



FILLMORE COUNTY LAND TRANSFER POLICY

Enacted Pursuant to Fillmore County Resolution # 2018-010

Effective May 1, 2018

Fillmore County hereby establishes the Fillmore County Land Transfer Policy (hereinafter "Policy") for the purpose of promoting public health and safety, the orderly development of real estate, compliance with zoning ordinances, compliance with Subsurface Treatment System (SSTS) rules and ordinances, timely payment of real estate taxes, recording of surveys for real estate splits, and orderly enforcement of rules and regulations. In furtherance of these goals, it is the responsibility of the seller, the buyer and the agent representing said parties to comply with the following rules and regulations before submitting a request to transfer a tax parcel in Fillmore County:

1. Minnesota Statutes Chapter 507 related to the Recording and Filing of Conveyances;
2. Minnesota Statutes Chapter 115 including Sections 115.03 & 115.55, related to Water Pollution and Sanitary Sewer Systems;
3. Minnesota Rule 7080 Rules including Parts 7080.1500 and 7082.0700 related to Individual Subsurface Sewage Treatment Systems;
4. The Fillmore County Sub-Surface Sewage Treatment System ("SSTS"), Ordinances; and
5. Fillmore County Zoning Ordinances.

Fillmore County reserves the right to deny a land transfer or split of a tax parcel if there has not been satisfactory compliance with all aspects of this policy. The party submitting the land transfer documents has the right to correct any deficiencies and re-submit the appropriate documents. There may be delays in processing if the party submitting the land transfer documents does not comply with the requirements of this policy.

Fillmore County assumes no liability for errors or omissions of any of the documents submitted for a land transfer.

In order to complete a split a tax parcel complete a land transfer a party must fully comply with all of the following requirements from each of the following departments:

- I. Auditor/Treasurer and Recorder requirements as per Minnesota Statute, Chapter 507; Recording & Filing Conveyances:**
 - A. All delinquent real estate taxes must be paid in full prior to approval of the transfer by Auditor (MS§ 272.12)
 - B. If the transfer involves the split of a real estate parcel, the current years real estate taxes and all delinquent taxes for the parcels involved in the split must be paid in full before the Auditor will approve the land transfer (MS§ 272.121)
 - C. The parties must provide a properly drafted deed or documents of conveyance with grantors' signatures and all other required signatures and notarizations
 - D. The appropriate certificate of Real Estate Value (ECRV) must be completed and filed
 - E. Well status must be addressed on the deed/document of conveyance or a well certificate must be included

- F. The deed or document of conveyance must contain a “Drafted by” Statement and correct mailing address for property tax statements
- G. All required recording fees (\$46 per document), state Deed Tax, and other fees must be paid in full
- H. The deed and documents must contain a complete legal description. A survey is not required if the entire tax parcel is being transferred. However, Fillmore County does require a survey for all real estate or property splits. A Certificate of Survey by a Registered Land Surveyor must be submitted if the transfer is creating an irregular shaped parcel. If the parcel being created by the real estate or property split creates a real estate parcel with a rectangular description (ie: NE ¼ NE ¼ NW ¼ or North 600 ft of East 600 ft of NE ¼ NE ¼), a survey will not be required. A survey is recommended to verify the acres being transferred and acres remaining in the original parcel. The survey may be recorded as the legal description exhibit for the deed or it may be recorded as a separate Certificate of Survey.

II. Fillmore County Zoning Office Requirements:

- A. All parties to the land transfer must complete and sign a Fillmore County SSTS Land Transfer Compliance Form before the deed and other land transfer documents can be recorded (See requirements of State Statute 115.3 & 115.55 Subsurface Sewage Treatment System; State Rule 7080.1500 & 7082.0700 and rules related to Individual Subsurface Sewage Treatment Systems; and the Fillmore County Sub-Surface Sewage Treatment System Ordinances, including Section 803)

III. Assessor’s Office Requirements:

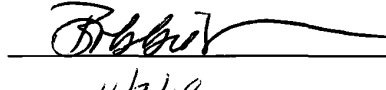
- A. If the parcel is currently enrolled in “Green Acres/ Rural Preserve”, the Assessor’s Office must be contacted for possible recapture of a deferred tax. The buyer has 30 days from the date of the transfer to apply to continue Green Acres benefits. (See MN Statute Sec. 273.111, Subd. 9 & 10 & 11A.) It is the responsibility of the seller and the buyer to check with the Assessor to determine if a deferred tax (Green Acres Re-Capture) may be due on the property and agree who is responsible between buyer and seller for the payment. The County makes no determination as to which party is responsible for payment of Green Acres/ Rural Preserve Deferred Tax.

Fillmore County will add any unpaid Green Acres/Rural Preserve deferred tax amount to the original tax parcel as a special assessment for the next tax year.

Fillmore County Board of Commissioners

Fillmore County Coordinator





Date: 4/3/18

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Attested by: Cindy Mensink