



RINKE NOONAN

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*attorneys at law*

Firmly Committed.



RINKE NOONAN

*attorneys at law*

# **Registrars of Title**

## **Basics of Torrens Title Registration**

Presented by:  
David Meyers  
Rinke Noonan Law Firm  
St. Cloud, MN

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- Why register title?

Firmly Committed.

Firmly Committed.



- Cure title defects

Firmly Committed.

Firmly Committed.



- Cure boundary problems

Firmly Committed.

Firmly Committed.



- Establish a boundary with certainty for all times

Firmly Committed.

Firmly Committed.



- Use of Judicial Monuments (Minn. Stat. § 559.25) and Torrens prohibition against adverse claims (Minn. Stat. § 508.02). The boundary is set forever

Firmly Committed.

Firmly Committed.



- Quiet Title Action or Registration? Which is best?

Firmly Committed.

Firmly Committed.





- Registration Process

Firmly Committed.

Firmly Committed.



- Application - Contents

Firmly Committed.

Firmly Committed.

Doc # A404828

STATE OF MINNESOTA  
COUNTY OF MILLE LACSDISTRICT COURT  
SEVENTH JUDICIAL DISTRICT

In the Matter of the Application of:

Court File No. \_\_\_\_\_

City of Princeton,

**APPLICATION TO REGISTER THE  
TITLE TO CERTAIN LAND**

To Register the Title to Certain Land.

**TO THE JUDGES OF THE ABOVE-NAMED COURT:**

The City of Princeton, a Municipal Corporation, hereby makes application to register the title to the land hereinafter described and does solemnly swear that it knows the contents of such application, and the statements therein are true of its own knowledge save as to such as are therein stated on information and belief, and that as to those it believes them to be true.

- A. Name of Applicants: City of Princeton  
Applicants' address: 705 Second Street No., Princeton, MN 55371
- B. Description of land, situated in Mille Laes County, Minnesota, is as follows:

All that part of the Southwest Quarter of the Southwest Quarter, Section 33, Township 36, Range 26, Mille Lacs County, Minnesota described as follows: Commencing at the point of intersection of the North line of said Southwest Quarter of the Southwest Quarter with the centerline of County Road 18; thence South 34 degrees 12 minutes West along said centerline a distance of 228.52 feet to the actual point of beginning of the tract to be described; thence West parallel with said North line of the Southwest Quarter of the Southwest Quarter along a line to be hereafter known as line "A" for the purpose of this description a distance of 366.56 feet; thence South at right angles a distance of 42.00 feet; thence South 21 degrees 30 minutes East a distance of 338.43 feet, more or less, to a point on said centerline of County Road No. 18 a distance of 431.48 feet Southwesterly of the point of beginning as measured along said centerline; thence North 34 degrees 12 minutes East along said centerline a distance of 431.48 feet to the point of beginning.



**EXCEPTING** therefrom all that part thereof lying Westerly of a line described as beginning at a point on said line "A" a distance of 250.15 feet West of the point of beginning of said line "A"; thence Southeasterly to terminate at a point on said centerline of County Road No. 18 a distance of 150.00 feet Northeasterly of the most Southerly corner of the above described tract, as measured along said centerline.

The estimated market value of the land to be registered, exclusive of improvements, according to the last official assessment, is nominal. **Property is owned by municipality and will be given to MN Habitat for Humanity, Inc.**

- C. Estate or interest claimed in the dominant estate is in fee simple.
- D. That the names and residences of all persons or parties, except the Applicants, who appear of record, or who are known to the Applicant to have or claim any right, title, estate, lien or interest in the above-described property:

Name	Address	Nature and Character of Claim
Chris J. Karding PID: 24-033-0370	607 Old Hwy. 18 So. Princeton, MN 55371	Possible dispute as to boundary
Dick & Catherine Hoheisel PID: 24-915-0010	101 Old 18 Cir. Princeton, MN 55371	Possible dispute as to boundary
Plastic Products Company, Inc. PID: 24-033-0360	c/o Marlene A. Smith 30355 Akerson Street Lindstrom, MN 55045	Possible dispute as to boundary
Nelson		

3. The land is now occupied by:

Name	Address	Nature of Estate or Interest
City of Princeton	705 Second Street No. Princeton, MN 55371	Fee simple

F. Liens or encumbrances on land, recorded or unrecorded:

NONE

G. Applicants do desire to register the boundary lines of said land.

H. Defects, if any, in Applicants' title:

1. The legal description of record is inconsistent of the land actually occupied by the Applicants, the Applicants predecessors in title and successors in title.
2. The survey prepared in contemplation of this action discloses inflicting and encroaching legal descriptions affecting Applicants' parcel, which are now of record. Gaps and overlaps in old County Road No. 18 and locations by prior surveyors of property line. See attached Surveyor's Report of Michael J. Trunk dated November 2, 2017.

WHEREFORE, the Applicant prays the Court to find and declare the title or interest of the Applicant in said land and decree the same, and order the Registrar of Titles to register the same, and to grant such other and further relief as shall be according to equity.

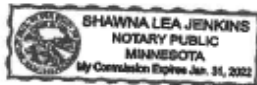
Dated: January 16, 2018

CITY OF PRINCETON

BY: Robert Barbian  
Robert Barbian, City Administrator  
Applicant

STATE OF MINNESOTA )  
                                  ) SS:  
COUNTY OF MILLE LACS)

On this 16<sup>th</sup> day of January, 2018, before me, a Notary Public in and for said County, personally appeared Robert Barbian, to me personally known, who being duly sworn, did say that he is the City Administrator of the City of Princeton, the Municipal Corporation named in the foregoing instrument and that said instrument was signed on behalf of said Municipal Corporation by authority of its City Council Members and acknowledges said instrument to be the free act and deed of said Municipal Corporation.



Shawna Jenkins  
Notary Public

Doc # A404828

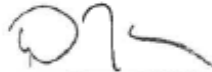
Dated: 1/16, 2018

DOVE FRETLAND, P.L.L.P.

By \_\_\_\_\_  
Paul D. Dove (#20428)  
Attorneys for Applicant  
5881 Cedar Lake Road  
Minneapolis, MN 55416  
(952) 545-9000

**THIS INSTRUMENT DRAFTED BY:**  
Paul D. Dove (#20428)  
DOVE FRETLAND, P.L.L.P.  
Attorneys for Applicant  
5881 Cedar Lake Road  
Minneapolis, MN 55416  
(952) 545-9000

APPROVED FOR FILING:



David J. Meyers  
Sherburne County Examiner of Titles

STATE OF MINNESOTA }  
COUNTY OF MILLE LACS }  
I, Cheryl Wjoehrer, Court Administrator in and for said  
County and State aforesaid, do hereby certify that  
the above is a true and correct copy of the  
original on file and of record in this office.

Dated this 1<sup>st</sup> day of February 2018  
Cheryl Wjoehrer, Court Administrator  
By Kathleen Botta Deputy





A404828

Office of the County Recorder  
Title Cases County Minnesota  
Copies, Files and/or Recorded on:  
February 08, 2018 10:30 AM

Fee: \$46.00

Pages: 4

Relates to:

JOVE FRETLAND & JAN VALKENBURG

413 S KUIP RIVER DR STE 6

PRINCE JN. MN 55371

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Firmly Committed.

Firmly Committed.



- Which titles may be registered?

Firmly Committed.

Firmly Committed.





- Fee title and easement

Firmly Committed.

Firmly Committed.



- Application is filed with the Court

Firmly Committed.

Firmly Committed.



- Certified copy of the Application is filed with the County Recorder
  - Acts as a notice of Lis Pendens

Firmly Committed.

Firmly Committed.



- A non-resident must file an Appointment of Agent with the County Recorder

Firmly Committed.

Firmly Committed.



## **Abstract – Major Problems**

- No definition of an Abstract
- Traditional Abstract is hard to get
- There may be inaccuracies in the Abstract
- The Abstract may be expensive
- Why rely upon a third party Abstractor when title documents are available online?



## **Title Examination by Examiner**

- Review the survey – use the County Surveyor if available
- Examiner determines all claims and interests in the real property
- The Examiner may personally inspect the property

Firmly Committed.

Firmly Committed.



## Contents of Title Examiner's Report

- Name and title, with legal description
- Defects in title
- Who is to be served?
- Must serve the DNR if the property is adjacent to a meandered body of water
- What is to be done when the Federal Government needs to be served?

STATE OF MINNESOTA

CIVIL DIVISION - TORRENS  
DISTRICT COURT

COUNTY OF MILLE LACS

SEVENTH JUDICIAL DISTRICT

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In the Matter of the Application of:

City of Princeton,

**TITLE EXAMINER'S REPORT**To register the title to certain land  
described in the Application filed  
with the Court in this proceeding

Court File No. 48-CV-18-161

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This matter was referred to me, as Mille Lacs County Examiner of Titles, to examine the title of the Applicant and the truth of the matter set forth in the Application and particularly whether the land is occupied, the nature of the occupation, if occupied, and by what right, and also as to all liens and encumbrances against the property, any judgments against the Applicant and all those through whom the Applicant claims title, which may be a lien upon the lands described in the Application, and to make a report in writing to the Court of the substance of the proof and to file a report thereon including a certificate of my opinion upon the title. I respectfully report:

That I have been furnished by the Applicant with a 40 year search dated from July 17, 2009.

