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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

EIGHTY-SIXTH  
SESSION

**HOUSE FILE No. 354**

January 29, 2009

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The bill was read for the first time and referred to the Committee on Commerce and Labor

March 16, 2009

Committee Recommendation and Adoption of Report:

To Pass and re-referred to the Committee on Civil Justice

1.1 A bill for an act  
1.2 relating to real property; mortgages; requiring notice and mandatory mediation  
1.3 prior to commencement of mortgage foreclosure proceedings on homestead  
1.4 property; creating a homestead-lender mediation account; amending Minnesota  
1.5 Statutes 2008, sections 357.18, subdivision 1; 508.82, subdivision 1; 508A.82,  
1.6 subdivision 1; proposing coding for new law in Minnesota Statutes, chapters  
1.7 582; 583.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

ARTICLE 1

1.10 **HOMESTEAD-LENDER MEDIATION ACT**

1.11 Section 1. **[582.0391] MEDIATION NOTICE FOR HOMESTEAD PROPERTY.**

1.12 Subdivision 1. **Requirement.** A person may not begin a mortgage foreclosure  
1.13 proceeding under this chapter or chapters 580 and 581 against homestead property, as  
1.14 defined in section 510.01, that has a secured debt of more than \$5,000 unless:

1.15 (a) a mediation notice is served on both the mortgagor and the attorney general after  
1.16 a default has occurred in the mortgage and the mortgagor and mortgagee have completed  
1.17 mediation under section 583.40 to 583.49; or

1.18 (b) as otherwise allowed under sections 583.40 to 583.49.

1.19 Subd. 2. **Contents.** A mediation notice must contain the following notice with the  
1.20 blanks properly filled in.

1.21 "To: [Name of Record Owner]

1.22 YOU HAVE DEFAULTED ON A MORTGAGE OF THE HOMESTEAD

1.23 PROPERTY DESCRIBED AS [Legal Description and Property Address].

1.24 AS HOLDER OF THE MORTGAGE, [Name of Holder of Mortgage] INTENDS

1.25 TO FORECLOSE ON THE PROPERTY DESCRIBED ABOVE.

2.1 YOU HAVE THE RIGHT TO HAVE THE MORTGAGE DEBT REVIEWED  
 2.2 THROUGH MEDIATION.  
 2.3 IF YOU DECIDE TO PARTICIPATE IN MEDIATION, IT WILL BE TO YOUR  
 2.4 ADVANTAGE TO ASSEMBLE YOUR PERSONAL FINANCIAL RECORDS  
 2.5 AS SOON AS POSSIBLE. MEDIATION WILL ATTEMPT TO ARRIVE AT AN  
 2.6 AGREEMENT FOR HANDLING FUTURE FINANCIAL RELATIONS.  
 2.7 TO HAVE THE MORTGAGE DEBT REVIEWED THROUGH MEDIATION  
 2.8 YOU MUST FILE A MEDIATION REQUEST WITH THE OFFICE OF THE  
 2.9 ATTORNEY GENERAL WITHIN 20 DAYS AFTER YOU RECEIVE THIS  
 2.10 NOTICE. THE MEDIATION REQUEST FORM IS AVAILABLE AT THE OFFICE  
 2.11 OF THE ATTORNEY GENERAL AT (651) 296-3353 OR 1-800-657-3787, OR  
 2.12 ONLINE AT WWW.AG.STATE.MN.US.  
 2.13 From: [Name and Address of Holder of Mortgage]"

2.14 Sec. 2. [583.40] CITATION.

2.15 Sections 583.40 to 583.49 may be cited as the "Homestead-Lender Mediation Act."

2.16 Sec. 3. [583.41] DEFINITIONS.

2.17 Subdivision 1. **Applicability.** The definitions in this section apply to sections  
 2.18 583.42 to 583.49.

2.19 Subd. 2. **Homestead property.** "Homestead property" means real property as  
 2.20 defined in section 510.01.

2.21 Subd. 3. **File.** "File" means to deliver by the required date by certified mail or  
 2.22 another method acknowledging receipt.

2.23 Subd. 4. **Serve.** "Serve" means personal service as in a district court civil action.

2.24 Sec. 4. [583.42] APPLICABILITY.

2.25 Subdivision 1. **Creditors.** (a) Sections 583.40 to 583.49 apply to creditors who are  
 2.26 the holder of a mortgage, security interest, or lien on homestead property and are:

2.27 (1) the United States or an agency of the United States;

2.28 (2) the state of Minnesota or an agency of the state of Minnesota;

2.29 (3) local governmental units;

2.30 (4) corporations, partnerships, trusts, and other business entities; and

2.31 (5) individuals.

2.32 (b) Sections 583.40 to 583.49 do not apply to property where the creditor, prior to  
 2.33 selling the homestead to the debtor, utilized the property as his own homestead.

3.1 Subd. 2. **Debtors.** Sections 583.40 to 583.49 apply to a debtor who is a person who  
 3.2 owns and occupies a home as defined in section 510.01 and who does not qualify as a  
 3.3 debtor under the Farmer-Lender Mediation Act.

3.4 Subd. 3. **Appointment.** The attorney general may appoint and arrange for  
 3.5 the compensation of mediators who are qualified persons experienced in finance or  
 3.6 negotiation.

