

A**ABANDONMENT**

- Aboveground or underground storage tanks, owner notification requirements in Minn. Stat. §116.48, Appendix A following §24.4.C
- Buyer right to specific performance, effect, §14.6.A
- Cancellation of purchase agreements, §6.5.B
- Remedies, §14.3.A

ABOVEGROUND STORAGE TANKS

- Closing documents, affidavits, §12.3.A.3
- Owner notification requirements, Minn. Stat. §116.48, Appendix A following §24.4.C

ABSTRACT OF TITLE

- Closing documents, §12.3.A.5
- Closing process, delivery, §12.6.D

ABSTRACT PROPERTY SYSTEM

- Application of law, §13.1.B
- Grantor/grantee index, §13.1.B.1
- Indexes, §13.1.B.1
- Numerical index, §13.1.B.1
- Registering title, removing from abstract system, §13.1.A.3
- Title examination process, §9.2.C.4
- Torrens property system compared, §13.1.A.2
- Tract index, §13.1.B.1

ACCEDE

- Defined, riparian rights, §19.5.E

ACCEPTANCE

- Purchase agreements, mirror image rule, §3.2.B

ACCESS TO PROPERTY. See also ENTRY ON LAND

- Development property purchases, project design requirements, §21.3.C
- Lakeshore property, §19.7
- Letter of intent, binding provisions, §15.4.A.3
- Public or private, surveys, §10.3.B
- Title examination, §9.2.A

ACCESSORY BUILDING

- Defined, §21.4.E.1

ACCESSORY USE

- Defined, §21.4.E.1

ACCOUNTANTS

- Real estate licensees, license exceptions, §2.1.J

ACCOUNTING

- Fiduciary duties, real estate licensees, §2.3.C
- Trust accounts, recordkeeping, §2.10.E

ACCRETION

- Defined, riparian rights, §19.5.E

ACKNOWLEDGMENTS

- County recorders, recording documents, §13.2.A.2

ACREAGE

- Surveys, land near water, §10.3.E

ADMINISTRATIVE HEARINGS

- Real estate licensees, license denial, suspension, or revocation, §2.2.Q

ADVERSE CLAIMS

- Title insurance, exclusions from coverage, §9.4.C.5

ADVERSE POSSESSION

- Lakeshore property, boundary line disputes, §19.6

ADVERTISING

- Real estate licensee disclosures, §8.3.B

- Applicable transactions, §8.3.B.1
- Liability for nondisclosure, §8.3.B.2

AFFIDAVITS

- Aboveground or underground storage tanks, owner notification requirements in Minn. Stat. §116.48, Appendix A following §24.4.C
- Aboveground/underground storage tank affidavit, Appendix B following §24.4.C
- Cancellation of purchase agreements, affidavit of cancellation, §6.3.A.3
- Closing documents, §12.3.A.3
- Environmental documents, §12.3.A.11
- Foreign Investment in Real Property Tax Act of 1980 (FIRPTA), §12.3.A.3
- Electronic recording, §13.5
- Hazardous substances, statutory disclosure requirements, §4.4.D.6
- Methamphetamine production, discovery and remediation, §8.2.I.1
- Powers of attorney, recording documents, §13.2.B.8
- Recording documents, foreclosure by advertisement, §13.2.B.7
- Seller disclosures, underground storage tanks, §8.2.J.2
- Storage tanks, statutory disclosure requirements, §4.4.E
- Title clearance, §9.3.A
- Underground storage tanks, disclosure, §24.2.C
- Uniform Conveyancing Blanks (UCBs), list of forms available, Appendix E following §13.6.B

AFFILIATED BUSINESS ARRANGEMENT

- Defined, §8.3.F.3
- Residential real estate, closing documents, §12.5.A.2

AFFORDABLE HOUSING

- Mortgage registration tax, exemptions, §13.4.D.6

AGENCY RELATIONSHIPS

- Option to purchase, statute of frauds, §16.2.C.1
- Real estate licensee disclosures
 - Applicable transactions, §8.3.A.1
 - Content of disclosure, §8.3.A.2
 - Dual agency circumstances, §8.3.A.4
 - Liability for nondisclosure, §8.3.A.5
 - When to disclose, §8.3.A.3
- Real estate licensees, §2.3
 - Common law principles, §2.3.A
 - Continuing education, §2.2.C
 - Dual agency, §2.3.B
 - Fiduciary duties, §2.3.C