That I have examined title to the Applicant's property for a period exceeding 40 years (See: Minn. Stat. § 541.023, the Marketable Title Act, and Minnesota Title Standard No. 61). The search was conducted using the Mille Lacs County online Land Shark Grantee/Grantor and Tract indexes. I also conducted a search of the records at the Mille Lacs County Recorder's Office. I have also reviewed a title insurance commitment issued by Home Security Abstract & Title Co., Agent's File Reference No. P-5333. The tract index shows that the Application was filed



February 8, 2018, as Document No. 404828. I have also reviewed the Mille Lacs County Land Shark index to determine the Owners and Encumbrancers of adjoining properties.

I have also reviewed the attached Certificate of Survey prepared by Trunk Surveying, LLC dated April 9, 2018, which references the property subject to this Application, and other property. Attached to this Report is a copy of the November 2, 2017 Surveyor's Report, prepared by Michael J. Trunk and the April 11, 2018 comments by the Mille Lacs County Surveyor, Warren Delles after reviewing the April 9, 2018 Trunk Survey, and Surveyor's Report.

That I have searched the records and investigated all the facts brought to my notice, and find:

1. That at the time of the filing of the Application herein, the said Applicant, City of Princeton, is the owner in fee simple of the certain land in Mille Lacs County, Minnesota described in said Application and as follows, to-wit:

See attached **EXHIBIT A**.

2. That the said land is occupied by the Applicant.

3. That the liens and encumbrances on the land are as follows:

A Right of Way Easement held by Great River Energy, formerly United Power Association, surviving association of a merger with the Rural Cooperative Power Association, pursuant to September 29, 1952 Easement, recorded October 1, 1952, as Document No. 118431, which Easement was partially released by a May 27, 1982 Instrument, filed June 1, 1982, as Document No. 186720.

4. I note the following defects and irregularities:

A. Historical legal descriptions are confusing. The legal description (Exhibit A) used is based upon a current Survey as noted above.



B. Applicant desires to register the boundaries and set judicial landmarks at the boundaries of this property, therefore, the adjoining property owners must be named in this action. They are as follows:

- 1) To the South and West, Plastic Products Company, Inc., a Minnesota corporation, together with Wells Fargo Bank, National Association, holder of a UCC-1, last filed June 18, 2013, with the Mille Lacs County Recorder as Document No. 379997, and G.E. Government Finance, Inc., f/k/a GE Capital Public Finance, Inc., as Collateral Agent, pursuant to UCC-1, last filed November 26, 2012, as Document Nos. 376610 and 376611. Marlene A. Smith is shown on the real estate tax records.
- 2) To the North and West, Dickie Hoheisel and Catherine Hoheisel, together with their mortgage lender JP Morgan Chase Bank, N.A. under a \$169,398.00 Mortgage dated April 20, 2012, and filed with the Mille Lacs County Recorder on May 22, 2012, as Document No. 373246. **NOTE:** The survey and Mille Lacs County GIS Aerial Mapping show a fence and possible building encroachment by Hoheisel onto the Applicant's land. A Finding should be included in the Order for Registration, which states all rights, if any, to the land and any buildings north of the fence.
- 3) To the North, Chris Kardong, together with his mortgage lender JP Morgan Chase Bank, N.A. under a \$70,345.00 Mortgage dated November 18, 2011, and filed with the Mille Lacs County Recorder on December 5, 2011, as Document No. 370515. **NOTE:** The survey and the Mille Lacs County GIS Aerial Mapping show a driveway across the Northeast area of Applicant's property which serves the Kardong Parcel. A Finding should be included in the Order for Registration which states all rights, if any, to this driveway.

5. That the Defendants in this cause should be:

Plastic Products Company, Inc., Wells Fargo Bank, National Association, G.E. Government Finance, Inc. f/k/a GE Capital Public Finance, Inc., Marlene A. Smith, Dickie Hoheisel, Catherine Hoheisel, JP Morgan Chase Bank, N.A., Chris Kardong, and all other parties unknown claiming any right, title, interest, or estate in or to the land described herein.

6. That all the material allegations in the said Application contained appear to be substantially true except as herein stated, and that the Applicant is entitled to the relief prayed for correcting the irregularities and defects above named.

All of which is submitted April 12, 2018.



Examiner of Titles  
David J. Meyers (#151695)  
Suite 300 US Bank Plaza Building  
1015 W. St. Germain St.  
P.O. Box 1497  
St. Cloud, MN 56302-1497  
(320) 251-6700  
(320) 656-3500 fax  
email: dmeyers@rinkenoonan.com  
(File No. 21202-0089)

## DESCRIPTION FOR TITLE REGISTRATION, 30,836 SQ. FT.:

That part of the Southwest Quarter of the Southwest Quarter of Section 33, Township 36, Range 26, Mille Lacs County, Minnesota, described as follows: Commencing at the southwest corner of said Section 33, Township 36, Range 26; thence North 0 degrees 03 minutes 45 seconds East, along the west line of said Southwest Quarter of the Southwest Quarter, a distance of 1308.73 feet to the northwest corner of said Southwest Quarter of the Southwest Quarter; thence South 89 degrees 12 minutes 24 seconds East, along the north line of said Southwest Quarter of the Southwest Quarter, a distance of 897.73 feet to the centerline of Old County Road No. 18; thence South 34 degrees 44 minutes 42 seconds West, along said centerline, which terminates at said southwest corner of Section 33, Township 36, Range 26, a distance of 227.84 feet to the point of intersection with the easterly extension of the South line of WINKELMAN ADDITION, said Mille Lacs County, Minnesota, said South line of WINKELMAN ADDITION being a line parallel with said North line of the Southwest Quarter of the Southwest Quarter and distant 189.00 feet south, as measured along a perpendicular line, from said North line and said point of intersection being the point of beginning of the property being described; thence North 89 degrees 12 minutes 24 seconds West a distance of 256.59 feet; thence South 20 degrees 43 minutes 33 seconds East a distance of 258.36 feet to the point of intersection with said centerline of Old County Road No. 18; thence North 34 degrees 44 minutes 42 second East a distance of 289.75 feet to said point of beginning.

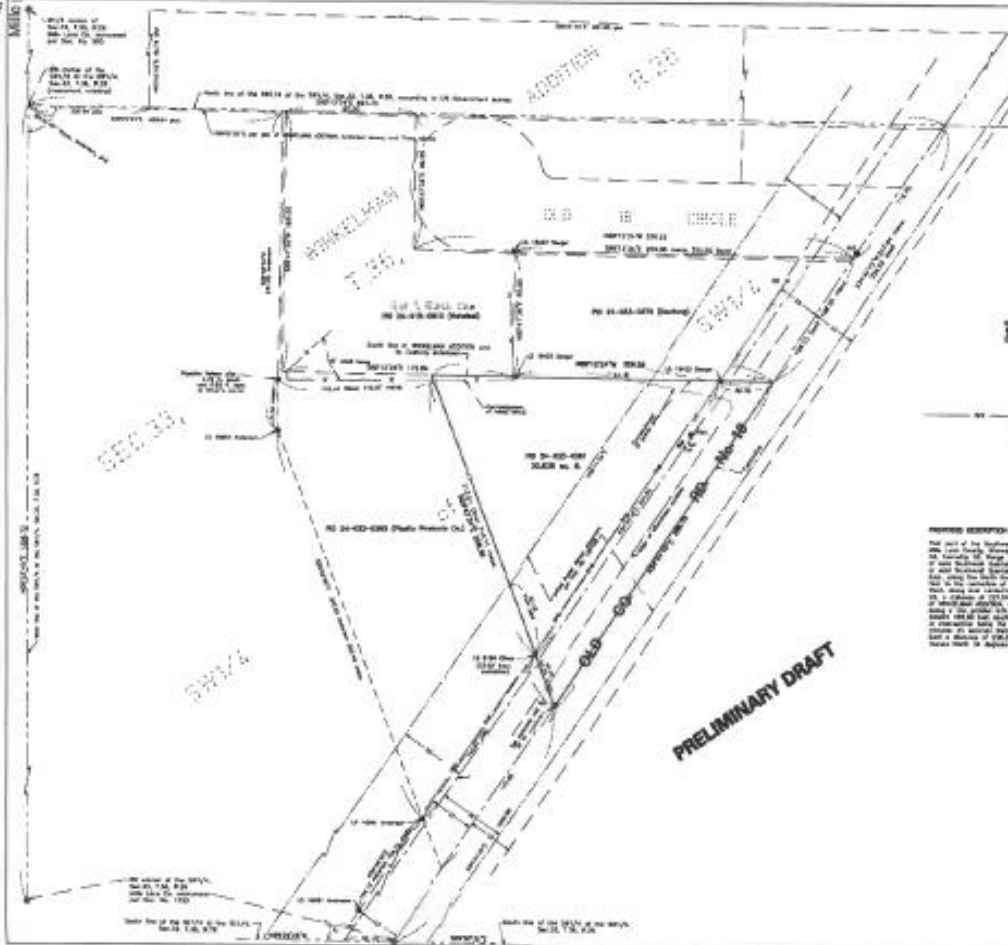
EXHIBIT     

A



Filed in Seventh Judicial District Court  
4/12/2018 9:10 AM  
Mille Lacs County, MN

48-CV-18-161



### TORRENS REGISTRATION SURVEY City of Princeton Mille Lacs County Court File No. 48-CV-18-161



- CORNER OF PLAIN SURVEY
- CORNER OF 1ST ADDITION
- CORNER OF 2ND ADDITION
- CORNER OF 3RD ADDITION
- CORNER OF 4TH ADDITION
- CORNER OF 5TH ADDITION
- CORNER OF 6TH ADDITION
- CORNER OF 7TH ADDITION
- CORNER OF 8TH ADDITION
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- CORNER OF 96TH ADDITION
- CORNER OF 97TH ADDITION
- CORNER OF 98TH ADDITION
- CORNER OF 99TH ADDITION
- CORNER OF 100TH ADDITION

WARNING: THIS IS A PRELIMINARY DRAFT SURVEY. IT IS NOT TO BE USED FOR ANY PURPOSES WITHOUT THE APPROVAL OF THE SURVEYOR. ANY REVISIONS WILL BE MADE AS NECESSARY. THIS SURVEY IS SUBJECT TO THE TERMS AND CONDITIONS OF THE SURVEY CONTRACT. ANY DISCREPANCIES BETWEEN THIS SURVEY AND ANY OTHER SURVEYS SHOULD BE RESOLVED BY THE SURVEYOR.

