



Kandiyohi County Recorder's Office

Presentation for Department Head Meeting March 11, 2010

And Updated November 1, 2011, By Julie Kalkbrenner

Kandiyohi County Recorder/Registrar of Titles

Office Location & Description



- ✦ County Office Building – Lower Level
- ✦ 400 Benson Ave SW Willmar MN 56201
- ✦ Service Counter, Staff Work Area and Public Work Area
- ✦ Vault (storage of backup records)
- ✦ Staff includes Recorder, one Chief Deputy, and four Deputies



Historical Background



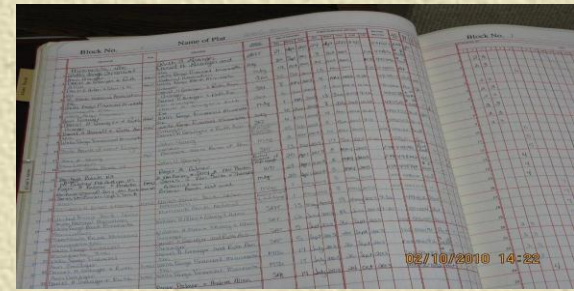
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- ✦ Land has been here since the beginning of time...it will be here until the end of time.
 - ✦ Land is possibly one of the most important assets a citizen may ever possess.
 - ✦ Government has always been dependent upon taxation for it's existence...and it's the land that is taxed.
 - ✦ So it followed that some form of control had to be developed over the sale of and title to land.
 - ✦ The Office of the County Recorder (formerly Register of Deeds) established by Territorial Legislature in mid 1800's.

Historical Background Continued



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- ✦ County Recorder is custodian of all records of the county pertaining to property titles and transfers in Kandiyohi County back to the 1850's.
 - ✦ Being in the Recorder's Office is like being in a gigantic history book.
 - ✦ Original purpose of the office was to provide a safe and convenient place where all valuable documents could be filed.
 - ✦ Making the document a matter of public record, available to all interested parties, and if the original was lost, stolen or destroyed, a certified copy could be obtained.
 - ✦ The County Recorder's records are used by everyone, and many people are dependent upon our services; for instance; bankers cannot pay out on a loan until the mortgage has been recorded.
 - ✦ People come to the Land Record's Office for advice on what to do and where to secure services, but the staff must be very careful not to give legal advice.

Historical Background Continued



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- ✦ Kandiyohi County Recorder's Office operates under the **RACE NOTICE LAW**.
 - ✦ Literally means the person who wins the race to the Recorder's Office with his/her documents establishes their interest first.
 - ✦ For this reason, work load cannot be set aside for another day. Recordings are up-to-the-minute. We file by the hour and minute.
 - ✦ Kandiyohi County Recorder is an Elected Position with a 4 year term.
 - ✦ Kandiyohi County is one of 87 counties in Minnesota.

Description of Services

Three Departments Within the Office

- Real Estate Land Records
- UCC/Personal Property Records
- Vital Statistic Records

Description of Services

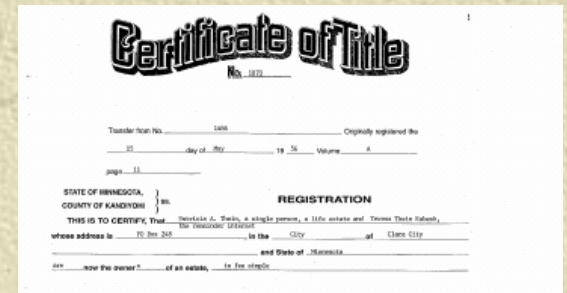
- ✦ **Real Estate Land Records**
- ✦ Legal Documents Related to Real Estate Transactions
- ✦ Minnesota has two Real Estate Land Record Systems:
 - Abstract and Torrens

Abstract



- ✦ **Abstract of Title** – is a summary of all the successive conveyances and other facts which are recorded in the Recorder's Office pertaining to the title of a persons property.
- ✦ Kandiyohi County does not do abstracting. A licensed abstracting company does it.
- ✦ In the Abstract Department, any instrument properly executed according to law and presented for record which may affect title to real estate, must be filed by our office.
- ✦ Majority of property in county is abstract.
- ✦ Approximately 28,000 parcels