AGENTS. See REAL ESTATE LICENSEES**AGREEMENTS TO AGREE**

- Enforceability, §15.3.B

AGRICULTURAL HOMESTEAD

- Defined, §11.3.A.4

AGRICULTURAL LAND

- Contracts for deed, statutory cancellations, §25.6.B
- Minnesota Agricultural Property Tax Law, Green Acres program, §11.6.A
- Mortgage registration tax, exemptions, §13.4.D.10
- Right of first refusal, acquisition by lender, §16.3.E.5
- Section 1031 exchanges, property qualifying, §23.2.E
- Tax due dates, §11.7

AIRPORT ZONING

- Real estate licensees, disclosures, §8.3.E.4

ALLUVION

Defined, riparian rights, §19.5.E

ALTA/ACSM STANDARDS

Commercial real estate, new construction, §17.3.C

ALTA (AMERICAN LAND TITLE ASSOCIATION)

Title insurance, standard policies, §9.4.C

ALTA SURVEYS

Commercial real estate, new construction, §17.3.C

Requirements, §10.2.C

ALTERNATIVE DISPUTE RESOLUTION

New construction, purchase agreement checklist, §17.5.D.13

Remedies, §14.9

AMBIGUITIES

Legal descriptions, doctrine of apportionment, §10.1.J

AMERICAN INDIANS

Deed tax, exemptions, §13.3.B.13

Mortgage registration tax, exemptions, §13.4.D.12

AMERICAN LAND TITLE ASSOCIATION (ALTA)

Title insurance, standard policies, §9.4.C

AMOUNT REALIZED

Defined, income tax, §5.2.B

ANIMALS

Lakeshore property, §19.2.C.1

APPORTIONMENT DOCTRINE

Ambiguities, legal descriptions, §10.1.J

ARBITRATION

Contract clauses, §14.9.A.1

Remedies, §14.9, §14.9.A

Scope, §14.9.A.2

ARCHAEOLOGICAL CONDITIONS

Due diligence, commercial real estate, §7.3.D.5

ARCHITECTS

Assignment of professional contracts, construction loan agreements, §17.4.A.3

ARCHITECTURAL COVENANTS

Development property purchases, project design requirements, §21.3.A

ARMORY BUILDINGS

Mortgage registration tax, exemptions, §13.4.D.11

ARMY CORP OF ENGINEERS

Land use controls, §21.8

“AS IS” PROVISIONS

Ashland Oil, CERCLA claims for contribution, §4.7.A

Disclaimer vs. indemnification, §4.7

Due diligence, §8.5.E

Gopher Oil, failure to disclose claims, §4.7.B

Letters of intent, terms of letter, §15.2.B.8

Minnesota Environmental Response and Liability Act (MERLA), Gopher Oil, §4.7.B

Negotiations, §4.1

Purchase agreements, §4.7

Seller disclosures, written waiver by parties, §8.2.A.10

ASBESTOS-CONTAINING MATERIALS

Disclosure, environmental concerns, §24.2.E

ASHLAND OIL

“As is” provisions, CERCLA claims for contribution, §4.7.A

ASSESSMENTS

Income tax, adjustments to basis, §5.2.C.3

Purchase agreements, payment of outstanding assessments, §5.2.C.3

Real estate taxes, §11.5

Deferred assessments, §11.5.B

Levied assessments, §11.5.A

Title to property, buyer’s title commitment review, §8.6.D.2

ASSIGNMENT

Commercial real estate

Assignment rights review, §7.2.B.7

Transfer of leases and rights, §3.9.C

Contracts for deed, §25.4

Financing documents, assignment of leases and rents, §26.7

Purchase agreements, §3.7

Subordination, nondisturbance, and attornment agreements

(SNDAs), pledge and assignment of lease payments, §26.11.E

ASSIGNMENT OF CONSTRUCTION CONTRACT

Contingencies, construction loan agreements, §17.4.A.3

ASSOCIATES

Defined, affiliated business arrangement, §8.3.F.3

ATTORNEY FEES

Financing documents, promissory note, §26.5.E

Special covenants, remedies for breach, §4.2.C.1

ATTORNEYS

Closing process, attorney role, §12.1

Commercial real estate

Due diligence, §7.1.E

Role of attorney, §1.3

Comprehensive municipal plans, role in land use controls/ approval, §21.4.D.3

Development property purchases, changing or adopting zoning ordinances, §21.4.E.2