I hereby certify that this survey was made in accordance with the laws of Minnesota and the rules of the State Board of Surveyors. I am a duly licensed and qualified surveyor under the laws of the State of Minnesota.

Surveyor: Tracy L. Olson, PLS, No. 360,846, Mille Lacs County, MN

Truck Surveying, LLC  
308 2nd Ave. S  
Princeton, MN 56071  
(763) 447-1124

**Trunk Surveying, L.L.C.**  
306 7<sup>th</sup> Ave. S  
Princeton, MN 55371

Michael J. Trunk, LS, CFedS  
Land Surveyor  
Certified Federal Surveyor

(763) 447-7106  
michaeltrunk@hotmail.com

**SURVEYOR'S REPORT**

November 2, 2017

City of Princeton  
705 N 2<sup>nd</sup> St.  
Princeton, MN 55371

Re: PID 24-033-0381, Part of the SW1/4 of the SW1/4, Sec.33, T.36, R.26, Mille Lacs County, Minnesota.  
Trunk Surveying file 17073.

**TO WHOM IT MAY CONCERN:**

The survey of the above referenced parcel was calculated per the existing description of record as follows:

All that part of the Southwest Quarter of the Southwest Quarter (SW 1/4 of SW 1/4 ), Section 33, Township 36, Range 26, Mille Lacs County, Minnesota, described as follows: Commencing at the point of intersection of the North line of said Southwest Quarter of the Southwest Quarter with the centerline of County Road No. 18; thence South 34 degrees 12 minutes West along said centerline a distance of 228.52 feet to the actual point of beginning of the tract to be hereby described; thence West parallel with said North line of the Southwest Quarter of the Southwest Quarter along a line to be hereafter known as line "A" for the purpose of this description a distance of 388.56 feet; thence South at right angles a distance of 42.00 feet; thence South 21 degrees 30 minutes East a distance of 338.43 feet, more or less, to a point on said centerline of County Road No. 18 a distance of 431.48 feet Southwesterly of the point of beginning as measured along said centerline; thence North 34 degrees 12 minutes East along said centerline a distance of 431.48 feet to the point of beginning.

Excepting therefrom all that part thereof lying Westerly of a line described as beginning at a point on said line "A" a distance of 250.15 feet West of the point of beginning of said line "A"; thence Southeasterly to terminate at a point on said centerline of County Road No. 18 a distance of 150.00 feet Northeasterly of the most Southerly corner of the above described tract, as measured along said centerline, according to the United States Government Survey thereof and situate in Mille Lacs County, Minnesota.

An earlier survey of this parcel and adjoining surveys by others, have conflicts in the location of the exterior boundary that this parcel was created from and the following is a brief history of those surveys.

**ESTABLISHMENT OF THE NORTH LINE OF THE SW1/4 OF THE SW1/4, Sec.33, T.36, R.36:**

On June 4, 1959 a survey of the parcel that the subject parcel was split from was done by Leonard Nelson, LS 3626. The description on that survey is in agreement with the first paragraph of the subject parcel. The one exception from the Nelson description is the call, "according to the United States Government Survey thereof". Nelson also surveyed a parcel adjoining the subject parcel to the north dated June 4, 1959 which the plat of WINKELMAN ADDITION and the Kardong parcel were created from.





On October 28, 1980 a survey of the subject parcel was done by John Oliver, LS 8194. Oliver split the subject parcel from the parcel surveyed by Nelson. Oliver notes finding what are assumed to be Nelson's pipes but indicates they are not in the position that Oliver feels is correct. Distances to the found pipes are noted on the Oliver survey. The Oliver survey also creates a description for the subject parcel and the addition of the call "according to the United States Government Survey thereof" is inserted into the description. I located one of Oliver's pipes during my survey and possibly one of Nelson's pipes which fit the distance noted on the survey by Oliver at the NW corner of the Oliver survey.

On April 11, 1981 a survey of the Hockey arena site was done by Paul Thorp, LS 13637, of Hansen, Thorp and Pellinen, Inc. A monument was set at the NW corner of the SW1/4 of the SW1/4 of Section 33 and a bearing established for the North line of the SW1/4 of the SW1/4 of Section 33. I contacted Mr. Thorp in regards to the establishment of said North line of the SW1/4 of the SW1/4 and he stated it was probably set based upon found monumentation set by Nelson and or Oliver in the area.

On June 26, 1981 a survey was completed by Roy Hansen, LS 6274, of Hansen Thorp and Pellinen, Inc. It indicates conflicts in the descriptions of various parcels involved with the Hockey arena site and adjoining parcels north of the subject survey. It uses the same bearing to establish the North line of the SW1/4 of the SW1/4 of Section 33.

On July 5, 1988 a survey of the parcel formerly owned by Westling Manufacturing, Inc., which adjoins the west line of PID 24-033-0360, was done by Dale Anderson, LS 16091. Anderson accepted the monumentation and bearings of the Thorp survey and placed monuments at the right of way of Old Co. Rd. No. 18. I was able to locate three of Anderson's pipes which checked well with his survey.

Of all the surveys noted above I am unaware if a complete breakdown of Section 33 was done by each Surveyor or if one was available to use for boundary calculations.

On January 18<sup>th</sup> 1994 the plat of WINKELMAN ADDITION, prepared by me, was recorded. The plat was surveyed using found monuments set by Surveyor's Thorp and Anderson. I had a complete section breakdown of Sec. 33, T.36, R.26 that I completed and chose to monument the boundary of the plat by using found monuments by others.

During the course of this survey I located monuments set by Steven Seeger, LS 18422, of the Kardong parcel which adjoins the subject parcel's north line. I contacted Mr. Seeger to inquire how he established the location of the North line of the SW1/4 of the SW1/4 of Section 33 and was informed it was set up using the Section breakdown published by the Mille Lacs County Surveyor's office. The bearing of said North line of the SW1/4 of the SW1/4 differs from the bearing used by all previous surveys noted above.

It also needs to be noted that a cast iron monument set by Don Pepper, LS 5333, was set at the NE corner of the S1/2 of the SW1/4 of Section 33. This monument was set to establish the South line of the plat of ROSS-MERE as monumented in the SE1/4 of Section 33. It is not noted that it establishes any direction for any of the interior lines of the section but other surveys in the S1/2 of the SE1/4 of Section 33 are tied into the monument by description. I was unable to find any surveys in the adjoining parcels of the subject parcel which use said monument for the location of the north line of the SW1/4 of the SW1/4 of Sec.33.

Monumentation was located along the South line of the plat of CHULA VISTA located in the SW1/4 of Section 33 during this survey. None of the surveys noted herein were found to agree with the South line of CHULA VISTA as the location of the North line of the SW1/4 of the SW1/4 of Sec.33 per the US Government breakdown of Sec.33.

Since there appears to be different bearings as monumented easterly from the NW corner of the SW1/4 of the SW1/4 of Section 33 the decision to locate the North line of the subject parcel by the US Government survey and the breakdown published by Mille Lacs County was made.



#### ESTABLISHMENT OF THE CENTERLINE OF OLD CO. RD. NO. 18:

The easterly line of the subject parcel, the centerline of Old Co. Rd. No. 18, was surveyed based upon found monuments set by Dale Anderson, LS 18091, in 1987 and the calculated position of the centerline as shown on the plat of WINKELMAN ADDITION. The found monument by Oliver near the SW corner of the subject survey and monuments noted on the plat of STERLING POINT, assumed to be Oliver's pipes, are in agreement with a right of way centerline which runs 1.55 feet westerly of the SW corner monument of Section 33. The centerline description of Old Highway 18 is described as running north from the SW corner of Sec.4, T.35, R.26, Sherburne County, to the NW corner of Sec.4 (the SW corner of Sec.33, T.36, R.26) thence northeasterly. The decision to use the monumented SW corner of Sec.33 and the calculated position for the centerline as plotted in WINKELMAN ADDITION was made. This places the monument by Oliver near the SW corner of the subject parcel a distance of 33.52 feet from my surveyed centerline.