3.7 **Sec. 5. [583.43] MANDATORY MEDIATION PROCEEDINGS.**

3.8 Subdivision 1. **Mediation notice.** (a) A creditor desiring to start a mortgage  
 3.9 foreclosure proceeding against a homestead property under chapter 580 or 581 must serve  
 3.10 an applicable mediation notice under section 582.0391 on the debtor and the Office of  
 3.11 the Attorney General. The creditor must also file with the Office of the Attorney General  
 3.12 proof of the date the mediation notice was served on the debtor. The creditor may not  
 3.13 begin the proceeding until the stay of the creditor's mortgage foreclosure is lifted under  
 3.14 subdivision 4, or as allowed under sections 583.40 to 583.49.

3.15 (b) For purposes of sections 583.40 to 583.49, starting a mortgage foreclosure  
 3.16 proceeding means initiating a proceeding under chapter 580 or 581 or reinitiating a  
 3.17 proceeding under chapter 580 or 581 after the parties have temporarily resolved the initial  
 3.18 proceeding prior to the enforcement that would otherwise have been allowed under  
 3.19 subdivision 4.

3.20 (c) The attorney general shall combine all mediation notices for the same debtor that  
 3.21 are received prior to the initial mediation meeting into one mediation proceeding.

3.22 Subd. 2. **Mediation request.** (a) A debtor who wishes to participate in mediation  
 3.23 must file a mediation request form with the Office of the Attorney General within 20 days  
 3.24 after receiving a mediation notice. The debtor must disclose all known creditors with debts  
 3.25 secured by the homestead property and disclose the date that the notice was served on the  
 3.26 debtor. A debtor who fails to file a timely mediation request waives the right to mediation  
 3.27 for that specific mortgage foreclosure action under sections 583.40 to 583.49. In the event  
 3.28 that the creditor does not receive a mediation proceeding notice within 40 days of issuing  
 3.29 the mediation notice, the creditor may proceed with the mortgage foreclosure.

3.30 (b) If a debtor has not received a mediation notice and is subject to a mortgage  
 3.31 foreclosure proceeding against homestead property under chapter 580 or 581, then  
 3.32 the debtor may file a mediation request with the Office of the Attorney General. The  
 3.33 mediation request form must indicate that the debtor has not received a mediation notice.

3.34 Subd. 3. **Mediation proceeding notice.** (a) Within ten days after receiving a  
 3.35 mediation request, the attorney general shall send:

4.1 (1) a mediation proceeding notice to the debtor; and  
4.2 (2) a mediation proceeding notice to all homestead mortgage and homestead lien  
4.3 creditors listed by the debtor in the mediation request.

4.4 (b) The mediation proceeding notice must disclose:

4.5 (1) the name and address of the debtor;

4.6 (2) that the debtor has requested mediation under sections 583.40 to 583.49;

4.7 (3) the time and place for the initial mediation meeting;

4.8 (4) that in lieu of having a mediator assigned by the attorney general, the debtor and  
4.9 any one or more of the creditors may agree to select and pay for a professional mediator  
4.10 who must be approved by the attorney general;

4.11 (5) that sections 583.40 to 583.49 prohibit the creditor from beginning or continuing  
4.12 a proceeding to enforce the debt against the homestead property for 90 days after the  
4.13 debtor files a mediation request with the attorney general unless otherwise allowed; and

4.14 (6) by the initial mediation meeting, the creditor must provide the debtor with copies  
4.15 of notes and contracts for debts subject to sections 583.40 to 583.49, a statement of  
4.16 interest rates on the debts, delinquent payments, unpaid principal and interest balances, the  
4.17 creditor's value of the collateral, and debt restructuring programs available by the creditor.

4.18 (c) An initial mediation meeting must be held within 20 days of the mediation  
4.19 proceeding notice.

4.20 (d) In lieu of the attorney general assigning a mediator, the debtor and any one or  
4.21 more of the creditors may agree to select and pay for a professional mediator for the  
4.22 mediation proceeding. The attorney general must approve the professional mediator  
4.23 before the professional mediator may be assigned to the mediation proceeding. The  
4.24 professional mediator may not be approved unless the professional mediator prepares and  
4.25 signs an affidavit:

4.26 (1) disclosing any biases, relationships, or previous associations with the debtor or  
4.27 creditor subject to the mediation proceedings;

4.28 (2) stating certifications, training, or qualifications as a professional mediator;

4.29 (3) disclosing fees to be charged or a rate schedule of fees for the mediation  
4.30 proceeding; and

4.31 (4) affirming to uphold sections 583.40 to 583.49.

4.32 **Subd. 4. Effect of mediation proceeding notice.** (a) A creditor, or a creditor's  
4.33 successor in interest, who receives a mediation proceeding notice pursuant to subdivision  
4.34 3 may not begin or continue mortgage foreclosure proceedings subject to sections 583.40  
4.35 to 583.49 against homestead property of the debtor under chapter 580 or 581 until 80 days

5.1 after the date the debtor files a mediation request with the attorney general, except as  
5.2 allowed under sections 583.40 to 583.49.

5.3 (b) Notwithstanding paragraph (a), a creditor receiving a mediation proceeding  
5.4 notice may begin mortgage foreclosure proceedings against homestead property of the  
5.5 debtor if:

5.6 (1) the creditor receives a mediator's affidavit of the debtor's lack of good faith  
5.7 under section 583.44;

5.8 (2) ten days after the date the debtor and creditor sign an agreement allowing the  
5.9 creditor to commence mortgage foreclosure proceedings against homestead property if the  
5.10 debtor has not rescinded the agreement within five days of signing the agreement; or

5.11 (3) the creditor receives a termination statement according to subdivision 9.

5.12 (c) A creditor receiving a mediation proceeding notice must provide the debtor  
5.13 by the initial mediation meeting with copies of notes and contracts for debts subject to  
5.14 sections 583.40 to 583.49, a statement of interest rates on the debts, delinquent payments,  
5.15 unpaid principal balance, a list of all collateral securing debts, a creditor's estimate of the  
5.16 value of the collateral, and debt restructuring programs available by the creditor.