Torrens



- ✦ **Torrens Title** -is an adjudicated title to real estate (all matters pertaining to the title are under the supervision of the district court).
- ✦ A Decree of Registration from the District Court sets forth the fee owner of Torrens Property and if there are any encumbrances against the property.
- ✦ Torrens property has a **Certificate of Title** that is kept on file in the Recorder's Office.
- ✦ Under the Torrens system, the county recorder is referred to as the **Registrar of Titles**. The Registrar is an arm of the District Court.
- ✦ In the Torrens department, instruments are examined for accuracy in accordance with statutory requirements before they are accepted for filing. If an individual, corp., etc does not have a recorded interest in the Torrens property, they cannot grant that interest. Certificates of Title are issued to **guarantee** ownership of real estate.
- ✦ Kandiyohi County has about 408 Torrens parcels.

Recording Process



- ✦ We record over 300 different types of documents.
- ✦ Document is checked to make sure it meets all statutory requirements.
- ✦ All documents presented for filing (mail, counter, courier service, or electronically) are entered into a computerized numerical register. The computer automatically assigns a number and prints the document stamp (office info, date, time, and doc number) onto the document.
- ✦ Staff enters document type and fees are calculated.
- ✦ Preliminary indexing information is entered.
- ✦ Documents are completely indexed into computerized **tract index and grantor/grantee index** (party names, dates, dollar amounts, legal description, PIN).
- ✦ Documents are scanned and the image is matched to the indexing information.
- ✦ Indexing and image verification are done by another staff person.

Recording Process

- ✦ Once a document is scanned it is available for public viewing.
- ✦ We record and **permanently** safeguard these documents and make them available for public notice and inspection.
- ✦ To date approximately 619,000 real estate documents filed.
- ✦ Document Return - Original documents are returned to presenter.
- ✦ Minnesota Law requires documents to be recorded and returned within specific timeframes.

Recording Process

Specific Timeframes:

- * Prior to 2007 – maximum of 30 calendar days
- * 2007 - at least **60%** of documents with maximum of 15 business days
- * 2008 - at least **70%** of documents with maximum of 15 business days
- * 2009 – at least **80%** of documents with maximum of 15 business days
- * 2010 - at least **90%** of documents with maximum of 15 business days
- * 2011 and thereafter, **90%** of documents with maximum of 10 business days
- * **Electronic documents** – returned no later than 5 business days

Kandiyohi County Recorder's Remote Access

Kandiyohi County Recorder's Remote Access Search County Land Records 24 Hours a Day!!

1. *Laredo* - For Everyday Users (monthly subscription)

Fidlar Technologies has designed *Laredo*, a remote access product, with your objectives in mind. *Laredo's* innovative technology and 24-hour access to the county's land records allows you to obtain information faster and more efficiently.

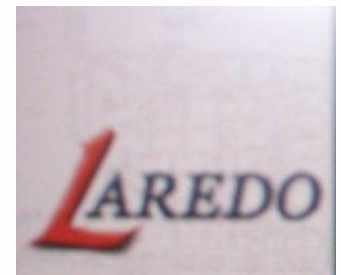
- Same user interface that is used on the courthouse workstations
- Real time data
- 24 x 7 access
- Download client application from www.fidlar.com (click on the "Laredo" link under the Products tab)
- Subscription based

Kandiyohi County *Laredo* Fee Scale

<u>Per-Minute Plans</u>	<u>User Investment*</u>	<u>Overage fee**</u>
A. 0-250 minutes	\$50/mo	.20 per minute
B. 251-1000 minutes	\$100/mo	.15 per minute
C. 1001-3000 minutes	\$200/mo	.12 per minute
D. 3001-6000 minutes	\$300/mo	.10 per minute
E. Unlimited Minutes	\$500/mo	

* Remote print copies fees are extra (\$0.35/page).

** Per minute charge for each minute over the signed-up plan.



Kandiyohi County Recorder's Remote Access

2. *Tapestry* - For Occasional Users (pay-as-you-go)

Enjoy the Flexibility of *Tapestry* - www.landrecords.net

All you need is a web browser for 24 X 7 access to county land records. From the *Tapestry* web site, users can access information from ALL participating counties. *Tapestry* allows for both pay-as-you-go access, and an open account payment plan.

