court Administrator will obtain a judge's signature on the Interlocutory Order and file the document in the court file.

Obtain a copy of the filed Interlocutory Order and deliver it to the Petitioner's surveyor with the "[Instructions: next steps after an interlocutory order is signed.](#)" The instructions explain the final survey requirements and steps for obtaining the Order.

Generally, it is not necessary to schedule another hearing. If the examiner requires any further evidence prior to recommending entry of the Order, you will be contacted.

SECTION 8: OBJECTIONS

Appearance at the Hearing

If on the hearing date a person named in the Order to Show Cause appears to object to the entry of the Order, the Examiner of Titles or Deputy Examiner having the calendar may continue the matter (usually for two weeks) to allow the objecting person to file a formal Answer and pay the required filing fee. If an Answer is not filed by 11:00 a.m. on the continuation date, the Order will be approved by the Examiner on that date (if there exists no other reason not to approve the Order).

Answer

If an Answer is filed and not withdrawn, the matter is treated as a contested case. See the [“Instructions for contested proceedings subsequent”](#) on the Hennepin County Examiner of Titles website.

SECTION 9: EXAMPLES

The Order to Show Cause is not Timely Served on One or More of the Persons Named in the Order to Show Cause

A Supplemental Order to Show Cause should be submitted, listing only the names of persons not properly served with the original Order to Show Cause and stating a new hearing date. The Supplemental Order to Show Cause should be served on the named persons as provided in [Section 5](#): Service of Process.

Prior to the hearing date of the original Order to Show Cause, the Petitioner’s attorney should request that the matter be continued from the original hearing date to the new hearing date.

The Order to Show Cause Contains an Error

If there is a substantial error in the land description an Amended Order to Show Cause should be prepared and submitted. The Amended Order to Show Cause should be served as provided in [Section 5](#): Service of Process. Any parties served with the incorrect Order to Show Cause must be served again with the Amended Order to Show Cause.

If a person's name is missing or is substantially misspelled, a Supplemental Order to Show Cause should be submitted, listing only the one person and stating a new hearing date, if necessary. The Supplemental Order to Show Cause should be served on the named person as provided in [Section 5](#): Service of Process. If the Supplemental Order to Show Cause contains a new hearing date, then prior to the hearing date of the original Order to Show Cause, the Petitioner's attorney should request that the matter be continued from the original hearing date to the new hearing date. Parties served with the Order to Show Cause and not included in the Supplemental Order to Show Cause need to appear by the original hearing date to avoid default.

The Petitioner Wishes to Dismiss the Case

If no Answer has been filed by any person, the Plaintiff may file a Notice of Dismissal.

Rule [41.01](#) (a), Minn R Civ P.

If an Answer has been filed, a Stipulation of Dismissal signed by the Petitioner and all persons who have answered may be submitted, along with a proposed Order for Dismissal.

Rule [41.01](#) (a), Minn R Civ P.

In either case, if a certified copy of the Petition has been filed as a memorial on one or more Certificates of Title, in accordance with Minn Stat § [508.71](#), Subd 2, the Petitioner's attorney may obtain from the Deputy Court Administrator a certified copy of the Notice of Dismissal or Stipulation and Order for Dismissal and request that the Examiner of Titles endorse on the certified copy a statement, such as "terminates Doc. No. (document number assigned by the Registrar of Titles to the certified copy of the Petition)." The certified copy may then be filed with the Registrar of Titles, who will omit the memorial of the Petition from future Certificates of Title.

SECTION 10: TIPS FOR FINDING PEOPLE/ENTITIES

The Applicant is required to make a diligent search for all parties to be served with the Summons. A diligent search may include:

- Search of Grantor/Grantee Index for properties owned
- MNCIS search for addresses in other court cases
- MNCIS search for evidence of name change through marriage dissolution or civil name change order
- MNCIS search for probate cases
- Bankruptcy [search](#) to locate addresses

- Minnesota Secretary of State [website](#) for active and inactive entities, and requesting a complete history to check for mergers (\$6 fee)
- Search of Secretary of State websites in other states, if applicable
- Search of FDIC [website](#) for bank status, mergers, addresses
- Google search
- Obituary searches on-line
- [Whitepages](#) and [Dexknows](#)
- Asking neighbors, associates, friends of the party
- Checking prison and military records
- Skip tracing

For helpful links and more suggestions for finding people see the court's page [Representing Yourself in Court: How Can I Find Someone?](#)