5.17 (d) The provisions of this subdivision are subject to section 583.44, relating to  
5.18 extensions or reductions in the period before a creditor may commence a mortgage  
5.19 foreclosure proceeding.

5.20 **Subd. 5. Eligibility and duties of mediator.** (a) A person is not eligible to be  
5.21 a mediator if the person has a conflict of interest that does not allow the person to be  
5.22 impartial.

5.23 (b) At all mediation meetings, the mediator shall:

5.24 (1) listen to the debtor and the creditors desiring to be heard;

5.25 (2) attempt to mediate between the debtor and the creditors;

5.26 (3) advise the debtor and creditors of assistance programs available;

5.27 (4) attempt to arrive at an agreement to fairly adjust, refinance, or pay the debts; and

5.28 (5) advise, counsel, and assist the debtor and creditors in attempting to arrive at an  
5.29 agreement for the future conduct of financial relations among them.

5.30 **Subd. 6. Mediator liability and immunity.** A mediator and the Office of the  
5.31 Attorney General and its members are immune from civil liability for actions within the  
5.32 scope of the position, set forth in this chapter. A mediator and the Office of the Attorney  
5.33 General and its members do not have a duty to advise a creditor or debtor about the law  
5.34 or to encourage or assist a debtor or creditor in reserving or establishing legal rights.  
5.35 This subdivision is an addition to and not a limitation of immunity otherwise accorded  
5.36 under law.

6.1 Subd. 7. **Mediation period.** The mediator may call mediation meetings during the  
 6.2 mediation period, which is up to 60 days after the initial mediation meeting.

6.3 Subd. 8. **Mediation agreement.** (a) If an agreement is reached among the debtor  
 6.4 and creditors, the mediator shall witness and sign a written mediation agreement, have  
 6.5 it signed by the debtor and creditors, and if applicable, submit the agreement to (1) the  
 6.6 attorney general, and (2) any court that has jurisdiction over mortgage foreclosure or  
 6.7 redemption proceedings regarding the real estate at issue.

6.8 (b) The debtor and creditors who are parties to the approved mediation agreement and  
 6.9 creditors who have filed claim forms and have not objected to the mediation agreement:

6.10 (1) are bound by the terms of the agreement; and

6.11 (2) may enforce the mediation agreement as a legal contract.

6.12 (c) A debtor may agree to allow a creditor to commence a mortgage foreclosure  
 6.13 proceeding against homestead property before the proceeding is otherwise allowed under  
 6.14 subdivision 4, but the debtor or creditor may rescind the agreement within five business  
 6.15 days after that debtor and particular creditor both sign the agreement.

6.16 Subd. 9. **End of mediation.** (a) The mediator shall sign and serve on the parties  
 6.17 and the attorney general a termination statement by the end of the time period specified in  
 6.18 subdivision 4.

6.19 (b) The mediator shall prepare a termination statement acknowledging that  
 6.20 mediation has ended and that:

6.21 (1) describes or references agreements reached between a creditor and the debtor, if  
 6.22 any, and agreements reached among creditors, if any; or

6.23 (2) states that no agreement was reached between the parties, despite a good faith  
 6.24 effort by the parties, and that further negotiation would be futile.

6.25 (c) Mediation agreements may be included as part of the termination statement.

6.26 Sec. 6. **[583.44] GOOD FAITH REQUIRED; COURT-SUPERVISED**  
 6.27 **MEDIATION.**

6.28 Subdivision 1. **Obligation of good faith.** The parties must engage in mediation in  
 6.29 good faith. Not participating in good faith includes:

6.30 (a) failure to attend and participate in mediation sessions without cause;

6.31 (b) failure to provide full information regarding the financial obligations of the  
 6.32 parties and other creditors including the obligation of a creditor to provide information  
 6.33 under section 583.43, subdivision 4, paragraph (c);

6.34 (c) failure of the creditor to designate a representative to participate in the mediation  
 6.35 with authority to make binding commitments;

7.1 (d) lack of a written statement of debt restructuring alternatives and a statement of  
7.2 reasons why alternatives are unacceptable to one of the parties; and

7.3 (e) other similar behavior which evidences lack of good faith by a party. A failure  
7.4 to agree to reduce, restructure, refinance, or forgive debt does not, in itself, evidence  
7.5 lack of good faith by the creditor.

7.6 Subd. 2. **Party's bad faith; mediator's affidavit.** If the mediator determines that  
7.7 either party is not participating in good faith as defined in subdivision 1, the mediator shall  
7.8 file an affidavit indicating the reasons for the finding with the Office of the Attorney  
7.9 General and with parties to the mediation.

7.10 Subd. 3. **Creditor's bad faith; court supervision.** If the mediator finds the creditor  
7.11 has not participated in mediation in good faith, the debtor may require court-supervised  
7.12 mandatory mediation by filing the affidavit with the district court of the county of the  
7.13 debtor's residence with a request for court supervision of mediation and serving a copy of  
7.14 the request on the creditor. Upon request, the court shall require both parties to mediate  
7.15 under the supervision of the court in good faith for a period of not more than 180 days. All  
7.16 mortgage foreclosure proceedings must be suspended during this period. The court may  
7.17 issue orders necessary to effect good faith mediation. Following the mediation period, if  
7.18 the court finds the creditor has not participated in mediation in good faith, the court shall  
7.19 by order suspend the creditor's mortgage foreclosure proceeding for an additional period  
7.20 of 180 days. A creditor found by the mediator not to have participated in good faith shall  
7.21 pay the attorney fees and costs of the debtor requesting court supervision, in addition to  
7.22 further suspension of the creditor's mortgage foreclosure proceeding.