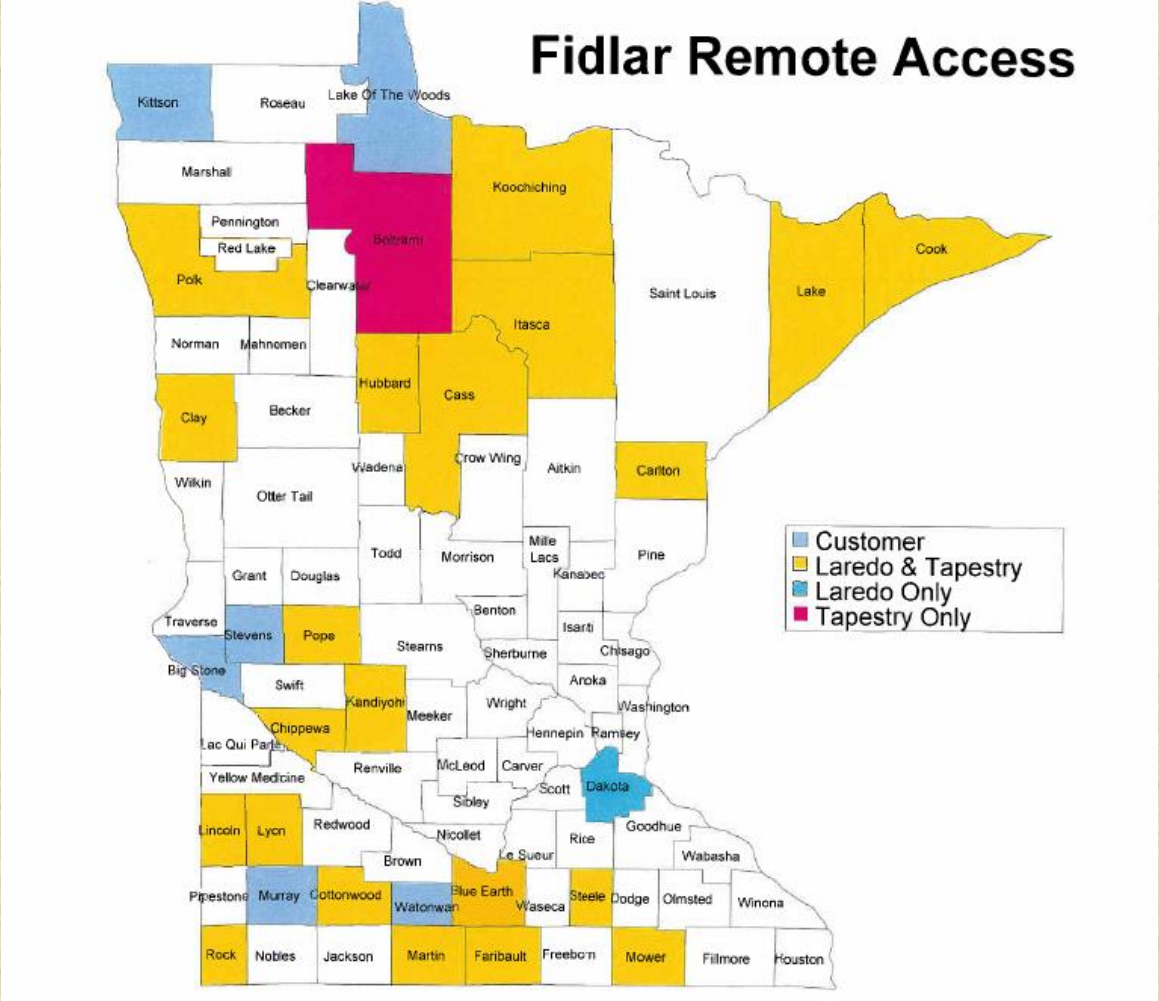
Tapestry Cost Breakdown

- Index/Image Search - \$5.95 per search
 - Grantor/Grantee
 - Beginning/Ending Date
 - Consideration amount
 - Legal Description - Subdivision, Parcel ID, Metes & Bounds
 - Document Search Types
- Print Copies - \$.50 per page
 - Viewing images is included in the per search fee



For More Information: Contact Kandiyohi County Recorder's Office @ 320-231-6223
or Fidlar Technologies @ 1-800-747-4600

Kandiyohi County Recorder's Remote Access





Online Records/Remote Access

- ✦ All Kandiyohi County real estate document images and tract indexes are available from 1/1/1998 to the present.
- ✦ Real Estate Grantor/Grantee Indexes from 3/2/1987 to present.
- ✦ Available online through Laredo subscription service or through Tapestry with the use of a credit card.
- ✦ We are in the process of back scanning **all** documents prior to 1/1/1998 and all the tract index books (140 + years). Once this has been done these images will be merged into our current computer system allowing access to all documents back to 1858. That's 150 + years!