#### ESTABLISHMENT OF THE WEST PARCEL LINE:

As noted above a monument was located, set by Oliver, at the right of way along the West parcel line. No other monuments by Oliver were found. A pipe was also located, possibly set by Nelson, near the NW corner of PID 24-033-0360. This pipe fits very well with the found pipe noted on the Oliver survey as being 0.85 ft. east and 1.72 ft. south of a pipe set by Oliver during his survey of the subject parcel. If one assumes the pipes to be in their correct locations an approximate location of the Nelson and Oliver surveys can be calculated. Those calculated locations are shown on the survey. There are 3 possible locations indicated on the survey of the West line of PID 24-033-0360 as set by Nelson, Oliver and Anderson. I established the West line of Parcel 24-033-0361 by using the information from the Oliver survey to establish the best location of the lines surveyed by Oliver when the subject parcel was originally surveyed. This survey is a re-survey of a parcel previously laid out and established on the ground.

An encroachment onto the surveyed parcel by a gravel driveway is noted at the NE corner of the parcel. A decision by the City of Princeton to subdivide the subject parcel is shown hereon as Parcel B and is being proposed to be transferred to Chris J. Kardong, owner of PID 24-033-0360. A gap of varying width exists along the South line of the Kardong parcel and the North line of the proposed subject parcel. The transfer of Parcel B to Kardong will not grant any right of title to the gap and Mr. Kardong would need to take legal action to acquire any of the gap that exists.

A 6 foot high wood fence encroaches onto the adjoining parcel to the west and lies south of the South line of Lot 1, Block 1, WINKELMAN ADDITION when the boundaries of said plat are calculated per the plat of WINKELMAN ADDITION. It appears the fence was constructed to fit the pipe possibly set by Nelson in 1959. The owner of the fence did state no survey was done prior to construction of the fence by him.

The location of the surveyed lines by Oliver and re-surveyed lines established by me do not agree with the description of record. It is recommended that this survey be taken to a Title Attorney or Title Company for review and possible court action be taken to establish a new description for the subject parcel.

The boundaries of this survey may be subject to revision once a complete title examination by others is performed.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

*Michael J. Trunk*  
Michael J. Trunk, LS, CFedS  
Minnesota License No. 18434

Date: Nov. 2, 2017



**David Meyers**

**From:** Warren Delles <Warren.Delles@co.mille-lacs.mn.us>  
**Sent:** Wednesday, April 11, 2018 9:46 AM  
**To:** David Meyers  
**Cc:** Paul Dove; Michael Trunk  
**Subject:** RE: 21202-0089 Examiner of Titles-Mille Lacs: City of Princeton Application:  
**Attachments:** sterling.pdf

Hi David,  
 This is a complicated area.  
 I also think that the proposed description seems to be a good option for the proposed Title Registration action.  
 Just as a side note, the plat of STERLING POINTE identifies the east line of Old Co. Rd. 18 according to found monuments. Calculating a centerline of Old Co. Rd. 18 from the east line of the right of way according to the plat would cause the centerline to fall west of the Southwest corner of Section 33 by a little under two feet. Although it's not uncommon to see monumented right of way lines not parallel, and certainly debatably acceptable, the centerline of the proposed Torrens description and the east right of way line according to STERLING POINTE will not be parallel, and will be less than 33 feet of right of way east of the centerline according to the Torrens description.  
 Thank you.  
 Warren

**From:** David Meyers [mailto:DMeyers@rinkenoonan.com]  
**Sent:** Monday, April 9, 2018 3:39 PM  
**To:** Warren Delles <Warren.Delles@co.mille-lacs.mn.us>  
**Cc:** Paul Dove <pddove@dovefretlandlaw.com>; Michael Trunk <michaeltrunk@hotmail.com>  
**Subject:** RE: 21202-0089 Examiner of Titles-Mille Lacs: City of Princeton Application:

Hello Warren : Michael Trunk and I have been working on the legal description to avoid gaps on the north end. I think Michael has done a very good job. See attached.

Any further comments ?

Thanks

David

David J. Meyers  
 Examiner of Titles for Sherburne, Mille Lacs,  
 Roseau, Kittson, Marshall and Wilkin Counties -



- Petition and Order for Summons – archaic process that must be followed

Firmly Committed.

Firmly Committed.

STATE OF MINNESOTA  
COUNTY OF MILLE LACS

DISTRICT COURT  
SEVENTH JUDICIAL DISTRICT

In the Matter of the Application of  
City of Princeton,

Court File No. 48-CV-18-161

**PETITION AND ORDER  
FOR SUMMONS**

To Register Title to the real estate in Mille Lacs  
County, Minnesota, described in the report or reports  
of the Examiner of Titles on file herein.

---

**PETITION FOR SUMMONS**

Now comes your Petitioner and respectfully shows:

Petitioner is the attorney for the Applicant;

An Application for Registration has been filed with the Court;

The Examiner of Titles filed a report stating that in the Examiner's opinion the Applicant has a title proper for registration; or, if the report of the Examiner was adverse, the Applicant hereby elects to proceed with the registration;

The names and addresses of Defendants recommended by the Examiner are listed in the attached ORDER FOR SUMMONS, together with additional Defendants known or believed by Petitioner to have or claim some right, title, estate, lien or interest in the land to be registered.

There are no variations between the Defendants named in the Report of Examiner and the Defendants listed in the proposed Order for Summons.

Petitioner made a diligent effort, by reasonable inquiry and search, to ascertain the addresses for the persons listed in the attached ORDER FOR SUMMONS. If a Defendant's address could not be found, the address is listed as "unknown;"

Petitioner knows of no other persons having, or claiming, any right, title, estate, lien or interest in or upon the real property described in the report or reports of the Examiner who should be made Defendants.

WHEREFORE, Petitioner requests that the Court enter its Order directing the Court Administrator to issue a Summons, as provided by law, directed to the persons named in the attached ORDER FOR SUMMONS.

Petitioner knows the contents of the foregoing Petition, and states that the averments thereof are true of his own knowledge, or, if made upon information and belief, Petitioner believes them to be true.



I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116.

  
\_\_\_\_\_  
Petitioner's Signature

Paul D. Dove  
\_\_\_\_\_  
Petitioner's Name

May 4, 2018  
\_\_\_\_\_  
Date Signed

Mille Lacs/ Minnesota  
\_\_\_\_\_  
County/State



## ORDER FOR SUMMONS

Upon examining the foregoing attached Petition and all the files and records in this proceeding:

IT IS ORDERED, that the Court Administrator issue a Summons as required by law directed to the following parties who are hereby named as Defendants in this proceeding:

<u>NAME</u>	<u>ADDRESS</u>
Great River Energy, formerly United Power Association	David Saggau, CEO 12300 Elm Creek Blvd. Maple Grove, MN 55369-4718
Wells Fargo Bank, National Association	Corporate Service Company 2345 Rice Street, Ste. 230 Roseville, MN 55113
G.E. Government Finance, Inc. d/b/a GE Capital Public Finance, Inc.	CT Corporation System, Inc. 1010 Dale Street No. St. Paul, MN 55117-5603
JP Morgan Chase Bank, N.A.	c/o CT Corporation System, Inc. 100 So. 5 <sup>th</sup> Street Minneapolis, MN 55402

Also all heirs and devisees of any of the above-named persons who are deceased; and all other persons or parties unknown claiming any right, title, estate, lien or interest in the real estate described in the Application herein and any amendments to it.

Dated this 7th day of May, 2018

Approved:  
EXAMINER OF TITLES

BY:   
David J. Meyers, Examiner

  
JUDGE OF THE DISTRICT COURT

Order  
FILED in Mille Lacs County  
Court Administration  
May 7, 2018



- Land Title Summons

Firmly Committed.

Firmly Committed.

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF MILLE LACS

SEVENTH JUDICIAL DISTRICT

In the Matter of the Application of:

Court File No. 48-CV-18-161

City of Princeton,

To Register Title to the following described real estate situated in Mille Lacs County, Minnesota, namely:

That part of the Southwest Quarter of the Southwest Quarter of Section 33, Township 36, Range 26, Mille Lacs County, Minnesota, described as follows: Commencing at the Southwest corner of said Section 33, Township 36, Range 26; thence North 0 degrees 03 minutes 45 seconds East, along the West line of said Southwest Quarter of the Southwest Quarter, a distance of 1308.73 feet to the Northwest corner of said Southwest Quarter of the Southwest Quarter; thence South 89 degrees 12 minutes 24 seconds East, along the North line of said Southwest Quarter of the Southwest Quarter, a distance of 897.73 feet to the centerline of Old County Road No. 18; thence South 34 degrees 44 minutes 42 seconds West, along said centerline, which terminates at said Southwest corner of Section 33, Township 36, Range 26, a distance of 227.84 feet to the point of intersection with the Easterly extension of the South line of WINKELMAN ADDITION, said Mille Lacs County, Minnesota, said South line of WINKELMAN ADDITION being a line parallel with said North line of the Southwest Quarter of the Southwest Quarter and distant 189.00 feet South, as measured along a perpendicular line, from said North line and said point of intersection being the point of beginning of the property being described; thence North 89 degrees 12 minutes 24 seconds West a distance of 256.59 feet; thence South 20 degrees 43 minutes 33 seconds East a distance of 258.36 feet to the point of intersection with said centerline of Old County Road No. 18; thence North 34 degrees 44 minutes 42 second East a distance of 289.75 feet to said point of beginning. ("Property").

Applicant,

vs.

Great River Energy, formerly United Power

**LAND TITLE SUMMONS IN  
APPLICATION FOR  
REGISTRATION  
OF LAND**





Association; Wells Fargo Bank, National Association, G.E. Government Finance, Inc. f/k/a GE Capital Public Finance, Inc.; JP Morgan Chase Bank, N.A.; and all other parties unknown claiming any right, title, interest, or estate in or to the land described herein.

Defendants.