7.23 Subd. 4. **Debtor's lack of good faith.** A creditor may immediately proceed with  
7.24 creditor's mortgage foreclosure proceedings upon receipt of a mediator's affidavit of a  
7.25 debtor's lack of good faith notwithstanding any other requirements of sections 583.40  
7.26 to 583.49.

7.27 Subd. 5. **Review of good faith finding.** (a) Upon petition by a debtor or creditor, a  
7.28 court may review a mediator's affidavit of lack of good faith on a mediator's failure to file  
7.29 an affidavit of lack of good faith. The review is limited to whether the mediator committed  
7.30 an abuse of discretion in filing or failing to file an affidavit of lack of good faith. The  
7.31 petition must be reviewed by the court within ten days after the petition is filed.

7.32 (b) If the court finds that the mediator committed an abuse of discretion in filing, or  
7.33 failing to file, an affidavit of lack of good faith, the court may:

7.34 (1) reinstate mediation and the stay of creditor's mortgage foreclosure proceeding;

7.35 (2) order court-supervised mediation; or

8.1 (3) allow creditors to proceed immediately with creditors' mortgage foreclosure  
8.2 proceeding.

8.3 **Sec. 7. [583.45] CREDITOR NOT ATTENDING MEDIATION MEETING.**

8.4 Subdivision 1. **Filing and effect of claim form.** A creditor that is notified of the  
8.5 initial mediation meeting is subject to and bound by a mediation agreement if the creditor  
8.6 does not attend mediation meetings, unless the creditor files a claim form. In lieu of  
8.7 attending a mediation meeting, a creditor may file a claim form with the mediator before  
8.8 the scheduled meeting. By filing a claim form the creditor agrees to be bound by a  
8.9 mediation agreement reached at the mediation meeting unless an objection is filed within  
8.10 the time specified in subdivision 2. The mediator must notify the creditors who have filed  
8.11 claim forms of the terms of any agreement.

8.12 Subd. 2. **Objections to agreements.** A creditor who has filed a claim form may  
8.13 serve a written objection to the terms of the mediation agreement on the mediator and the  
8.14 debtor within ten days after receiving notice of the mediation agreement. If a creditor files  
8.15 an objection to the terms of a mediation agreement, the mediator shall meet again with  
8.16 debtors and creditors within ten days after receiving the objection. Notwithstanding the  
8.17 mediation period under section 583.43, subdivision 7, if an objection is filed, the mediator  
8.18 shall call mediation meetings during the ten-day period following receipt of the objection.

8.19 **Sec. 8. [583.46] DATA PRACTICES.**

8.20 All data regarding the finances of individual debtors and creditors created, collected,  
8.21 and maintained by the mediators of the attorney general are classified as private data on  
8.22 individuals under section 13.02, subdivision 12, or nonpublic data under section 13.02,  
8.23 subdivision 9.

8.24 **Sec. 9. [583.47] FORMS AND COMPENSATION.**

8.25 Subdivision 1. **Compensation** The attorney general shall set the compensation  
8.26 of mediators.

8.27 Subd. 2. **Forms.** The attorney general's office shall create standard mediation  
8.28 requests and claim forms.

8.29 **Sec. 10. [583.48] ENFORCEMENT.**

8.30 The mediation agreement may be enforced by a state district court.

8.31 **Sec. 11. [583.49] INCONSISTENT LAWS.**



9.1 Sections 583.40 to 583.49 have precedence over any inconsistent or conflicting laws  
 9.2 and statutes including chapters 336, 580, and 581.

9.3 Sec. 12. **[583.50] EXPIRATION.**

9.4 Sections 582.0391, and 583.40 to 583.49, expire December 31, 2014.

9.5 Sec. 13. **EFFECTIVE DATE.**

9.6 This article is effective the day following final enactment.

## 9.7 **ARTICLE 2**

### 9.8 **CONFORMING PROVISIONS**

9.9 Section 1. Minnesota Statutes 2008, section 357.18, subdivision 1, is amended to read:

9.10 Subdivision 1. **County recorder fees.** The fees to be charged by the county recorder  
 9.11 shall be and not exceed the following:

9.12 (1) for indexing and recording any deed or other instrument a fee of \$46; \$10.50  
 9.13 shall be paid to the state treasury and credited to the general fund; \$10 shall be deposited  
 9.14 in the technology fund pursuant to subdivision 3; and \$25.50 shall be deposited in the  
 9.15 county general fund;

9.16 (1a) during the period from the enactment of sections 583.40 to 583.49 through  
 9.17 December 31, 2014, the fee for indexing and recording any deed or other instrument will  
 9.18 be \$50; \$10.50 shall be paid to the state treasury and credited to the general fund; \$10 shall  
 9.19 be deposited in the technology fund pursuant to subdivision 4; \$25.50 shall be deposited  
 9.20 in the county general fund; and \$4 shall be paid to the mediation act account;

9.21 (2) for documents containing multiple assignments, partial releases or satisfactions a  
 9.22 fee of \$46; if the document cites more than four recorded instruments, an additional fee of  
 9.23 \$10 for each additional instrument cited over the first four citations;

9.24 (3) for certified copies of any records or papers, \$10;

9.25 (4) for a noncertified copy of any instrument or writing on file or recorded in the  
 9.26 office of the county recorder, or any specified page or part of it, an amount as determined  
 9.27 by the county board for each page or fraction of a page specified. If computer or microfilm  
 9.28 printers are used to reproduce the instrument or writing, a like amount per image;