Property Fraud Alert Program

✦ Property Fraud

- ✦ Someone illegally uses your property for financial gain.
- ✦ Records a fraudulent document in Recorder's Office, making it look like they own your property.
- ✦ Property and Mortgage Fraud are the fastest growing white collar crime according to the FBI.
- ✦ In 2007 Minnesota was added to the list of top 10 states with Mortgage Fraud.

Property Fraud Alert Program

- ✦ We've teamed up to create a notification system – Property Fraud Alert.
- ✦ Easy sign up at www.propertyfraudalert.com/kandiyohimn
- ✦ Enter your personal and/or business name and you will be notified when a document is recorded with your name match.
- ✦ Free of charge.
- ✦ **BE INFORMED...BE ALERT...BE NOTIFIED**



Document Retrieval



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- ✦ Customer/general public – counter/phone.
 - ✦ Document specialists – counter/phone, bankers, attorneys, real estate professionals, abstracting companies, surveyors, appraisers, county offices, state/federal departments.
 - ✦ Provide customers with information, copies and forms, directly in person, via phone, mail, fax or e-mail.
 - ✦ Our office indexes and records are public and open to all customers during business hours.
 - ✦ Four public computer stations available. Search by name, legal, date, document type, and PIN. (Laredo System, same as subscription service.)
 - ✦ The records held within our vault showcase the latest and best means of record keeping within any time frame in our history. Books which hold original handwritten documents from 1858 to 1921; typed documents in books from 1921 to 1956; photocopied documents in books from 1956 to 1978; microfilmed documents from 5-1-1978 to 1997 and digital images from then forward.

Additional Records



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- ✦ County Recorder is also the custodian of:
 - ✦ The original United States Government Survey of lands in the county.
 - ✦ All plats – Abstract 1345, Torrens 18 = Total 1363
 - ✦ Condominiums and Common Interest Community (CIC) Plats – Abstract 73, Torrens 3 = Total 76
 - ✦ Since 1967, the Registrar of Titles may require a registered land survey to be filed when the legal description is a difficult description split.
 - ✦ Official Bonds of all county officers.

Tax Liens

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- ✦ If federal or state taxes are not paid, the IRS and MN Department of Revenue offices prepare and file tax liens in the County Recorder's Office.
 - ✦ Tax Liens are filed by taxpayer name.
 - ✦ A tax lien is a **paramount lien** on all property owned at the time the lien is filed or thereafter acquired.
 - ✦ Federal tax liens are not filed in Torrens, but state tax liens from the MN Department of Revenue are filed in Torrens and memorialized on the Certificate of Title if the property is identified as Torrens and the debtor name matches the Certificate of Title.

Well Certificates

MINNESOTA DEPARTMENT OF HEALTH
WELL AND WATER SYSTEMS DIVISION
WELL DISCLOSURE STATEMENT
FOR PROPERTY LOCATED IN THE STATE OF MINNESOTA

A. PROPERTY LOCATION INFORMATION AND WELL INFORMATION

Name: _____ Address: _____ City: _____ State: _____ Zip: _____

County: _____ Section: _____ Township: _____ Range: _____

Parcel ID: _____

Well ID: _____

Well Type: _____

Well Depth: _____

Well Construction: _____

Well Completion: _____

Well Status: _____

Well Use: _____

Well Protection: _____

Well Construction Date: _____

Well Completion Date: _____

Well Status Date: _____

Well Use Date: _____

Well Protection Date: _____

Well Construction Date: _____

Well Completion Date: _____

Well Status Date: _____

Well Use Date: _____

Well Protection Date: _____

MINNESOTA DEPARTMENT OF HEALTH
WELL AND WATER SYSTEMS DIVISION
WELL DISCLOSURE STATEMENT
FOR PROPERTY LOCATED IN THE STATE OF MINNESOTA

B. WELL LOCATION MAP AND WELL INFORMATION

Well ID: _____

Well Type: _____

Well Depth: _____

Well Construction: _____

Well Completion: _____

Well Status: _____

Well Use: _____

Well Protection: _____

Well Construction Date: _____

Well Completion Date: _____

Well Status Date: _____

Well Use Date: _____

Well Protection Date: _____

Well Construction Date: _____

Well Completion Date: _____

Well Status Date: _____

Well Use Date: _____

Well Protection Date: _____

- ✦ Effective 11/1/1990 a County Recorder or Registrar of Titles may not record a deed or other instrument of conveyance, unless the document is accompanied by:
 - **MDH Well Disclosure Statement**
 - Contains a statement certifying no wells on the property.
 - statement that the number and status of wells has not changes since previously filed disclosure statement.