STATE OF MINNESOTA TO THE ABOVE NAMED DEFENDANTS:

You are hereby summoned and required to Answer the Application of the Applicants in the above entitled proceeding and to file your Answer to said Application in the Office of the Court Administrator, Mille Lacs County, within twenty (20) days after service of this Summons upon you exclusive of the date of service, and if you fail to Answer the Application within the time aforesaid, the Applicant in this proceeding will apply to the Court for the relief demanded therein.

Witness, District Court Administrator, Mille Lacs County, District Court at Mille Lacs County Courthouse, 225 Sixth Avenue SE, Milaca, Minnesota 56353, on May 7, 2018.

FILED in Mille Lacs County Court Administration

MILLE LACS COUNTY DISTRICT COURT ADMINISTRATOR

May 8 2018 2:26 PM

BY: Janelle, Deputy Deputy

Approved: EXAMINER OF TITLES

BY: David J. Meyers Examiner of Titles

Dated: May 4, 2018, 2018

DOVE FRETLAND, P.L.L.P.

BY: Paul D. Dove (#24028) Attorneys for Applicant 5881 Cedar Lake Road Minneapolis, MN 55416 (952) 545-9000 pddove@dovefretlandlaw.com







- Service is handled as a regular civil matter
- May use assent to registration

Firmly Committed.

Firmly Committed.

STATE OF MINNESOTA  
COUNTY OF MILLE LACS

DISTRICT COURT  
SEVENTH JUDICIAL DISTRICT

In the Matter of the Application of:

Court File No. 48-CV-18-161

City of Princeton,

**ASSENT TO TITLE REGISTRATION  
UNDER MINN. STAT. § 508.06**

To Register the Title to Certain Land.

We are the owners of real property adjacent to the property being registered in this proceeding. We have reviewed the attached legal description (**Exhibit A**), the attached April 9, 2018 Survey by Trunk Surveying, LLC (**Exhibit B**), and property lines proposal (**Exhibit C**). The boundaries as shown on the survey and in the legal description along our property are correct.

We assent to this Registration. We waive service of the Summons and our right to appear in Court to contest this Registration. The Court may issue an Order determining that the boundaries and legal description along our property are as shown on the attached.

Dated: 4-25, 2018

*Dickie Hoheisel*

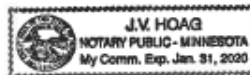
**Dickie Hoheisel**  
(PID: 24-033-0370)

*Catherine Hoheisel*

**Catherine Hoheisel**  
(PID: 24-033-0370)

STATE OF MINNESOTA )  
                                  ) SS:  
COUNTY OF                )

This instrument was acknowledged before me on April 25<sup>th</sup>, 2018, by Dickie Hoheisel and Catherine Hoheisel.



*J.V. Hoag*  
Notary Public



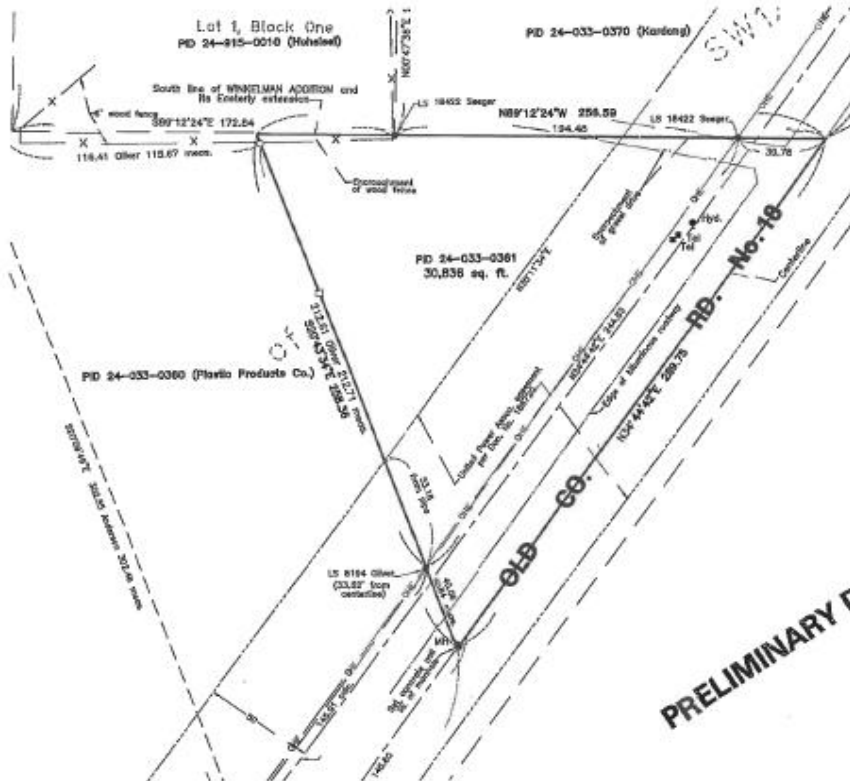
[2986773] DESCRIPTIONS\_4-9-18.txt  
PROPOSED DESCRIPTION FOR TITLE REGISTRATION, 30,836 SQ. FT.:

That part of the Southwest Quarter of the Southwest Quarter of Section 33, Township 36, Range 26, Mille Lacs County, Minnesota, described as follows: Commencing at the southwest corner of said Section 33, Township 36, Range 26; thence North 0 degrees 03 minutes 45 seconds East, along the west line of said Southwest Quarter of the Southwest Quarter, a distance of 1308.73 feet to the northwest corner of said Southwest Quarter of the Southwest Quarter; thence South 89 degrees 12 minutes 24 seconds East, along the North line of said Southwest Quarter of the Southwest Quarter, a distance of 897.73 feet to the centerline of Old County Road No. 18; thence South 34 degrees 44 minutes 42 seconds West, along said centerline, which terminates at said southwest corner of section 33, Township 36, Range 26, a distance of 227.84 feet to the point of intersection with the easterly extension of the south line of WINKELMAN ADDITION, said Mille Lacs County, Minnesota, said South line of Quarter of the Southwest Quarter and distant 189.00 feet south, as measured along a perpendicular line, from said North line and said point of intersection being the point of beginning of the property being described; thence North 89 degrees 12 minutes 24 seconds West a distance of 256.59 feet; thence South 20 degrees 43 minutes 33 seconds East a distance of 258.36 feet to the point of intersection with said centerline of Old County Road No. 18; thence North 34 degrees 44 minutes 42 second East a distance of 289.75 feet to said point of beginning.



Firmly Committed.





**PRELIMINARY**



Firmly Committed.

STATE OF MINNESOTA  
COUNTY OF MILLE LACS

DISTRICT COURT  
SEVENTH JUDICIAL DISTRICT

In the Matter of the Application of:

Court File No. 48-CV-18-161

City of Princeton,  
To Register the Title to Certain Land.

**ASSENT TO INTERLOCUTORY ORDER  
DETERMINING BOUNDARIES**

Sam Case, Esq., executes this document as an attorney at Dorsey & Whitney LLP, which represents the Southern Minnesota Municipal Power Agency ("SMMPA"). SMMPA is the successor to Great River Energy and United Power Association as the holder of that certain Right of Way Easement dated September 29, 1952, and recorded with the Mille Lacs County Recorder on October 1, 1952, as Document No. 118431, as affected by that certain Partial Release of Easement dated May 27, 1982, and recorded with the Mille Lacs County Recorder on June 1, 1982, as Document No. 186720, that certain Assignment of Easements dated June 18, 1984, and recorded with the Mille Lacs County Recorder on September 26, 1984, as Document No. 194238, and that certain Assignment of Easements and Leases dated September 20, 1984, and recorded with the Mille Lacs County Recorder on July 9, 2018, as Document No. A406942 (collectively, the "SMMPA Easement").

SMMPA consents to the issuance of an Interlocutory Order determining the boundary lines of the land subject to these registration of title proceedings so long as the Final Order of the Court provides that the SMMPA Easement will become a memorial on the Certificate of Title to be issued to the Applicant, City of Princeton.

Said memorial to read as follows:

Subject to a Utility Easement held by Southern Minnesota Municipal Power Agency, a Minnesota Municipal Corporation, described as follows:

4843-9215-72932




Firmly Committed.





A strip of land 100 feet wide being 50 feet on each side of the following described line and its extensions thereof, to-wit: Commencing at the Southeast corner of said Southeast Quarter of the Southeast Quarter (SE ¼ of the SE ¼) of Section 32, Township 36, Range 26; thence in a Westerly direction along the South line of said Southeast Quarter of the Southeast Quarter (SE ¼ of the SE ¼) a distance of 44 feet to the actual point of beginning of the line to be described; thence deflecting to the right and in a Northeasterly direction an angle of 124 degrees and 41 minutes (124° 41') to the North line of said Southwest Quarter of the Southwest Quarter (SW ¼ of the SW ¼) of Section 33, and there terminating.

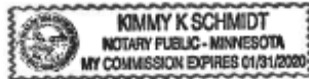
Dated: July 19, 2018

  
Sam Case, Esq.  
Dorsey & Whitney LLP  
Attorneys for Southern Minnesota  
Municipal Power Agency ("SMMPA")

STATE OF MINNESOTA )  
                                  ) SS:  
COUNTY OF HENNEPIN )

This instrument was acknowledged before me on July 19, 2018, by Sam Case, Esq., of Dorsey & Whitney LLP, attorneys for Southern Minnesota Municipal Power Agency ("SMMPA").

