

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

In Re: Hearings to Reduce the Redemption)
Period Following Mortgage Foreclosure for)
Certain Abandoned Properties)

ORDER OF REFERENCE

Whereas, Minn. Stat. §582.032 allows for District Court proceedings to be brought to reduce the mortgage foreclosure redemption period to 5 weeks for certain abandoned properties before or after the Sheriff's Sale; and

Whereas, these proceedings require analysis of the Torrens and Abstract real estate records to determine whether the proper parties were served to confer jurisdiction to enter an order; and

Whereas, the Hennepin County Examiner of Titles and Deputy Examiners of Titles are knowledgeable about title matters and have ready access to the Hennepin County real estate records and are competent to handle hearings for these proceedings; and

Whereas, the Hennepin County Examiner of Titles and Deputies are appointed by the District Court Bench and are compensated by the County of Hennepin and perform statutory duties that include court matters pursuant to Minn. Stat. Chapters 508 and 508A; and

Whereas, the great majority of these proceedings will be uncontested; and

Whereas, the Executive Committee of the Fourth Judicial District Court adopted a motion to refer these cases for hearing to the Examiner of Titles on June 13, 1990, and the cases have been so heard since that time; and

Whereas, an Order of Reference is desirable to address procedural issues;

IT IS HEREBY ORDERED:

1. All Complaints filed pursuant to Minn. Stat. §582.032 to reduce the mortgage foreclosure redemption period to 5 weeks shall be filed as Civil Cases with District Court.
2. The cases shall be referred to the Examiner of Titles as the Hearing Officer pursuant to Minn. R. Civ. P 53, to review the evidence and hear the parties and submit to this Court recommended Findings of Fact, Conclusions of Law, and Orders. The Examiner of Titles may assign the case to a Deputy Examiner. All further references herein to the Examiner mean the Examiner or a Deputy Examiner.
3. Absent extenuating circumstances, hearings on these complaints shall be held weekly.
4. At least three days before the hearing, all Affidavits of Service, documentary evidence necessary to prove the case, and a proposed Order shall be filed with the Court, or the proposed Order may be emailed to the Examiner of Titles office. Notwithstanding Minn. Stat. § 582.032, Subd. 7, no oral testimony is permitted at the hearing noticed in the summons or at any hearing set before the Examiner pursuant to continuance.
5. If a defendant appears and contests the entry of an Order reducing the redemption period, Court Administration shall dismiss the action at the request of the Plaintiff, and close the case. If, at the hearing, the Plaintiff does not ask to dismiss the action the Examiner shall notify the appearing defendant(s) that they have one week from the hearing date to serve and file an Answer, or longer at the discretion of the Examiner. The case shall be assigned to a judge for all further proceedings including entry of a default order if the defendant fails to file an Answer.

6. For matters that are uncontested, if the Examiner is satisfied after reviewing the filed evidence that the Court has jurisdiction over all necessary parties and that the property is abandoned as defined in Minn. Stat. § 582.032, the Examiner shall issue a recommended order after hearing. This order shall be presented by Plaintiff to the District Court signing judge.
7. In any case that is uncontested, if the Examiner finds that the legal requirements have not been met, the Examiner may continue the matter to permit Plaintiff to file additional evidence or a proposed order.
8. In any case that is uncontested, if the Examiner determines that the court lacks jurisdiction over the necessary parties or the filed evidence is insufficient to support entry of the requested order, the Examiner shall file a Report with the Court stating the reasons the entry of the order is not recommended. Court Administration shall serve the Report on the parties. If Plaintiff wishes to have the decision reviewed, Plaintiff may file a Request for Review and Judge Assignment no later than 10 days after service of the Report. Court Administration shall process this request like a Request for Review of the findings of a statutory Referee. The standard of review shall be the standard in Minn. R. Civ. P. 53.07. Court Administration shall close the case if no Request for Review is timely filed.
9. The Examiner of Titles shall publish instructions for 5 Week Cases, outlining the process and requirements and informing the public of this Order, on the County website.
10. The standing order entitled “Order of Reference” dated July 23, 2014 relating to cases filed under Minn. Stat. § 582.032 is rescinded upon the signing of this Order.

11. This standing order is effective when signed and shall remain in effect until further order of the court.

Dated: February 17, 2016

Peter A. Cahill
Chief Judge of District Court