9.29 (5) for an abstract of title, the fees shall be determined by resolution of the county  
 9.30 board duly adopted upon the recommendation of the county recorder, and the fees shall  
 9.31 not exceed \$10 for every entry, \$100 for abstract certificate, \$1 per page for each exhibit  
 9.32 included within an abstract as a part of an abstract entry, and \$5 per name for each  
 9.33 required name search certification;

10.1 (6) for a copy of an official plat filed pursuant to section 505.08, the fee shall be \$10  
 10.2 and an additional \$5 shall be charged for the certification of each plat;

10.3 (7) for filing an amended floor plan in accordance with chapter 515, an amended  
 10.4 condominium plat in accordance with chapter 515A, or a common interest community  
 10.5 plat or amendment complying with section 515B.2-110, subsection (c), the fee shall be 50  
 10.6 cents per apartment or unit with a minimum fee of \$56;

10.7 (8) for a copy of a floor plan filed pursuant to chapter 515, a copy of a condominium  
 10.8 plat filed in accordance with chapter 515A, or a copy of a common interest community  
 10.9 plat complying with section 515B.2-110, subsection (c), the fee shall be \$1 for each page  
 10.10 of the floor plan, condominium plat or common interest community plat with a minimum  
 10.11 fee of \$10;

10.12 (9) for recording any plat, a fee of \$56, of which \$10.50 must be paid to the state  
 10.13 treasury and credited to the general fund, \$10 must be deposited in the technology fund  
 10.14 pursuant to subdivision ~~3~~4, and \$35.50 must be deposited in the county general fund; and

10.15 (10) for a noncertified copy of any document submitted for recording, if the original  
 10.16 document is accompanied by a copy or duplicate original, \$2. Upon receipt of the copy  
 10.17 or duplicate original and payment of the fee, a county recorder shall return it marked  
 10.18 "copy" or "duplicate," showing the recording date and, if available, the document number  
 10.19 assigned to the original.

10.20 Sec. 2. Minnesota Statutes 2008, section 508.82, subdivision 1, is amended to read:

10.21 Subdivision 1. **Standard documents.** The fees to be charged by the registrar of  
 10.22 titles shall be and not exceed the following:

10.23 (1) of the fees provided herein, \$1.50 of the fees collected under clauses (2), (3), (4),  
 10.24 (11), (13), (15), (17), and (18) for filing or memorializing shall be paid to the state treasury  
 10.25 pursuant to section 508.75 and credited to the general fund;

10.26 (2) for registering a first certificate of title, including issuing a copy of it, \$46.

10.27 Pursuant to clause (1), distribution of this fee is as follows:

10.28 (i) \$10.50 shall be paid to the state treasury and credited to the general fund;

10.29 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18,  
 10.30 subdivision ~~3~~4; and

10.31 (iii) \$25.50 shall be deposited in the county general fund;

10.32 (2a) during the period from the enactment of sections 583.40 to 583.49 through  
 10.33 December 31, 2014, the fee for registering a first certificate of title, including issuing a  
 10.34 copy of it, \$50. Pursuant to clause (1), distribution of the fee is as follows:

10.35 (i) \$10.50 shall be paid to the state treasury and credited to the general fund;

11.1 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18,  
 11.2 subdivision 4;

11.3 (iii) \$25.50 shall be deposited in the county general fund; and

11.4 (iv) \$4 shall be paid to the Homestead-Lender Mediation Act account;

11.5 (3) for registering each instrument transferring the fee simple title for which a new  
 11.6 certificate of title is issued and for the registration of the new certificate of title, including  
 11.7 a copy of it, \$46. Pursuant to clause (1), distribution of this fee is as follows:

11.8 (i) \$12 shall be paid to the state treasury and credited to the general fund;

11.9 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18,  
 11.10 subdivision ~~3~~ 4; and

11.11 (iii) \$24 shall be deposited in the county general fund;

11.12 (3a) during the period from the enactment of sections 583.40 to 583.49 through  
 11.13 December 31, 2014, the fee for registering each instrument transferring the fee simple title  
 11.14 for which a new certificate of title is issued and for the registration of the new certificate of  
 11.15 title, including a copy of it, \$50. Pursuant to clause (1), distribution of the fee is as follows:

11.16 (i) \$12 shall be paid to the state treasury and credited to the general fund;

11.17 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18,  
 11.18 subdivision 4;

11.19 (iii) \$24 shall be deposited in the county general fund; and

11.20 (iv) \$4 shall be paid to the Homestead-Lender Mediation Act account;

11.21 (4) for the entry of each memorial on a certificate, \$46. For multiple certificate  
 11.22 entries, \$20 thereafter. Pursuant to clause (1), distribution of this fee is as follows:

11.23 (i) \$12 shall be paid to the state treasury and credited to the general fund;

11.24 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18,  
 11.25 subdivision ~~3~~ 4;

11.26 (iii) \$24 shall be deposited in the county general fund; and

11.27 (iv) \$20 shall be deposited in the county general fund for each multiple entry used;

11.28 (4a) during the period from the enactment of sections 583.40 to 583.49 through  
 11.29 December 31, 2014, the fee for the entry of each memorial on a certificate, \$50. For  
 11.30 multiple certificate entries, \$20 thereafter. Pursuant to clause (1), distribution of the fee  
 11.31 is as follows:

11.32 (i) \$12 shall be paid to the state treasury and credited to the general fund;

11.33 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18,  
 11.34 subdivision 4;

11.35 (iii) \$24 shall be deposited in the county general fund;