Financing documents, residential vs. commercial financing, §26.2.D

Purchase process, role of attorney, §1.4

Title clearance, practical solutions, §9.3.H

ATTORNMENT AGREEMENTS

Defined, financing documents, §26.11.A

AUCTIONEERS

Real estate licensees, license exceptions, §2.1.J

AUDITOR’S SUBDIVISION PLATS

Easements, surveys, §10.3.A.8

Legal descriptions, §10.1.G

AUTOMATIC STAY

Distressed properties, purchase of property in bankruptcy, §22.10.C

AUXILIARY UNITS

Defined, §18.4.C.1

AVULSION

Defined

Riparian rights, §19.5.E

AWNINGS

Development property purchases, project design requirements, §21.3.A

AZIMUTH DESCRIPTIONS

Legal descriptions, composition standards and rules, §10.1.K.1

B**BANKRUPTCY**

Cancellation of purchase agreement, defenses to cancellation, §6.2.B.2

- Contracts for deed
 - Cure requirements for reinstatement, §25.6.D.3
 - Seller bankruptcy, §25.6.D.4
- Deed tax, exemptions, §13.3.B.14
- Distressed properties
 - Purchase of property in bankruptcy, §22.10
 - Section 363 free and clear sales, §22.10.E
- Executory contracts, debtor choices, §16.6
- Income tax, cancellation of indebtedness effect, §5.2.G
- Mortgage registration tax, §13.4.E.10
- Purchase of property in bankruptcy, sale orders from court, §22.10.F
- Recognizing distressed property, §22.3
- Recording documents, §13.2.B.7
- Right of first offer, railroad property, §16.4.C
- Title clearance, corrective instruments, §9.3.D
- Title examination, §9.2.C.4
- Title insurance, exclusions from coverage, §9.4.C.5
- BANKS**
 - Real estate licensees, license exceptions, §2.1.J
- BASIS IN PROPERTY**
 - Income tax, §5.2.C
 - Section 1031 exchanges
 - Calculation, §23.3
 - Received property, §23.4
- BEARINGS**
 - Legal descriptions, §10.1.J
 - Composition standards and rules, §10.1.K.1
- BENEFIT OF BARGAIN RULE**
 - Breach of warranty, damages, §4.5.A
- BILL OF SALE**
 - Closing documents, §12.3.A.2
 - Contracts for deed, security interests in personal property, §25.2.C.1
- BLANKET EASEMENTS**
 - Legal descriptions, §10.1.J
- BLIND PERSONS**
 - Homestead classification, blind or disabled occupants, §11.3.A.6
- BLOCK**
 - Defined, §10.1.D
- BONA FIDE PURCHASERS**
 - Title examination, §9.2.C.4
- BONDS**
 - Section 1031 exchanges, property not qualifying, §23.2.A
- BOOT**
 - Defined, section 1031 exchanges, §23.3
- BORROWER'S LOAN COMMITMENT**
 - Defined, financing contingencies, §8.4.A.2
- BOUNDARIES**
 - Boundary line surveys, requirements, §10.2.A
 - Chapter 505 plats, §10.4.A
 - Lakeshore property, §19.6
 - Boundary by practical location, §19.6
 - Reformation, §19.6
 - Legal descriptions, title standards, §10.1.F
 - Title to property, buyer's title commitment review, §8.6.D.2
 - Water boundary, §10.1.D
- BOUNDARY LINE SURVEYS**
 - Requirements, §10.2.A
- BOUNDS**
 - Defined, legal descriptions, §10.1.A
- BREACH OF CONTRACT**
 - Letter of intent, tortious interference, §15.4.B
 - Merger doctrine, limitations, §14.8
 - Seller disclosures, statutory vs. common law claims, §8.2.B
- BREACH OF COVENANT**
 - Letter of intent, covenant of good faith and fair dealing, §15.3.C
 - Special covenants, remedies for breach, §4.2.C.1
- BREACH OF WARRANTY**
 - Benefit of bargain rule, damages, §4.5.A
 - Common interest communities (CICs), new construction warranties, §17.5.C.2
 - Seller disclosures, statutory vs. common law claims, §8.2.B
 - Statutory warranties, new construction, §17.5.C.1
- BRING-DOWN CERTIFICATES**
 - Closing documents, §12.3.A.4
- BROKER COMMISSIONS**
 - Commercial real estate, settlement statements, §12.4.A.12
 - Right of first refusal, purchase price, §16.3.B.4
- BROKER PRICE OPINIONS**
 - Real estate licensee, §2.9
- BROKERS. See REAL ESTATE LICENSEES**
- BROWNFIELDS**
 - Due diligence, federal Brownfields amendments, §24.3.A.1
 - Voluntary cleanups, §24.4.A
 - Technical assistance, §24.4.A.1
- BUDGETS**
 - Due diligence, retail/office property, §20.2.B
- BUILDING HEIGHT/SIZE/EXTERIOR**
 - Development property purchases
 - Project design requirements, §21.3.B
 - Use and building restrictions, §21.5.A.7
- BUILDING PERMITS**
 - Development property purchases
 - Building permit conditions, §21.5.A.6
- BUILDING STANDARDS**
 - Defined, Chapter 327 warranty coverage, §17.5.C.1
 - Development property purchases, project design requirements, §21.3
- BUILDINGS**
 - Depreciable lives, personal vs. real property, §5.2.E.2
 - Section 1250 gain, recapture provisions, §5.2.E.3
 - Turn key transactions, new construction, §17.2
- BURIAL MOUNDS**
 - Due diligence, commercial real estate, §7.3.D.5
- BUSINESS ENTITIES. See also CORPORATIONS**
 - Closing documents, powers of attorney, §12.3.A.12
 - Disclosure, real estate business name, §2.7.A.2
 - Lakeshore property, §19.2.C.1
- BUSINESS PROPERTY**
 - Basis, property converted from residential use, §5.2.C.7
 - Cost-segregation studies, depreciation, §5.2.E.2
 - Income tax
 - Depreciation methods, §5.2.E.1
 - Foreclosure, §5.2.I
 - Income tax deductions, passive activity loss rules, §5.2.D
 - Section 1250 gain, recapture provisions, §5.2.E.3