  
Notary Public





- Disputes and claims are handled as regular civil trial matter

Firmly Committed.

Firmly Committed.





- Interlocutory order when setting Judicial Landmarks

Firmly Committed.

Firmly Committed.

NO. 48-CV-18-161

STATE OF MINNESOTA  
COUNTY OF MILLE LACS

DISTRICT COURT  
SEVENTH JUDICIAL DISTRICT

In the Matter of the Application of:

**INTERLOCUTORY ORDER  
DETERMINING BOUNDARIES**

City of Princeton,

**Rule 211, Minn. Gen. R. Prac.**

To Register the Title to Certain Land

The above entitled matter came on for hearing <sup>in sharten</sup> on July 26, 2018, at the Mille Lacs County District Court before the Honorable Matthew Quinn. Paul D. Dove appeared <sup>as the official petitioner's attorney</sup> as attorney for the City of Princeton. All the Defendants in this proceeding have been served with process, as required by law, the time to answer has expired, and no answer or notice of appearance of any kind has been served or filed, other than Assents filed with the Court.

The Petitioner seeks to judicially determine the boundary lines of the subject land, described as follows:

That part of the Southwest Quarter of the Southwest Quarter of Section 33, Township 36, Range 26, Mille Lacs County, Minnesota, described as follows: commencing at the Southwest corner of said Section 33, Township 36, Range 26; thence North 0 degrees 03 minutes 45 seconds East, along the west line of said Southwest Quarter of the Southwest Quarter, a distance of 1308.73 feet to the Northwest corner of said Southwest Quarter of the Southwest Quarter; thence South 89 degrees 12 minutes 24 seconds East, along the North line of said Southwest Quarter of the Southwest Quarter, a distance of 897.73 feet to the centerline of Old County Road No. 18; thence South 34 degrees 44 minutes 42 seconds West, along said centerline, which terminates at said Southwest corner of Section 33, Township 36, Range 26, a distance of 227.84 feet to the point of intersection with the easterly extension of the South line of WINKELMAN ADDITION, said Mille Lacs County, Minnesota, said South line of WINKELMAN ADDITION being a line parallel with said North line of the Southwest Quarter of the Southwest Quarter and distant 189.00 feet South, as measured along a perpendicular line, from said North line and said point of intersection being the point of beginning of the property being described; thence





North 89 degrees 12 minutes 24 seconds West a distance of 256.59 feet; thence South 20 degrees 43 minutes 33 seconds East a distance of 258.36 feet to the point of intersection with said centerline of Old County Road No. 18; thence North 34 degrees 44 minutes 42 second East a distance of 289.75 feet to said point of beginning.

The Court, having duly considered the contents of the Court file and the evidence adduced by the Petitioner, finds that said boundary lines are as shown on the plat of survey on file herein dated April 9, 2018, prepared for the Petitioner by Michael J. Trunk, a Licensed Land Surveyor, Trunk Surveying, LLC, Princeton, Minnesota.

IT IS THEREFORE ORDERED:

That the Petitioner proceed to have the surveyor mark the boundary lines by placing stone or iron (no aluminum) judicial landmarks which are distinctly cut or marked "Judicial Landmark" in accordance with Minn. Stat. § 559.25. A plat of survey showing the location of the boundary lines by reference to well-known permanent landmarks and showing the location of each placed judicial landmark, shall be filed herein. The certification on the plat of survey shall read substantially as follows:

I hereby certify that pursuant to the Order of the Seventh Judicial District Court, State of Minnesota, dated July 25, 2018 (date of interlocutory order) in Case No. 48-CV-18-161, judicial landmarks have been placed as shown on the annexed plat. Each judicial landmark consists of stone or iron (no aluminum) marked distinctly with letters cut or marked thereon reading "Judicial Landmark."

Dated: July 25, 2018

Judge of District Court

The foregoing facts were found by me after due hearing, and the entry of this Order is recommended.

David J. Meyers, Examiner of Titles

BY: [Signature] 7-23-18

Order  
FILED in Mille Lacs County  
Court Administration  
07/25/18

JUDGMENT

I hereby certify that the foregoing order/conclusions of law constitutes the Judgment of the court  
Cheryl Weehler, Court Administrator

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Judgment  
FILED in Mille Lacs County  
Court Administration  
07/26/18

Firmly Committed.



- Order and Decree of Registration
  - Recommended:
    - Order should be reviewed by the Registrar prior to being signed by the Court

Firmly Committed.

Firmly Committed.



- Always ask “what is the Certificate of Title going to look like?”

Firmly Committed.

Firmly Committed.



- What should be on the face of the Certificate of Title?
  - Mineral Rights held by the State
  - DNR language when land is adjacent to water

Firmly Committed.

Firmly Committed.



- How are Memorials to be handled?

Firmly Committed.

Firmly Committed.

NO. 48-CV-18-161

STATE OF MINNESOTA  
COUNTY OF MILLE LACSDISTRICT COURT  
SEVENTH JUDICIAL DISTRICT

In the Matter of the Application of:

ORDER AND DECREE  
OF REGISTRATION

City of Princeton,

To Register the Title to Certain Land

**TORRENS**

The above entitled matter came on for hearing at the Mille Lacs County District Court in the City of Milleca, said County and State, having been reviewed by the Examiner of Titles of Mille Lacs County, who has filed a report herein and the Court having considered the Application, the Reports of the Examiner, the evidence adduced by the Applicant and being fully advised in the premises, finds:

1. That all the requirements of the law in respect to the Application and any amendments thereto have been complied with and that all of the Defendants in this proceeding have been served with process as required by law or have consented to the registration and that no Answer or Notice of Appearance has been filed in this proceeding;

2. That, except as hereinafter provided, none of the Defendants named in the Summons and any amendments or supplements thereto, has any right, title, estate, lien or interest in the real estate hereinafter described;

3. That the Southern Minnesota Municipal Power Agency ("SMPMA") is the successor to Great River Energy and United Power Association as the holder of that certain Right of Way Easement dated September 29, 1952, and recorded with the Mille Lacs County Recorder on October 1, 1952 as Document No. 118431, as affected by that certain Partial Release of Easement dated May 27, 1982, and recorded with the Mille Lacs County Recorder on June 1, 1982, as Document No. 186720, that certain Assignment of Easements dated June 18, 1984, and recorded with the Mille Lacs County Recorder on September 26, 1984, as Document No. 194238, and that certain Assignment of Easements and Leases dated September 20, 1984, and recorded with the Mille Lacs County Recorder on July 9, 2018, as Document No. A406942 (collectively, the "Easement") described as follows:

Subject to a Utility Easement held by Southern Minnesota Municipal Power Agency, a Minnesota Municipal Corporation, described as follows:

A strip of land 100 feet wide being 50 feet on each side of the following described





line and its extensions thereof, to-wit: Commencing at the Southeast corner of said Southeast Quarter of the Southeast Quarter (SE ¼ of the SE ¼) of Section 32, Township 36, Range 26; thence in a Westerly direction along the South line of said Southeast Quarter of the Southeast Quarter (SE ¼ of the SE ¼) a distance of 44 feet to the actual point of beginning of the line to be described; thence deflecting to the right and in a Northeasterly direction an angle of 124 degrees and 41 minutes (124° 41') to the North line of said Southwest Quarter of the Southwest Quarter (SW ¼ of the SW ¼) of Section 33, and there terminating.

That the Easement shall become a memorial on the Certificate of Title to be issued herein.

4. Subject to a Public Road Easement held in the County of Mille Lacs for Old County Road No. 18.

5. That the boundary lines of the subject property (the land being registered) have been marked pursuant to the Interlocutory Order of the Court dated and filed July 25, 2018, and that a new survey showing the placement of the Judicial Landmarks has been prepared and filed in these proceedings. The date of the survey is August 7, 2018.

6. That each of the Defendants named in the Summons and any amendments or supplements thereto and all heirs and devisees of any of the persons named therein who are deceased and all other persons or parties unknown claiming any right, title, estate, lien or interest in the real estate that constitutes the subject property have been fully served in these proceedings and have not answered, objected or otherwise responded to the Order and Decree.

7. That there should be a Decree of Registration entered herein to Applicant which should include the following concluding statements in the "Subject Clause:"

A. The Easement of Southern Minnesota Municipal Power Agency ("SMMPA"), specifically described as follows:

A strip of land 100 feet wide being 50 feet on each side of the following described line and its extensions thereof, to-wit: Commencing at the Southeast corner of said Southeast Quarter of the Southeast Quarter (SE ¼ of the SE ¼) of Section 32, Township 36, Range 26; thence in a Westerly direction along the South line of said Southeast Quarter of the Southeast Quarter (SE ¼ of the SE ¼) a distance of 44 feet to the actual point of beginning of the line to be described; thence deflecting to the right and in a Northeasterly direction an angle of 124 degrees and 41 minutes (124° 41') to the North line of said Southwest Quarter of the Southwest Quarter (SW ¼ of the SW ¼) of Section 33, and there terminating.