Beginning July 1, 2009 the MDH began accepting E-Well Disclosure Statements.

Electronic Recording

- ✦ Instead of sending a hard copy of a document to our office, a digital image of the document is sent.
- ✦ We were one of the first counties in MN to record documents electronically- started 7/11/2006.
- ✦ Started with one submitter.
- ✦ To begin with only 4 document types were allowed. In August of 2009 MN approved about 69 document types.
- ✦ This has attracted more submitters locally and across the nation and increased the number of eRecorded documents we are filing.

Benefits of e-Recording

- ✦ Images are sent electronically, saving paper, postage, fuel and time.
- ✦ Documents are recorded by a simple mouse click.
- ✦ Recorded document is immediately kicked back to sender.
- ✦ No need to scan document...image is already in system!

E-Recording...The Green Way

- ✦ No envelopes...no transportation costs.
- ✦ Images are recorded and returned electronically.
- ✦ If there are errors, documents are returned electronically versus by mail.
- ✦ Speeds up the ability to purchase, finance, or refinance property.

Description of Services

✦ UCC/Personal Property Records

- ✦ Statewide filing system through MN Secretary of State. County Recorders act as an extension of the SOS Office by filing UCC documents. Kandiyohi County is one of the approximately 75 satellite offices in the state.
- ✦ We handle all UCC filings, continuations, amendments, terminations, searches and inquiries.
- ✦ The UCC System is used to perfect a lien on personal property. UCC information is requested by the lending community for the purpose of determining loan agreements.
- ✦ In 2012 the current statewide UCC System, Profile, will be replaced by a new web based **Minnesota Business Lien System**.

Description of Services

Vital Statistics

- Birth Certificates
- Death Certificates
- DD214 – Military Discharges
- Marriage Certificates
- Marriage Licenses
- Ministerial Credentials/Ordination Registration
- Notary Public Commission Registration

Description of Services

✦ Vital Statistics

- ✦ Kandiyohi County Vital Statistic Records were moved from the Court Administrator to the County Recorder's Office in 1990 by County Board Resolution.
- ✦ At that time, this entailed all Birth, Death, and Marriage Records, Ministerial Credentials, Notary Commissions, Military Discharges & Passports.

Birth and Death Certificates

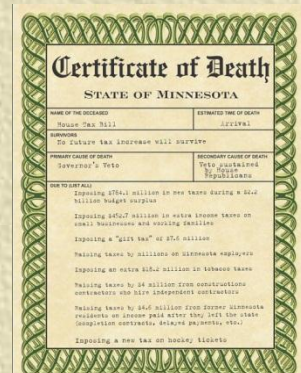


✦ Birth Certificates

- ✦ Our office has paper birth records back to 1870 for people born in Kandiyohi County.
- ✦ State database from 1935 to present.

✦ Death Certificates

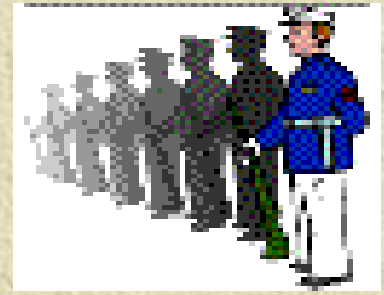
- ✦ Our office has paper death records back to 1870 for people who died/resided in Kandiyohi County.
- ✦ State database from 1997 to present.



Birth and Death Certificates Continued....

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- ✦ Since 2001, Minnesota has been on a state-wide system (VRV 2000 through the Minnesota Department of Health).
 - ✦ This means that most vital records filed **anywhere** in the State of Minnesota are now available at the local level.
 - ✦ Due to the sensitive nature of this information, access is restricted in most cases.
 - ✦ A new state-wide **web based** registration and issuance system, the Minnesota Registration and Certification System (MR&C) replaced the VRV 2000 in the spring of 2011.