BUSINESS USE OF RESIDENCE

Capital gain/loss restrictions, §5.4.A.1

BUYER/BROKER AGREEMENTS

Real estate licensees, §2.5

BUYERS

Cancellation of purchase agreements, fraud claims by buyer, §6.2.C

Seller representations, request considerations, §4.3.G

C**CAM CONTRIBUTIONS**

Defined, retail/office property, §20.2.B

CANCELLATION OF INDEBTEDNESS

Income tax

Debt restructuring, §5.2.H

Effect, §5.2.G

CANCELLATION OF PURCHASE AGREEMENTS

Generally, §§6.1 to 6.5

Abandonment, §6.5.B

Brokers, fraud claims by buyer, §6.2.C

Common interest communities (CICs)

Disclosure statement amendment, §18.7.D

Purchase agreements, §18.7

Consensual cancellation, §6.5

Quit claim deeds, §6.5.A

Contingencies, effect, §6.2.A.2, §6.2.A.4

Contracts for deed

Application of law, §6.1

Purchaser remedies, §25.5.A.1

Seller bankruptcy, §25.6.D.4

Seller remedies, §25.5.B

Statutory cancellation, §25.5.B.5

Statutory vs. declaratory cancellations, §25.6.A

Counter-cancellations, injunctions against cancellation, §6.4.C

Defenses to cancellation, §6.2.B.2

Earnest money, §6.2.C

Effect of cancellation, §6.2.C

Election of remedies doctrine, §14.2.A

Fraud claims by buyer, §6.2.C

Injunctions against cancellation, §6.4

Cancellation period effect, §6.4.C

Effect of injunction, §6.4.C

Procedures, §6.4.A

Security, §6.4.B

Judicial cancellation, §6.5.C

Notice of termination, §6.2.A.4

Purchase agreements, common interest communities (CICs), §18.5.H

Recording cancellation documents, §6.2.B.3

Reinstatement of agreement, §6.2.B.1

Remedies

Default, §6.1

Earnest money, §6.2.C

Misrepresentation, §4.3.E.2

Statutory cancellations, §14.3.B

Statutory procedures, §6.1

Statutory procedures under Minn. Stat. §559.21

Applicability to options, §6.2.A.3

Application of law, §6.2.A

Consideration as alternative to §559.217, §6.3.E.3

Effect of cancellation, §6.2.C

Equitable conversion, §6.2.A.2

Failure of condition, §6.2.A.1

Mechanics of canceling, §6.2.B

Reasons to use, §6.2.D

Required cancellation, §6.2.A.1

Termination period, §6.2.A.4

Time to cure, §6.2.B.1

Unsatisfied contingencies, §6.2.A.2

Statutory procedures under Minn. Stat. §559.217, §6.3

Affidavit of cancellation, §6.3.A.3

Application of law, §6.3.A.2

Buyer traps, §6.3.E.1

Cancellation with right to cure, §6.3.B

Comparison with §559.21, §6.3.A.2

Considerations of §559.21 as alternative, §6.3.E.3

Construction of law problems, §6.3.D.2

Contrast to §559.21, §6.3.A.4

Counter-cancellations, §6.3.D.1

Declaratory cancellation, §6.3.C

Earnest money, §6.3.D.1

Notice, §6.3.A.4

Reason for statute, §6.3.A.1

Seller traps, §6.3.E.2

Time to cure, §6.3.A.4