B. Subject to the public road Easement vested in the County of Mille Lacs for County State Aid Road No. 18.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS

## FOLLOWS:

1. That a default as to each Defendant named in the Summons and any amendments or supplements thereto and all heirs and devisees of any of the persons named therein who are deceased and "all other persons or parties unknown claiming any right, title, estate, lien or interest in the real estate hereunder described" is hereby entered in the above entitled action.
2. That the City of Princeton whose post office address is 705 Second Street North, City of Princeton, County of Mille Lacs, State of Minnesota, is the owner of an estate in fee simple in land in the County of Mille Lacs, State of Minnesota, described as follows:

See attached legal description of Survey (Exhibit A)

3. That the interest in land be brought under the provisions and operations of Chapter 508, Minnesota Statutes, and all acts amendatory thereof, and that the title thereto be confirmed and registered as provided in and by said act; subject, however, to:

A. The Easement of Southern Minnesota Municipal Power Agency ("SMMPA"), specifically described as follows:

A strip of land 100 feet wide being 50 feet on each side of the following described line and its extensions thereof, to-wit: Commencing at the Southeast corner of said Southeast Quarter of the Southeast Quarter (SE ¼ of the SE ¼) of Section 32, Township 36, Range 26; thence in a Westerly direction along the South line of said Southeast Quarter of the Southeast Quarter (SE ¼ of the SE ¼) a distance of 44 feet to the actual point of beginning of the line to be described; thence deflecting to the right and in a Northeasterly direction an angle of 124 degrees and 41 minutes (124° 41') to the North line of said Southwest Quarter of the Southwest Quarter (SW ¼ of the SW ¼) of Section 33, and there terminating.

B. Subject to the public road Easement vested in the County of Mille Lacs for County State Aid Road No. 18.

C. To any rights or encumbrances which may be subsisting specified in Section 508.25, Chapter 508, Minnesota Statutes, and all acts amendatory thereof;

- 4. That Judicial Landmarks have been placed on the subject property as shown on the Plat of Survey prepared by Trunk Surveying, LLC dated August 7, 2018, a copy of which has been filed herein.

Dated: August 31, 2018

*Matthew J. Quinn*

Judge of District Court

APPROVED:  
David J. Meyers, Examiner of Titles

BY: *DJM* 8-29-18

Order  
FILED in Mille Lacs County  
Court Administration

08/31/2018

*24-033-0361*

Filed in my office this  
7 day of September 2018  
*Annex Eiken - Deputy*  
Mille Lacs County Auditor/Treas.

4

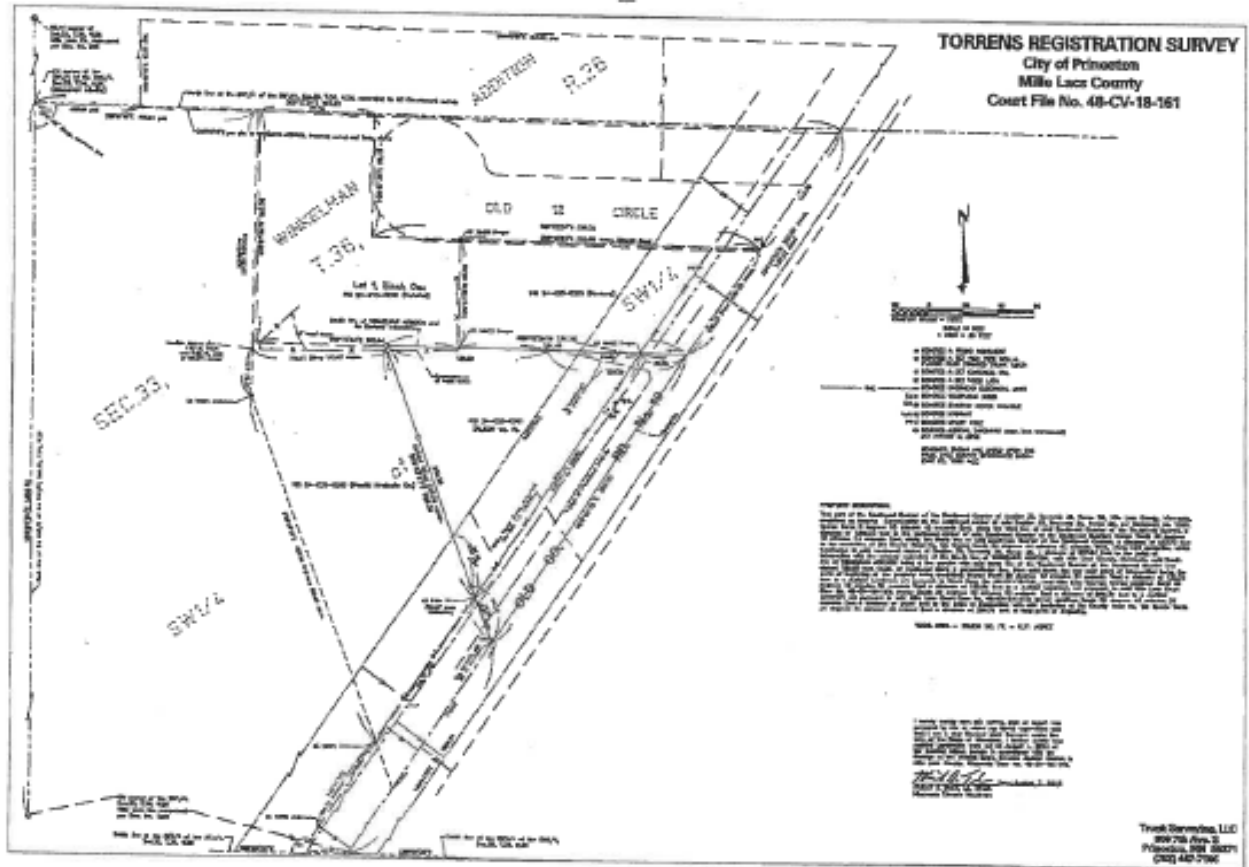
STATE OF MINNESOTA }  
COUNTY OF MILLE LACS } ss  
I, Cheryl Woehler, Court Administrator in and for/said  
County and State aforesaid, do hereby certify that  
the above is a true and correct copy of the  
original on file and of record in this office.

Dated this 4 day of Sept 2018  
Cheryl Woehler, Court Administrator  
By: *Janella Fogel* Deputy



EXHIBIT A

That part of the Southwest Quarter of the Southwest Quarter of Section 33, Township 38, Range 28, Mile Lac County, Minnesota, described as follows: Commencing at the southwest corner of said Section 33, Township 38, Range 28, per Document No. 1659; thence North 0 degrees 05 minutes 45 seconds East, along the West line of said Southwest Quarter of the Southwest Quarter, a distance of 1908.73 feet to the northwest corner of said Southwest Quarter of the Southwest Quarter; thence South 89 degrees 12 minutes 24 seconds East, along the North line of said Southwest Quarter of the Southwest Quarter, a distance of 897.73 feet to the centerline of Old County Road No. 18; thence South 34 degrees 44 minutes 42 seconds West, along said centerline, which terminates at said southwest corner of Section 33, Township 38, Range 28, a distance of 227.84 feet to the point of intersection with the westerly extension of the South line of WINKELMAN ADDITION, said Mile Lac County, Minnesota, said South line of WINKELMAN ADDITION being a line parallel with said North line of the Southwest Quarter of the Southwest Quarter and distant 188.00 feet south, so measured along a perpendicular line, from said North line and said point of intersection being the point of beginning of the property being described; thence North 89 degrees 12 minutes 24 seconds West a distance of 120.75 feet to a Judicial Landmark set pursuant to Court Case No. 48-CV-18-161, said Mile Lac County; thence continue North 89 degrees 12 minutes 24 seconds West a distance of 188.84 feet to a Judicial Landmark set pursuant to said Mile Lac Court Case No. 48-CV-18-161; thence South 20 degrees 43 minutes 33 seconds East a distance of 205.30 feet to a Judicial Landmark set pursuant to said Mile Lac Court Case No. 48-CV-18-161; thence continue South 20 degrees 43 minutes 33 seconds East a distance of 60.00 feet to the point of intersection with said centerline of Old County Road No. 18; thence North 34 degrees 44 minutes 42 seconds East a distance of 289.75 feet to said point of beginning.



Doc # 17907

Doc # A408014

Firmly Committed.



T17907

Books \_\_\_\_\_ Pages ~~8229~~ Certificates: ...

Office of the Registrar of Titles  
Mille Lacs County Minnesota

Filed on:  
September 07, 2018 4:00 PM  
Fee: \$46.00  
Pages: 6  
Return to:

DOVE FRETLAND & VAN VALKENBURG  
413 S RUM RIVER DR STE 6  
PRINCETON, MN 55371  
G ( ) S ( ) V ( )



A408014

Office of the County Recorder  
Mille Lacs County Minnesota  
Certified, Filed and/or Recorded on:  
September 07, 2018 4:00 PM  
Fee: \$46.00

Pages: 6  
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DOVE, FRETLAND PLLP  
413 SOUTH RUM RIVER DRIVE  
SUITE 6  
PRINCETON, MN 55371

G  S  V

Firmly Committed.



- Order should be filed in both the Abstract and Torrens records
- Best practice to also file in abstract

Firmly Committed.

Firmly Committed.