Description of Services



✦ (DD214's) Military Discharges

- ✦ This office is also the place where discharges from the military are recorded.
- ✦ This is a protection to the serviceman in case of loss of the original.
- ✦ Our office issues certified copies of such discharges when requested by the veteran with a completed application.

Description of Services

✦ Ministerial Credentials/Ordination Registration

- ✦ Ministers of any religious denomination, before they are authorized to solemnize a marriage in Minnesota, shall file a copy of their credentials of license or ordination with the County Recorder of a county in this state.
- ✦ Permanently maintain a copy of Ordination Certificates.

Description of Services



✦ Marriage Licenses

- ✦ A marriage license must be applied for in person.
- ✦ Both bride and groom must apply.
- ✦ To obtain a marriage license you must be 18 years of age, or a person of the full age of 16 years, may with consent of the person's parents, guardian or the court.
- ✦ You must be married in Minnesota within 6 months from the date the marriage license is purchased.
- ✦ Five-day waiting period from date of application before license can be issued, absent special circumstances.

Description of Services

✦ Marriage License Fees:

- ✦ \$110.00 - * without premarital education.
- ✦ \$ 40.00 - * with properly completed, signed and dated Educator's Statement submitted at the time of marriage license application.
- ✦ *At least 12 hours of premarital education provided by specific individuals and including specific requirements per MN Statute.

Description of Services

✦ Marriage Certificates

- ✦ Certified Copy of Marriage.
- ✦ We have marriage records from 1860 to present for applicants who purchased their marriage license in Kandiyohi County.
- ✦ Recent development by Minnesota County Recorders, Auditors, Treasurers (MACO) and the Local Registrars for Vital Records of Statewide internet site for searching marriage records - Minnesota Official Marriage System (MOMS).



Description of Services

- ✦ **Minnesota Official Marriage System (MOMS)**
- ✦ All Minnesota Counties participating in this voluntary system.
- ✦ MOMS will eventually contain statewide marriage data from 1850's to present. Website www.mncounty.com
- ✦ Benefit to county customers, genealogists, taxpayers, and other county departments as investigating tool (probate, verification, law enforcement).
- ✦ One stop and access (no longer have to search every county).
- ✦ Online access from anywhere (home, work or coffee shop).
- ✦ Information available 24x7x365.

Description of Services



✦ Notary Commission Registration

- ✦ Commissions, reappointments, renewal or name change are issued by the office of Secretary of State. For info visit: <https://notary.sos.state.mn.us>
- ✦ Once you receive your commission certificate, it must be recorded with the resident county with appropriate registration fees.
- ✦ Register in person in the County you reside.
- ✦ Commissions are for 5 years. Notary commissions expired on 1/30/10. We filed approximately 200 notary commissions/renewals in Dec 2009 & Jan 2010.

Industry Changes



- ✦ Where once real estate was bought and sold by the section or 40 acre parcel, it is now bought and sold by the square foot.
- ✦ Not only are the surface rights conveyed, but the subsurface, air rights and water rights are sold as well
- ✦ From land, homes and farms to time shares, cooperatives, condominiums/planned communities, and dockominiums....
- ✦ Global positioning satellites are indicating to land owners that they may not own the land that is legally described in their deeds.
- ✦ On a national average, the number of documents recorded has increased by approximately 250% + in the last 10 years.

Industry Changes Continued

- ✦ The number of pages per document has increased.
- ✦ The internet directs customers to our office for information.
- ✦ Where once the bulk of documents arrived from within the county/state, they now arrive from all over the U.S. and world.
- ✦ A few years ago, loan origination to closing averaged 60 to 90 days, now it can be one week or less.
- ✦ Ever changing closing requirements.
- ✦ RESPA (Real Estate Settlement Procedures Act) Reform, eMortgages, eDeeds, eRecording, etc.
- ✦ Change is going on all around us = choice!

Summary

- ✦ In today's economy, private property rights are a major source of national wealth.
- ✦ Countries that prosper promote widespread and secured private ownership of real estate as a foundation of social and economic policy.
- ✦ Stable land ownership and the ability to determine who owns property in a system that is transparent promotes the introduction of capital and wealth.
- ✦ Transparent ownership records and current recording practices promote:
 - Certainty of ownership
 - Reduction in land disputes
 - Improved taxation of property
 - Improved land resource management
 - Improved land use planning
- ✦ Maintaining these records is a difficult task.
- ✦ Accuracy and speed are important in maintaining a property records system.
 - Certainty of ownership.