The Minnesota State Bar Association (MSBA) Real Property Section Legislative Committee formed a subcommittee to gather information about changes in technology, the practice of law, surveying, title examination, title industry business practices and the effects on ownership and marketability of real property in Minnesota. The Subcommittee is guided by an interest in having a land records system that is timely, reliable and accurate, affordable to maintain and to access, and responsive to rapidly changing technology and business practices. To launch this effort, subcommittee members held eight "Listening Sessions" and invited participation through professional association channels, and other outreach. The Sessions were held in October 2017 at the following communities: Winona, Redwood Falls, St. Cloud, Bemidji, Duluth, Minneapolis; and in St. Paul in November 2017 at the Real Estate Institute.

Sessions lasted two hours, with the exception of the St. Paul session of 1 hour. The facilitators posed topics for discussion, and recorded participant comments.  To preserve any regional differences, Session notes were not consolidated.

### Reimagine Land Records Listening Session, Duluth     October 27, 2017

**Attendees: 21 people** recorders, surveyor (private and county), attorneys, paralegals, title company, GIS/county and state, court administrator, examiner of titles, MN GEO Director, MN Power Co., Closer, Escrow officer.  Counties represented:  St. Louis.   Ended early due to blizzard.

**SubCommittee members:**  Jenny Carey,  Susan Ledray

**Current Successes**

- St Louis Co on-line records are easy to use and invaluable
- Subscribers have access to tract indexes, abstract from 1961 and all Torrens. Old tract books are imaged to 1941.  Land Records and Tax records are separate and require different subscriptions
- Tax information includes links to public and private surveys and govt corner certificates.
- St L Co has a goal to scan and index all survey records. Local Ordinance 21:  boundary surveys must be filed with county and they are public records, but can be copyrighted and used for research purposes only.
- St Louis County uses GIS Explorer and Surveyor Explorer. GIS Explorer is available in a mobile version. Multiple layers available.  Surveys, all plats, half-section maps included. Survey Explorer has the corner monumentation.  Access is free.  Deeds and mortgages are not tied into the GIS.
- General public and others use the GIS maps and frequently come in with questions about that information
- Surveyors and others really appreciate having the extensive survey information available
- PIDs are helpful for a complex legal description
- St Louis County has an interface for submitting e documents for recording, without a fee. This is an alternative to using a third party submitter. Attendees were not aware of this.

**Problems/Issues/Concerns re. general public**

- Misunderstand GIS data
- GIS shows boundary issues and makes people aware of them; good and bad
- Education is important for consumers to understand how to use different data
- People assume the taxpayer is the owner, not necessarily true
- Don't read disclaimers

**Problems/Issues/Concerns re: real estate attorneys**

**Problems/Issues/Concerns re:  counties/county records**

- County Boards have different priorities and this leads to wide variations in recorder technology and imaging progress
- The differences between county systems and policies is frustrating for lawyers. Daily, monthly subscriptions, different costs and differences in what is available on line.
- If there were a statewide land records, could counties afford to participate? There are big differences in revenue, property values, percentage of taxable property in a county
- Differences go down to minor details like indexing conventions; if a county thinks their system serves their customers, they will resist change
- Funding varies by county size. Counties want to keep fees

**Problems/Issues/Concerns re:    abstracting searches/title examination**

- Abstracts are hard to get now
- A 40 year search isn't sufficient; railroad, mining issues, county rights aren't shown in 40 yr search
- 1978 statute and project to identify mineral rights.  Mark Monacelli
- Consider forcing grantors to list easements affecting the property in every deed
- It would help to be able to search records for terms, like easement, and then make standards to require consistent terms e.g. easement vs. right to cross
- Need a better understanding of how closings are happening today

**Problems/Issues/Concerns re:  technology/software systems**

- Different counties use different systems, and even within a county the systems related to land and tax are not integrated
- Funding
- How to develop uniform standards

- Data entered is incomplete on tax records because of character/field limitations; abbreviated