Unfulfilled conditions, §6.3.C

Time to cure, §6.3.A.4

CAPITAL ASSETS

Defined, §5.2.A

CAPITAL EXPENDITURES

Income tax, adjustments to basis, §5.2.C.2

CAPITAL GAIN

Income tax

Conversion to/from rental property, §5.4.A.3

Home exclusion rule, §5.4.A.2

Long-term capital gain/loss, §5.2.A

Qualification as principal residence, capital gain exclusions, §5.4.C

Short-term capital gain/loss, §5.2.A

CAPITALIZATION RATE

Defined, market value, §11.4.B

CARTWAYS

Public access, lakeshore property, §19.7.A.4

Surveys, access (public or private), §10.3.B.5

CASH FLOW

Recognizing distressed property, §22.3

CASUALTIES

Option to purchase, enforceable agreement terms, §16.2.C.2

CAVEAT EMPTOR DOCTRINE

Application of law, representations, §4.3.B

Disclosure, environmental concerns, §24.2

CEMETERY LOTS

Deed tax, exemptions, §13.3.B.6

CERCLA (COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT)

“As is” provisions

CERCLA claims for contribution, §4.7.A

Gopher Oil, §4.7.B

Due diligence, lender liability, §24.3.A.2

Federal liability for hazardous substance release, §24.3.A

CERTIFICATE OF OCCUPANCY

Development property purchases, development agreements, §21.5.A.6

CERTIFICATE OF TITLE

Abstract property system vs. Torrens property system, §13.1.A.2
Closing documents, §12.3.A.5
Commercial real estate, settlement statements, §12.4.A.8
Statewide recording fees, chart, Appendix F following §13.6.B
Title examination process, Torrens vs. abstract property, §9.2.C.3
Torrens property, records and recording documents, §13.1.A.4

CERTIFICATES AND CERTIFICATION

ALTA survey requirements, §10.2.C
Chapter 505 plats, §10.4.A
Closing documents
Bring-down certificates, §12.3.A.4
Estoppel certificates, §12.3.A.7
Commercial real estate, tenant estoppel certificates, §3.9.A
Continuation of abstract, abstract property system, §9.2.C.4
Forms, well disclosure certificates, §4.4.A.6
Office property, tenant estoppel certificate, Appendix A following §20.5.B
Recording documents
Foreclosure by advertisement, §13.2.B.7
Well disclosures, §13.2.B.6
Registered land conveyances, closing documents, §12.3.A.1
Title examination process, Torrens vs. abstract property, §9.2.C.3
Uniform Conveyancing Blanks (UCBs), list of forms available, Appendix E following §13.6.B
Well disclosure statements, closing documents, §12.3.A.1
Wells
Certificates and deed statements, §4.4.A.5
Seller disclosures, §8.2.H.4
Statutory disclosure requirements, §4.4.A

CERTIFICATES OF REAL ESTATE VALUE (CRVs)

Closing documents, tax documents, §12.3.A.8
Deeds and conveyances, recording documents, §13.2.B.1
Real property, §11.4.C
When required, §13.2.B.1