11.36 (iv) \$4 shall be paid to the Homestead-Lender Mediation Act account; and

- 12.1 (v) \$20 shall be deposited in the county general fund for each multiple entry used;  
12.2 (5) for issuing each residue certificate and each additional new certificate, \$40;  
12.3 (6) for exchange certificates, \$20 for each certificate canceled and \$20 for each  
12.4 new certificate issued;  
12.5 (7) for each certificate showing condition of the register, \$50;  
12.6 (8) for any certified copy of any instrument or writing on file or recorded in the  
12.7 registrar of titles' office, \$10;  
12.8 (9) for a noncertified copy of any certificate of title, other than the copies issued  
12.9 under clauses (2) and (3), any instrument or writing on file or recorded in the office of  
12.10 the registrar of titles, or any specified page or part of it, an amount as determined by the  
12.11 county board for each page or fraction of a page specified. If computer or microfilm  
12.12 printers are used to reproduce the instrument or writing, a like amount per image;  
12.13 (10) for a noncertified copy of any document submitted for recording, if the original  
12.14 document is accompanied by a copy or duplicate original, \$2. Upon receipt of the copy  
12.15 or duplicate original and payment of the fee, a registrar of titles shall return it marked  
12.16 "copy" or "duplicate," showing the recording date and, if available, the document number  
12.17 assigned to the original;  
12.18 (11) for filing two copies of any plat, other than a CIC plat complying with section  
12.19 515B.2-110, paragraph (c), in the office of the registrar, \$56. Pursuant to clause (1),  
12.20 distribution of this fee is as follows:  
12.21 (i) \$12 shall be paid to the state treasury and credited to the general fund;  
12.22 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18,  
12.23 subdivision ~~3~~4; and  
12.24 (iii) \$34 shall be deposited in the county general fund;  
12.25 (12) for any other service under this chapter, such fee as the court shall determine;  
12.26 (13) for filing any document affecting two or more units in a condominium governed  
12.27 by chapter 515, \$46 for the first certificate upon which the document is registered, and for  
12.28 multiple certificate entries, \$20 for each additional certificate upon which the document  
12.29 is registered. For purposes of this paragraph, an amendment to the declaration of a  
12.30 condominium governed by chapter 515 and a related amendment to the condominium  
12.31 floor plans shall be considered a single document, and the filing fee shall be \$56 for the  
12.32 first certificate upon which the document is registered, and for multiple certificate entries,  
12.33 \$20 for each additional certificate upon which the document is registered. Pursuant to  
12.34 clause (1), distribution of this fee is as follows:  
12.35 (i) \$12 shall be paid to the state treasury and credited to the general fund;

13.1 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18,  
 13.2 subdivision ~~3~~4;

13.3 (iii) \$24 shall be deposited in the county general fund for amendment to a declaration;

13.4 (iv) \$20 shall be deposited in the county general fund for each multiple entry  
 13.5 used; and

13.6 (v) \$34 shall be deposited in the county general fund for an amended floor plan;

13.7 (14) for issuance of a CECT pursuant to section 508.351, \$40;

13.8 (15) for filing a common interest community declaration and a CIC plat complying

13.9 with section 515B.2-110, paragraph (c); an amendment to a common interest community

13.10 declaration and a related amendment to a CIC plat complying with section 515B.2-110,

13.11 paragraph (c); or a supplemental declaration and a related supplemental CIC plat

13.12 complying with section 515B.2-110, paragraph (c), each of which related documents

13.13 shall be considered a single document, the filing fee shall be \$56 for the first certificate

13.14 upon which the document is registered, and for multiple certificate entries, \$20 for each

13.15 additional certificate upon which the document is registered. For filing any other document

13.16 affecting two or more units in a common interest community, the filing fee shall be \$46

13.17 for the first certificate upon which the document is registered, and for multiple certificate

13.18 entries, \$20 for each additional certificate upon which the document is registered. The

13.19 same fees shall apply to filing any document affecting two or more units or other parcels

13.20 subject to a master declaration. Pursuant to clause (1), distribution of this fee is as follows:

13.21 (i) \$12 shall be paid to the state treasury and credited to the general fund;

13.22 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18,

13.23 subdivision ~~3~~4;

13.24 (iii) \$24 shall be deposited in the county general fund for the filing of an amendment

13.25 complying with section 515B.2-110, subsection (c);

13.26 (iv) \$20 shall be deposited in the county general fund for each multiple entry

13.27 used; and

13.28 (v) \$34 shall be deposited in the county general fund for the filing of a condominium

13.29 or CIC plat or amendment;

13.30 (16) for a copy of a condominium floor plan filed in accordance with chapter 515,

13.31 or a copy of a common interest community plat complying with section 515B.2-110,

13.32 subsection (c), the fee shall be \$1 for each page of the floor plan or common interest

13.33 community plat with a minimum fee of \$10;

13.34 (17) for the filing of a certified copy of a plat of the survey pursuant to section

13.35 508.23 or 508.671, \$46. Pursuant to clause (1), distribution of this fee is as follows:

13.36 (i) \$12 shall be paid to the state treasury and credited to the general fund;

14.1 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18,  
 14.2 subdivision ~~3~~ 4; and

14.3 (iii) \$24 shall be deposited in the county general fund;

14.4 (18) for filing a registered land survey in triplicate in accordance with section  
 14.5 508.47, subdivision 4, \$56. Pursuant to clause (1), distribution of this fee is as follows:

14.6 (i) \$12 shall be paid to the state treasury and credited to the general fund;

14.7 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18,  
 14.8 subdivision ~~3~~ 4; and

14.9 (iii) \$34 shall be deposited in the county general fund; and

14.10 (19) for furnishing a certified copy of a registered land survey in accordance with  
 14.11 section 508.47, subdivision 4, \$15.