**Problems/Issues/Concerns re: legal descriptions/surveying**

- Gisdata.state.mn.gov is a host data site maintained by the state. Host data for Ramsey, Rice, and some other counties, and make 86/87 counties GIS parcel data available through the state system.
- Counties use 8 different systems for GIS data. The state takes the data and converts it using a protocol written by the state.
- State uses PRISM. Federally mandated computer system for Property Records Information System of Minnesota. Able to analyze property tax data faster and more thoroughly to help legislators, state agencies, counties and others. 15 state agencies use gisdata.state.mn.gov information.
- The state data is technically public and must be shared if requested, but because the data is collected only 4x per year, the state typically refers the requester to the county for up to date data. There is no publically available site for the data.
- 26 counties have free online data (GIS)  Others charge. Local partners want to control the data.
- Comment about feasibility of a having a statewide GIS system as the portal to land records: It is technically possible, but lots of challenges on the way
- County uses of GIS now:  911; natural resource management, CPED, Public Health, Public Works and Transportation Planning, Water Management, land records.  Tax parcel layer is key.  It started with forestry management and large scale planning, and the move to parcel-level data and aerial photos is a recent development.
- GIS is mapping but the value depends on having authoritative data to map
- The clarity of aerial photos causes people to misinterpret the data
- Parcel lines are based on incomplete information, assumptions, some faulty data and hidden conflicts. Imagery can shift with the product used, and it is not survey grade.
- Cadastral tax parcel data is not representative of boundary surveys
- St Louis County has few certified survey control points
- Tax parcel data is fitted to certified survey control points
- Copyright and "read me" notices are important for disclaimers and education about the limitations of the information. Standards are critical.
- Surveyors work from authoritative data    Deed is the authoritative document. Deeds conflict. Parcel depiction from tax records may not get cleaned up for years.  Example of issues: A fire wall is required between buildings on different parcels. But what is a parcel? There is no uniform definition. Building inspectors would use parcel aka tax parcel and based on that require a firewall in the middle of a building (the building is build over two PIDs). Need to educate govt agencies and municipalities on what the data means.
- Whenever you create GIS layer need parcel #.  Attempts to define parcels have always failed.  But important part of the question.

- Ability to log into co rec system and do research on deeds, easements, I look for those. I look at phot, there's a power line out there. Can I find that. GIS is really a tax index and need to educate govt about that. To what level do you put that out to the public? Disclaimer on what looking at.

**Ideas/Suggestions for positive change**

- Would like to be able to pull up tax ID and records and recorded documents from the same site and not have to use separate systems.
- Multi county administration of land records could work; the courts converted from county systems to a statewide computer system and statewide standards
- Courts still struggle as large county standards don't always work for smaller counties; there is a lack of technical expertise and knowledge in some places that leads to pockets of people who resist change; bandwidth is also a problem in some areas
- Some officials don't see the utility of sharing beyond their jurisdiction and see additional duties as unfunded mandates
- National eRecording Standards have been developed
- St Louis Co recorder proposed a statewide recording system years ago but the idea lacked support at the time; could be run by the state, or as a joint venture; could explore alternatives for a structure.
- E-recording is very efficient for the county recorders and they continue to promote more of it; need to figure out the next leap/advance.
- The industry needs to develop uniform terminology throughout the process, using a government dictionary of terms
- We need to figure out next steps for land records and have one standard for information intake and output
- We are behind Canadian provinces with provincial portals and satellite offices, and that's the way to go to improve access
- Records should be available for free
- County recorders want to keep fees in place for viewing documents because it's a good source of revenue and easier than explaining duties and importance to the County Board to compete for other funding;
- Statutes for recording should be revised, streamlined and updated. Legislative changes are most successful when the entire industry vets and supports the changes. Statutes are currently based in the paper world for documents, surveys, requirements in 508 to provide hard copies of surveys, what should the standards be for resolution quality of surveys
- A torrens type system with more uniformity would be best, including uniformity of administration. The cost of the part time examiner fees on top of owners own attorney is prohibitive.

**Torrens Issues**

- People complain that torrens is expensive and too complicated.
- Complaints are due to lack of experience , or bad experiences.
- Variation in examiner policies cause problems.
- People like the ease of filing in abstract, but don't like discovering there is a problem 10 years later
- Torrens means more work on the front end
- Surveyor:  Would much rather do a survey on torrens property. Much easier to find the pertinent information
- Registration fees and costs are a problem

**Miscellaneous**

- Dan Ross (State employee)  is notified every time a railroad is abandoned and state land is exchanged; this notification is required by statute
- Jenny Carey asked for a list of what statutory changes are needed, from each stakeholder group
- Courts have also debated access to court records; issues include privacy, accuracy, and financial ramifications of free vs. fee