

# Recording Conservation Practices

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The recording of conservation practices on the property title at the county recorder's office notifies subsequent buyers of the existence of the practice or practices on the property and their obligation to maintain these practice(s) during the effective life. Recording or additional assurances that the project will meet its expected life may be required by statute, rule, policy, grant agreement, or through local decision. Additional assurances may include easements, enforceable contracts, or termination or performance penalties - be sure to review specific grant program information for requirements. Local decision makers may also want to consider requiring recording where local, state, and federal contributions together equal or exceed specific program requirements, as means to achieve long-term maintenance, or if the practice is located on lands likely to change ownership frequently.

## Process for Recording Conservation Practices

Land occupier means a person, corporation, or legal entity that holds title to or is in possession of land as an owner, lessee, tenant, or otherwise including contract for deed.

- The land occupier(s) should be notified, prior to signing a conservation practice contract, that recording will be required. Examples of the required recording forms should be provided.
- After the conservation practice contract is approved, local staff should contact the county recorder's office to document the ownership of the land where the practice will be constructed and begin to complete the recording form(s). See the below for guidance on which recording forms are to be used when. If a practice is located in two or more counties, it must be recorded in each county.
- Once the conservation practice(s) is installed and certified as complete, the land occupier(s) must sign all required recording form(s). Signatures must be notarized. If a land occupier(s) refuses to record a practice, any payments made must be refunded.
- When complete, the recording form(s), consent form(s) and other attachments are brought to the county recorder's office and recorded.
  - Copies of all documents are sent to the land occupier(s) at their place of residence and filed at the local office.
- Recording must be completed prior to final payment and may be considered a part of the project expense.

All recording forms must comply with **Minnesota Statutes 507.093 STANDARDS FOR DOCUMENTS TO BE RECORDED OR FILED (IN PART):**

a) The following standards are imposed on documents to be recorded with the County Recorder or Registrar of Titles:

1. The document shall consist of one or more individual sheets measuring no larger than 8.5 inches by 14 inches.
2. The form of the document shall be printed, typewritten, or computer generated in black ink and the form of the document shall not be smaller than 8-point type.
3. The document shall be on white paper of not less than 20-pound weight with no background color, images or writing and shall have a clear border of approximately one-half inch on the top, bottom and each side.
4. The first page of the document shall contain a blank space at the top measuring three inches, as measured from the top of the page. The right half is to be used by the County Recorder or Registrar of Titles for recording information and the left half is to be used by the County Auditor or Treasurer for certification.
5. The title of the document shall be prominently displayed at the top of the first page below the blank space referred to in clause (4).
6. No additional sheet shall be attached or affixed to a page that covers up any information or printed part of the form.
7. A document presented for recording or filing must be sufficiently legible to reproduce a readable copy using the County Recorder's or Registrar of Title's current method

**Examples of What Form to Use and When**

<b>Situation</b>	<b>Form</b>	<b>Who Signs</b>
<i>Individual landowner owns property; no mortgage</i>	Recording of State Conservation Practices, Individual	Landowner and spouse
<i>Contract for Deed</i>	Recording of State Conservation Practices, Individual	Landowner and spouse (buyer) and seller and spouse

<b>Situation</b>	<b>Form</b>	<b>Who Signs</b>
<i>Individual landowner has a mortgage (with a mortgage company) on property</i>	Recording of State Conservation Practices, Individual; and,  Mortgagee's Consent form, Corporation	Landowner and spouse   Mortgage Company
<i>Corporation or partnership owns property, no mortgage</i>	Recording of State Conservation Practices, Corporation	Corporation officials or Partners
<i>Corporate landowner has a mortgage (with a mortgage company) on property</i>	Recording of State Conservation Practices, Corporation; and,  Mortgagee's Consent form, Corporation	Corporation officials   Mortgage Company

**Instructions for Recording Conservation Practices Forms**

All entries must be typed, with the exception of the sketch and signatures.

**Name and address of land occupier(s) or corporation.**

- a. Indicate the conservation practice contract number and attach a copy of the contract and any amendments to the form. If there are multiple contracts for the same site, contracts may be grouped for a single recording with the county recorder.
- b. If the land occupier(s) are a husband/wife, note that after the name. Even if only one spouse is listed on the deed of record, both names must be listed.
- c. If there are additional land occupiers other than the spouse, attach additional sheet(s) with the name and address, signature block, and area for the notary and county recorder. Note the attachment at the top of the primary form.
- d. If there is a Contract for Deed, include both the seller and the buyer's name and address. Both must sign the form.

- e. If land is owned by a corporation or partnership, use the corporate recording form. You will need to see a copy of the articles of incorporation or by-laws for the corporation or partnership and possibly current meeting minutes to accurately determine who is empowered to sign on behalf of the corporation or partnership.

**Description of Practice.** Describe the conservation practice including type, quantity and, if possible, dimensions of the practice.

**State Financial Assistance Amount.** Indicate the total dollar amount of state funds provided in cost share payments, including amendments to cost share amounts in the total when appropriate.

**Duration of Practice.** Indicate the duration of the conservation practice, generally beginning with the final payment was authorized and ending with that date plus the required years of effective life of the practice.

**Location of Practice.**

- a. The locale of the permanent conservation practice by appropriate  $\frac{1}{4}$ ,  $\frac{1}{4}$  description; example: SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 16, T112N, R30W.
- b. Sketch practice on the section diagram.
- c. Attach a copy of the aerial photo identifying the location of the practice and/or sketch the permanent conservation practice including the scale and location identification.

**Signatures and Acknowledgement.** Use black ink pens for all signatures. All signatures must be the same as they appear on the land title.

- a. If the land occupier(s) are a husband/wife and even if only one spouse is listed on the deed of record, both must sign the form.

For corporations and partnerships, only those empowered to sign as listed in the articles of incorporation should sign the form. Make sure to list their title in the corporation or partnership after their signature.

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*Summary of changes for CY2017:*

- **ADDED** Reference to Minnesota Statutes 507.093 STANDARDS FOR DOCUMENTS TO BE RECORDED OR FILED (IN PART). Corresponding forms have also been modified to reflect the standards.