14.12 Sec. 3. Minnesota Statutes 2008, section 508A.82, subdivision 1, is amended to read:

14.13 Subdivision 1. **Standard documents.** The fees to be charged by the registrar of  
 14.14 titles shall be and not exceed the following:

14.15 (1) of the fees provided herein, \$1.50 of the fees collected under clauses (2), (3),  
 14.16 (5), (12), (14), (16), and (19) for filing or memorializing shall be paid to the state treasury  
 14.17 pursuant to section 508.75 and credited to the general fund;

14.18 (2) for registering a first CPT, including issuing a copy of it, \$46. Pursuant to clause  
 14.19 (1), distribution of the fee is as follows:

14.20 (i) \$10.50 shall be paid to the state treasury and credited to the general fund;

14.21 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18,  
 14.22 subdivision ~~3~~ 4; and

14.23 (iii) \$25.50 shall be deposited in the county general fund;

14.24 (2a) during the period from the enactment of sections 583.40 to 583.49 through  
 14.25 December 31, 2014, the fee for registering a first CPT, including issuing a copy of it, \$50.

14.26 Pursuant to clause (1), distribution of the fee is as follows:

14.27 (i) \$10.50 shall be paid to the state treasury and credited to the general fund;

14.28 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18,  
 14.29 subdivision 4;

14.30 (iii) \$25.50 shall be deposited in the county general fund; and

14.31 (iv) \$4 shall be paid to the Homestead-Lender Mediation Act account;

14.32 (3) for registering each instrument transferring the fee simple title for which a  
 14.33 new CPT is issued and for the registration of the new CPT, including a copy of it, \$46.

14.34 Pursuant to clause (1), distribution of the fee is as follows:

14.35 (i) \$12 shall be paid to the state treasury and credited to the general fund;

15.1 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18,  
15.2 subdivision ~~3~~ 4; and

15.3 (iii) \$24 shall be deposited in the county general fund;

15.4 (3a) during the period from the enactment of sections 583.40 to 583.49 through  
15.5 December 31, 2014, the fee for registering each instrument transferring the fee simple title  
15.6 for which a new CPT is issued and for the registration of the new CPT, including a copy of  
15.7 it, \$50. Pursuant to clause (1), distribution of the fee is as follows:

15.8 (i) \$12 shall be paid to the state treasury and credited to the general fund;

15.9 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18,  
15.10 subdivision 4;

15.11 (iii) \$24 shall be deposited in the county general fund; and

15.12 (iv) \$4 shall be paid to the Homestead-Lender Mediation Act account;

15.13 (4) for issuance of a CECT pursuant to section 508A.351, \$40;

15.14 (5) for the entry of each memorial on a CPT, \$46; for multiple certificate entries, \$20  
15.15 thereafter. Pursuant to clause (1), distribution of the fee is as follows:

15.16 (i) \$12 shall be paid to the state treasury and credited to the general fund;

15.17 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18,  
15.18 subdivision ~~3~~ 4;

15.19 (iii) \$24 shall be deposited in the county general fund; and

15.20 (iv) \$20 shall be deposited in the county general fund for each multiple entry used;

15.21 (5a) during the period from the enactment of sections 583.40 to 583.49 through  
15.22 December 31, 2014, the fee for the entry of each memorial on a CPT, \$50; for multiple  
15.23 certificate entries, \$20 thereafter. Pursuant to clause (1), distribution of the fee is as  
15.24 follows:

15.25 (i) \$12 shall be paid to the state treasury and credited to the general fund;

15.26 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18,  
15.27 subdivision 4;

15.28 (iii) \$24 shall be deposited in the county general fund;

15.29 (iv) \$4 shall be paid to the Homestead-Lender Mediation Act account; and

15.30 (v) \$20 shall be deposited in the county general fund for each multiple entry used;

15.31 (6) for issuing each residue CPT, \$40;

15.32 (7) for exchange CPTs or combined certificates of title, \$20 for each CPT and  
15.33 certificate of title canceled and \$20 for each new CPT or combined certificate of title  
15.34 issued;

15.35 (8) for each CPT showing condition of the register, \$50;

16.1 (9) for any certified copy of any instrument or writing on file or recorded in the  
16.2 registrar of titles' office, \$10;

16.3 (10) for a noncertified copy of any CPT, other than the copies issued under clauses  
16.4 (2) and (3), any instrument or writing on file or recorded in the office of the registrar of  
16.5 titles, or any specified page or part of it, an amount as determined by the county board for  
16.6 each page or fraction of a page specified. If computer or microfilm printers are used to  
16.7 reproduce the instrument or writing, a like amount per image;

16.8 (11) for a noncertified copy of any document submitted for recording, if the original  
16.9 document is accompanied by a copy or duplicate original, \$2. Upon receipt of the copy  
16.10 or duplicate original and payment of the fee, a registrar of titles shall return it marked  
16.11 "copy" or "duplicate," showing the recording date and, if available, the document number  
16.12 assigned to the original;

16.13 (12) for filing two copies of any plat in the office of the registrar, \$56. Pursuant to  
16.14 clause (1), distribution of the fee is as follows:

16.15 (i) \$12 shall be paid to the state treasury and credited to the general fund;

16.16 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18,  
16.17 subdivision ~~3~~4; and

16.18 (iii) \$34 shall be deposited in the county general fund;

16.19 (13) for any other service under sections 508A.01 to 508A.85, the fee the court  
16.20 shall determine;