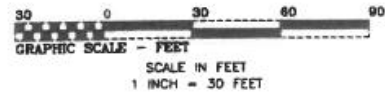
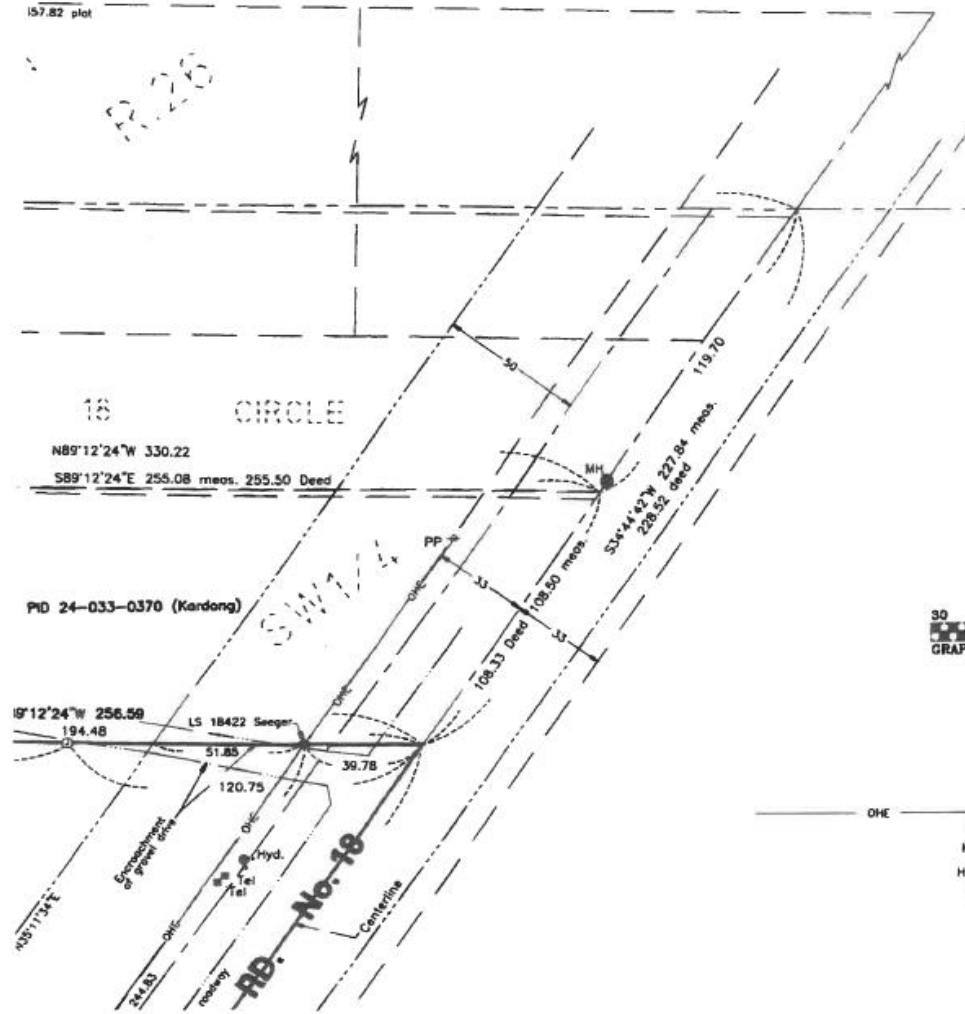








**TORRENS REGI**  
**City of**  
**Mille La**  
**Court File No**

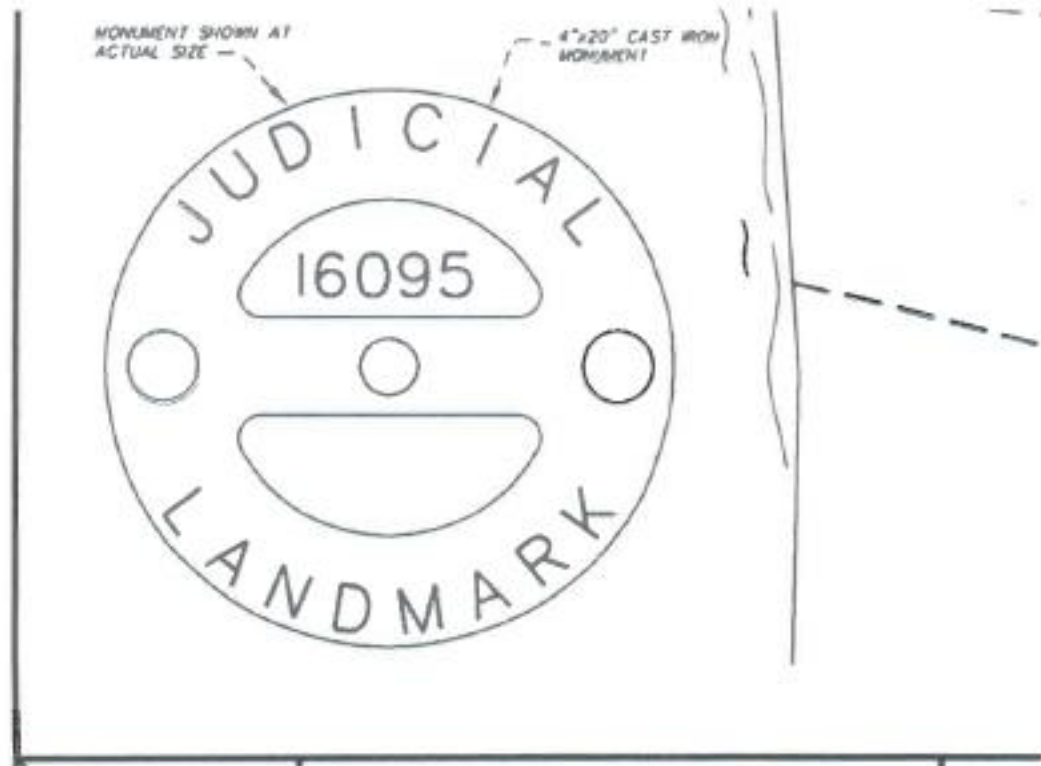


- DENOTES A FOUND MONUMENT
- DENOTES A SET IRON PIPE WITH A PLASTIC PLUG STAMPED TRUNK 18434
- △ DENOTES A SET CONCRETE NAIL
- DENOTES A SET WOOD LATH
- DENOTES OVERHEAD ELECTRICAL LINES
- Tel ■ DENOTES TELEPHONE RISER
- MH ● DENOTES SANITARY SEWER MANHOLE
- Hyd. ● DENOTES HYDRANT
- PP ● DENOTES UTILITY POLE
- ⊙ DENOTES JUDICIAL LANDMARK (cast iron monument) SET AUGUST 2, 2018

BEARINGS SHOWN ARE BASED UPON THE MILLE LACS COUNTY COORDINATE DATUM (NAD 83, 1996 Adj.)

Firmly Committed.





Firmly Committed.



- Court administrator must file with the registrar certified copy of the survey with JLM
- Memorialize on new Certificate of Title and, if registered, Certificate of Adjoining Parcels

Firmly Committed.

Firmly Committed.



- Statute requires that the Abstract be filed with the Court

Firmly Committed.

Firmly Committed.





Office of the Registrar of Titles  
 Sherburne County  
 Doc. No. 55150  
 Certified, filed, and/or recorded on  
 August 24, 2018 10:48 AM  
 Cert # 10760  
 Michelle Ashe, Registrar of Titles  
 By L.F. Deputy  
 Fees: \$46.00



55150

**IN PROCEEDINGS SUBSEQUENT TO INITIAL REGISTRATION OF LAND**

STATE OF MINNESOTA	CIVIL DIVISION - TORRENS DISTRICT COURT
COUNTY OF SHERBURNE	TENTH JUDICIAL DISTRICT

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In the Matter of the Application of Steven F. Johnson	Court File No. 71-CV-16-435
--	-----------------------------

To Register the Title to Certain Land.

**EXAMINER'S DIRECTIVE  
TO FILE SURVEY**

**TORRENS**

STATE OF MINNESOTA )  
 ) SS.  
 COUNTY OF SHEBURNE )

To: Sherburne County Registrar of Titles  
 From: David J. Meyers, Examiner of Titles

Attached is an original, signed copy of the July 25, 2017 survey by Michael J. Trunk, L.S showing the placement of Judicial Landmarks as required in the captioned matter. This survey is identical to the survey referenced in the September 13, 2017 Court Order, filed as Document No. 54565.

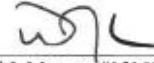
You are hereby directed to memorialize this Directive, with the survey, on Certificate of Title No. 10760, as directed by the Court's Order.



This Memorial should be carried forward on all subsequent Certificates of title, until otherwise directed by the Examiner of Titles or the Court.

Dated: August 23, 2018

RINKE NOONAN



---

David J. Meyers (#151695)  
Sherburne County Examiner of Titles  
Suite 300 US Bank Plaza Building  
1015 W. St. Germain St.  
P.O. Box 1497  
St. Cloud, MN 56302-1497  
(320) 251-6700  
(320) 656-3500 fax  
Email: Dmeyers@RinkeNoonan.com  
Our File No. 16602-0445







- Appeal – 60 days

Firmly Committed.

Firmly Committed.



- Decree final after 6 months

Firmly Committed.

Firmly Committed.



- Court's jurisdiction

Firmly Committed.

Firmly Committed.



- Park Elm Homeowners Ass'n v. Mooney, 398 NW2d 643 (MINN. APP. 1987) – after 6 months the Court does not have jurisdiction to hear a challenge to the Certificate of Title

Firmly Committed.

Firmly Committed.



- A Proceedings Subsequent to initial registration may be required to correct a legal description, ownership or boundaries

Firmly Committed.

Firmly Committed.



- If boundary is not adjudicated in registration it may be open to challenge

Firmly Committed.

Firmly Committed.



- If boundary is common with abstract land it must be determined in a proceeding subsequent

Firmly Committed.

Firmly Committed.