

TRUSTEE INSTRUMENT

The Registrar of Titles will not accept a Trustee's Deed which transfers fee title unless it has been certified by the Examiner of Titles. It is common practice for title companies and attorneys to request certification prior to a closing. The Examiner of Titles office attempts to accommodate such requests.

I. DELIVERY OF DOCUMENTS.

A Trustee's Deed and supporting documents may be mailed or delivered to the Examiner's office in Room A-701 of the Hennepin County Government Center, 300 South Sixth Street, Minneapolis, MN 55487.

Usually, the documents will be ready for pickup after 10:00 a.m. the following business day.

II. REQUIRED DOCUMENTS.

A. DEED.

- Form: Trustee's Deed is recommended. (Uniform Conveyancing Forms: 10.4.1; 10.4.3)
- Execution: The deed must be completely executed and acknowledged.
- The Deed should not be submitted to the Examiner of Titles office prior to the date shown on the Deed. If the Deed is "post dated" (i.e., the date on the deed is later than the date of the acknowledgment) it will not be certified prior to the date shown on the Deed.

B. TRUST INSTRUMENT.

1. Unless the Trust Instrument or a Certificate of Trust has been previously filed and noted by memorial on the Certificate of Title for the property, the Trustee's Deed must be accompanied by either (a) a recordable copy of the Trust Agreement (properly signed and notarized), or (b) a Certificate of Trust. In most cases a Certificate of Trust made in accordance with Minn. Stat. § 501C.1013 is submitted with the Trustee's Deed.

2. Certificate of Trust.

- Form: Certificate of Trust is recommended. (Uniform Conveyancing Forms: 90.1.1 and 90.1.2)
- The Certificate of Trust must be properly filled out (all paragraphs must be completed). Note: the "Settlor" of the trust is the person who created the trust and is not necessarily one of the Trustees.

- The Certificate of Trust must be completely executed (dated, signed and notarized).
- The “venue” must be stated (i.e., the state and county names at the top of the form).

C. AFFIDAVIT OF TRUSTEE.

- The Trustee’s Deed must be accompanied by an Affidavit of Trustee (Minn. Stat. § 501C.1014). Note: the Affidavit of Trustee may be attached to the Certificate of Trust to be recorded as one document pursuant to Minn. Stat. § 501C.1014, Subd. 4.
- Form: Affidavit of Trustee is recommended. (Uniform Conveyancing Form: 90.1.3—inter vivos trust, or 90.1.4—testamentary trust)
- The Affidavit of Trustee must be properly filled out (all paragraphs must be completed).
- The “venue” must be stated (i.e., the state and county names at the top of the form).
- The names of the Grantors and Grantees in the Trustee’s Deed must be inserted in Paragraph 3 of the Affidavit.
- The date on which the Affidavit is “subscribed and sworn to” must be on or after the date of the Trustee’s Deed or the acknowledgement date of the Trustee’s Deed, whichever is later.

III. FORM OF APPROVAL.

The Examiner’s certification will be endorsed on the Trustee’s Deed and will refer to supporting documents which must be recorded with the Deed.

IV. PLATS.

The Registrar of Titles will not accept a Plat which has been executed by a Trustee as owner unless it has been certified by the Examiner of Titles.