

January 29, 2016

To Whom It May Concern:

The new Uniform Trust Code went into effect on January 1, 2016. A number of changes significant to real estate transactions were made.

Corporate Trusts

Minn. Stat. §501C.0102(c) exempts “corporate trusts” from the requirements of Chapter 501C. It is my opinion that a transfer by a “corporate trust” does not require Examiner of Titles approval nor supporting trust documents. The trouble arises in determining if a particular trust is a “corporate trust” as defined in §501C.0102.

I would advise the Registrar to accept an instrument if the Registrar can determine a particular trust is a “corporate trust” as defined in Minn. Stat. §501C.0102. That could be established by:

A Certificate of Trust which includes such a statement.

An Affidavit of Trustee with such a statement, if the trust instrument or Certificate of Trust is already recorded on the appropriate Certificate of Title.

Finally, the conveyancing document itself could identify the trust as a “corporate trust” under Minn. Stat. §501C.0102 by including a statement substantially as follows: “a corporate trust as defined by Minn. Stat. §501C.0102.” following the trust name or as a separate statement on the document.

New Certificate of Trust

Also of significance, the requirements for a certificate of trust have been changed. The new form is available as Uniform Conveyancing Blank (UCB) form 90.1.1 (individual) and 90.1.2 (business entity). Paragraph 5 of 90.1.1 and Paragraph 6 of 90.1.2 now contain a fill-in-the-blank statement of the number of trustees required to act. This is consistent with Minn. Stat. §501C.1013.

If you use the UCB, please be sure to use the 2016 version. If you draft your own certificate of trust, please be sure it complies with Minn. Stat. §501C.1013. **Use of an outdated form will result in rejection of your documents**, leading to additional expense and delay.

Because this is a newly effective statute, policies and procedures are still being developed to facilitate timely recording. Please contact the Examiner of Titles office with any questions or if you have suggestions for improving the process.

Very Truly Yours,

Wayne D. Anderson, Examiner of Titles