16.21 (14) for filing an amendment to a declaration in accordance with chapter 515, \$46  
16.22 for each certificate upon which the document is registered and for multiple certificate  
16.23 entries, \$20 thereafter; \$56 for an amended floor plan filed in accordance with chapter  
16.24 515. Pursuant to clause (1), distribution of the fee is as follows:

16.25 (i) \$12 shall be paid to the state treasury and credited to the general fund;

16.26 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18,  
16.27 subdivision ~~3~~4;

16.28 (iii) \$24 shall be deposited in the county general fund for amendment to a declaration;

16.29 (iv) \$20 shall be deposited in the county general fund for each multiple entry  
16.30 used; and

16.31 (v) \$34 shall be deposited in the county general fund for an amended floor plan;

16.32 (15) for issuance of a CECT pursuant to section 508.351, \$40;

16.33 (16) for filing an amendment to a common interest community declaration, including  
16.34 a supplemental declaration, and plat or amendment complying with section 515B.2-110,  
16.35 subsection (c), and issuing a CECT if required, \$46 for each certificate upon which the  
16.36 document is registered and for multiple certificate entries, \$20 thereafter; \$56 for the filing



17.1 of the condominium or common interest community plat or amendment. See section  
 17.2 515B.1-116 for special requirement relating to a common interest community. Pursuant to  
 17.3 clause (1), distribution of the fee is as follows:

17.4 (i) \$12 shall be paid to the state treasury and credited to the general fund;

17.5 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18,  
 17.6 subdivision ~~3~~ 4;

17.7 (iii) \$24 shall be deposited in the county general fund for the filing of an amendment  
 17.8 complying with section 515B.2-110, subsection (c);

17.9 (iv) \$20 shall be deposited in the county general fund for each multiple entry  
 17.10 used; and

17.11 (v) \$34 shall be deposited in the county general fund for the filing of a condominium  
 17.12 or CIC plat or amendment;

17.13 (17) for a copy of a condominium floor plan filed in accordance with chapter 515,  
 17.14 or a copy of a common interest community plat complying with section 515B.2-110,  
 17.15 subsection (c), the fee shall be \$1 for each page of the floor plan, or common interest  
 17.16 community plat with a minimum fee of \$10;

17.17 (18) in counties in which the compensation of the examiner of titles is paid in  
 17.18 the same manner as the compensation of other county employees, for each parcel of  
 17.19 land contained in the application for a CPT, as the number of parcels is determined by  
 17.20 the examiner, a fee which is reasonable and which reflects the actual cost to the county,  
 17.21 established by the board of county commissioners of the county in which the land is  
 17.22 located;

17.23 (19) for filing a registered land survey in triplicate in accordance with section  
 17.24 508A.47, subdivision 4, \$56. Pursuant to clause (1), distribution of the fee is as follows:

17.25 (i) \$12 shall be paid to the state treasury and credited to the general fund;

17.26 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18,  
 17.27 subdivision ~~3~~ 4; and

17.28 (iii) \$34 shall be deposited in the county general fund; and

17.29 (20) for furnishing a certified copy of a registered land survey in accordance with  
 17.30 section 508A.47, subdivision 4, \$15.

17.31 Sec. 4. **HOMESTEAD-LENDER MEDIATION ACT ACCOUNT.**

17.32 **Subdivision 1. Establishment.** The Homestead-Lender Mediation Act account is  
 17.33 established as a special revenue account in the general fund.

17.34 **Subd. 2. Generally.** The Homestead-Lender Mediation Act account is created in the  
 17.35 state treasury and shall be administered by the attorney general for the purposes described

18.1 in this section. Any interest or profit accruing from investment of money in the fund shall  
18.2 be credited to the Homestead-Lender Mediation Act account.

18.3 Subd. 3. **Expenditures.** (a) Money in the Homestead-Lender Mediation Act  
18.4 account may only be used:

18.5 (1) to pay for the compensation of mediators appointed by the attorney general under  
18.6 the Homestead-Lender Mediation Act, Minnesota Statutes, section 583.42, subdivision 3;

18.7 (2) by the attorney general for reasonable reimbursement for staff and other  
18.8 administrative costs associated with the Homestead-Lender Mediation Act; and

18.9 (3) by the attorney general for reimbursement of any funds deposited by the attorney  
18.10 general into the Homestead-Lender Mediation Act account in advance of sufficient  
18.11 deposits from revenue sources designated under subdivision 4.

18.12 (b) Money in the Homestead-Lender Mediation Act account is appropriated to the  
18.13 attorney general to make payments as provided in this subdivision.

18.14 Subd. 4. **Revenue sources.** Revenue from the proceeds of fees payable to the  
18.15 Homestead-Lender Mediation Act account as imposed by Minnesota Statutes, sections  
18.16 357.18, 508.82, and 508A.82, must be deposited in the state treasury and credited to the  
18.17 Homestead-Lender Mediation Act account.

18.18 Subd. 5. **Appropriation and reimbursement.** (a) The amount of fees imposed  
18.19 under subdivision 4 is appropriated from the general fund to the Homestead-Lender  
18.20 Mediation Act account.

18.21 (b) Upon expiration of the Homestead-Lender Mediation Act, as specified in  
18.22 Minnesota Statutes, section 583.50, any unused funds left in the Homestead-Lender  
18.23 Mediation Act account shall be transferred to the general fund.

18.24 (c) Services provided under the Homestead-Lender Mediation Act are on a  
18.25 first-come, first-served basis to the extent of available funds in the Homestead-Lender  
18.26 Mediation Act account.

18.27 Sec. 5. **EFFECTIVE DATE.**

18.28 This article is effective 30 days following final enactment.