

# HOUSE RESEARCH

## Bill Summary

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### Overview

This bill adds a supplemental declaration to certain provisions of law that affect common interest community certificates and the formal recording of common interest community properties with the registrar of titles. Sections 2-4 of the bill cover provisions related to registration when the title to the property may be contested, and sections 5-7 are identical provisions that cover registration when the title is uncontested.

A “supplemental declaration” is required by law when a common interest community seeks to bring more land within the community’s jurisdiction.

A common form of a “common interest community” is a condominium owner’s association.

### Section

- 1** **Contracts for deed.** Replaces erroneous cross-references with substantive definitions of certain terms related to filing a contract for deed.

The cross-references being eliminated are to a section of statute that does not currently exist, but was included in a bill during the 2009 session that ultimately was not enacted (HF 1829 – Mullery). The substance of the definitions are taken from that bill and reflect what would have been the state of the law with respect to this provision of statute had last year’s bill been enacted.

- 2        **Condominium declaration.** Adds a supplemental declaration to the list of documents that must be declared by a court to be compliant with applicable law prior to being formally recorded with the local registrar of titles.
- 3        **Memorials.** Requires that a supplemental declaration be included as a memorial on a common interest community certificate of title.
- 4        **Preexisting planned communities.** Adds a supplemental declaration to the list of items that trigger the issuance of a common interest community certificate of title, if one has not already been issued.
- 5        **Condominium declaration.** In cases where the title to property is uncontested and registration may occur without court proceedings, adds a supplemental declaration to the list of documents that must be declared by a court to be compliant with applicable law prior to being formally recorded with the local registrar of titles.
- 6        **Memorials.** In cases where the title to property is uncontested and registration may occur without court proceedings, requires that a supplemental declaration be included as a memorial on a common interest community certificate of title.
- 7        **Preexisting planned communities.** In cases where the title to property is uncontested and registration may occur without court proceedings, adds a supplemental declaration to the list of items that trigger the issuance of a common interest community certificate of title, if one has not already been issued.