

# Survey Requirements for Boundary Registration

A survey showing the boundaries claimed by the Applicant/Petitioner should be filed in the court file before the examiner issues a Report of Examiner.

## You already have a survey

- For an original registration: Submit the survey with the Application when obtaining examiner approval of the Application. E-file the approved Application and survey.
- For a proceeding subsequent: E-file the Petition and submit the survey by email. The Examiner will review the survey, and inform you of any necessary revisions. E-file the approved survey.

## You do not have a survey

- Provide the following survey guidelines to your surveyor. When the survey is ready, submit it by email to the examiner. If the survey is sufficient, the examiner will ask you to e-file the survey.

## Survey Guidelines

1. For an original registration: The survey is certified to the legal description in the filed Application, or Report of Examiner, if issued. For a proceeding subsequent: The survey is certified to the legal description on the Petitioner's certificate of title; or, if the Petitioner owns abstract land with a common boundary with registered land, the survey is certified to the legal description of the Petitioner's abstract land and identifies the registered land.
2. Boundary lines are located by reference to "well-known permanent landmarks." Minn. Stat. §559.25. Generally, these will be two section corners maintained by the Hennepin County Surveyor.

## Contact

### Examiner of Titles

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3. Bearings and distances are shown for all boundary lines, and the survey complies with 6 B. iii-vii., inclusive of the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys ("2021 ALTA"). If the legal description contains bearings and distances, those are shown on the survey.
4. The boundary lines and corners of the property being surveyed shall be established and/or retraced in accordance with appropriate boundary law principles governed by the set of facts and evidence found in the course of performing the research and fieldwork. 3 D. of "2021 ALTA".
5. Precision meets 3.E.v. of "2021 ALTA".
6. Shows all found monuments near the boundary lines, labelled as "found" and described by location, size, character and type. (5 A 2021 ALTA)
7. Shows all existing JLMs, labelled as such, with reference to the court file number and described by location, size, character and type. If an existing JLM cannot be located, show the location and label it "not found" or "missing" with reference to the court file number.
8. Shows irons placed by the surveyor in preparing the survey. Describes irons by location, size, character and type and clearly labels any irons marking the proposed JLMs as such. The irons marking the proposed JLMs may be off-set if necessary (e.g. due to a road). JLMs will be placed at each corner and point of change of direction in the boundary line(s) to be judicially determined.
9. Shows improvements within five feet of each side of the boundary lines to be set, including public and private rights-of-way, walls, buildings, fences and other structures, and trees. (5 B, C, D 2021 ALTA)
10. Shows potential encroachments without expressing a legal opinion as to the ownership or nature of the potential encroachment. Note: Not required for a Proceeding Subsequent.
11. Shows location of underground public utilities, and surface indications of underground easements (e.g. utility cuts, vent pipes, meters, utility poles.) Note: Not required for a Proceeding Subsequent. (5 E 2021 ALTA)
12. Shows location of water features in accordance with 5 G. of "2021 ALTA".
13. Shows the current record legal description, but only if different from the legal description in the Application, and if the difference in descriptions is discernible and depicted on the survey. Note: Not required for a Proceeding Subsequent.
14. Presentation complies with 6. D i. and ii. (a) through (j) of "2021 ALTA."
15. In addition to the certification required by Rule 1800.4200, have a certification substantially as follows:

To (name of client):

This is to certify that this map or plat and the survey on which it is based were made in accordance with survey guidelines (last revised 05/13/22) provided by Hennepin County, and in addition, in accordance with local standards of practice. The field work was completed on \_\_\_\_\_.

Date of Plat or Map: \_\_\_\_\_ (Surveyor's signature, printed name, license number, seal, street address, telephone number, email address, and company name.)

An ALTA certification is also acceptable.

## Plat of Survey Showing Judicial Landmarks

After judicial landmarks have been placed pursuant to Interlocutory Order, a 2nd plat of survey must be prepared (the "JLM survey"). Judicial landmarks must be stone or iron, marked "judicial landmark." Minn. Stat. §559.25. To minimize the loss or destruction of judicial landmarks, Hennepin County strongly prefers the use of cast iron, 20 inch monuments, with a cast iron cap clearly marked "judicial landmark." The surveyor's license number does not have to appear on the JLM.

The "JLM survey" is a revision of the first plat of survey:

1. Shows the legal description of the property as contained in the Interlocutory Order.
2. Shows the ties to well-known monuments and the bearings, distances, curves, etc. of all boundary lines.
3. Shows the placed JLMs and describes them by location, size, character and type.
4. Shows all other found or placed irons and monuments on or near the boundary lines, and any missing JLMs with reference to the court case number (previous case), and describes them by location, size, character and type.
5. Omits all other information (such as encroachments, utilities, improvements within 5 feet of the boundaries, historical legal description and boundaries) not necessary to show the location of boundary line(s) as determined in the current court action.
6. In addition to the certification required by Rule 1800.4200, have a certification substantially in the following form:

I hereby certify that pursuant to the Order of the Fourth Judicial District Court, State of Minnesota, dated\_\_\_\_\_(date of Interlocutory Order) in Case No. 27-ET-CV-\_\_\_\_, judicial landmarks have been placed as shown on the annexed plat. Each judicial landmark consists of (describe size, shape and materials of judicial landmarks) with letters cut or marked thereon reading "judicial landmark."

Revised 05/13/22