CERTIFICATES OF TRUST

Deeds and conveyances, recording documents, §13.2.B.8
Section 1031 exchanges, property not qualifying, §23.2.A

CHAIN OF TITLE

Title clearance, corrective instruments, §9.3.D
Title examination, party names, §9.2.C.4

CHANGE ORDERS

Construction loan agreements, disbursement process, §17.4.A.3
New construction, purchase agreement checklist, §17.5.D.6

CHAPTER 7

Bankruptcy, recording documents, §13.2.B.7

CHAPTER 11

Bankruptcy, recording documents, §13.2.B.7

CHAPTER 13

Bankruptcy, recording documents, §13.2.B.7

CHAPTER 505 PLATS

Plat format, §10.4.A

CHARITABLE INSTITUTIONS

Real estate taxes, exempt property, §11.3.D.1

CHARTS

Land use controls, state and federal agencies, §21.8
Required disclosures, summary, Appendix A following §8.7.D
Statewide recording fees, Appendix F following §13.6.B

CHECKLISTS

Closing checklist, Appendix A following §12.7.B
Closing process, checklist tracking documents, §12.2.A
Commercial real estate, §1.3
Conveyancing CIC property checklist, Appendix A following §18.8.C
Due diligence, commercial real estate, §7.4.B
Purchase agreement drafting considerations, distressed properties, Appendix A following §22.10.F
Recording checklist, Appendix D following §13.6.B

CHOSSES IN ACTION

Section 1031 exchanges, property not qualifying, §23.2.A

CIC

Defined, §18.2.A

CIC PLAT

Defined, §18.2.F

CICs. See COMMON INTEREST COMMUNITIES (CICs)

CITIES

Development property purchases, land use controls, §21.4
Land use requests, 60-day response rule, §21.6

CIVIL ACTIONS

Real estate licensees, commission collection requirements, §2.4.B

CIVIL PENALTIES. See also FINES AND PENALTIES

Contamination, liability for nondisclosure, §8.2.E.3
Failure to disclose, hazardous substances, §4.4.D.3
Remedies, Minnesota ILSA, §14.13.C

CLEAN WATER ACT

Lakeshore property, §19.2.A.1

CLERK OF GOVERNMENT SURVEYS

Secretary of State's office, §10.1.C.1

CLOSING AGENTS

Real estate licensees, exemptions, §2.1.H

CLOSING BOOK

Documents related to transaction, §12.7.B

CLOSING CHECKLIST

Forms, Appendix A following §12.7.B

CLOSING COSTS

Commercial real estate
Prorations and closing costs, §3.9.D
Settlement statements, §12.4.A.13
Real estate licensee, negotiations, §2.14.A.3

CLOSING DOCUMENTS

Generally, §12.3
Affidavits, §12.3.A.3
Authority to execute, §12.3.A.12
Bill of sale, §12.3.A.2
Borrower affidavits, §12.3.A.3
Bring-down certificates, §12.3.A.4
Closing checklist, Appendix A following §12.7.B
Commercial real estate, new construction, §17.3.D
Conveyancing documents, §12.3.A
Deeds, §12.3.A.1
Environmental documents, §12.3.A.11
Estoppel certificates, §12.3.A.7
Execution authority, §12.3.A.12

- Financing documents, §§26.1 to 26.14
- Foreign Investment in Real Property Tax Act of 1980 (FIRPTA), §12.3.A.3
- Government approvals and assurances, §12.3.A.10
- Letters of undertaking, §12.3.A.14
- Liens and encumbrances, review of property records, §12.3.A.2
- Loan documents, §12.3.A.6
- Office of Foreign Assets Control (OFAC), blocked persons check, §12.3.A.13
- Operational documents, §12.3.A.9
- Opinion of counsel, §12.3.A.6
- Option to purchase, enforceable agreement terms, §16.2.C.2
- Personal property, bill of sale, §12.3.A.2
- Post-closing agreements, §12.3.A.14
- Powers of attorney, §12.3.A.12
- Purchase agreement drafting considerations, distressed properties, Appendix A following §22.10.F
- Purchaser affidavits, §12.3.A.3
- Real Estate Settlement Procedures Act (RESPA), §12.5.A
- Residential real estate, §12.5
 - Compliance agreements, §12.5.E
 - Good faith estimates of settlement costs, §12.5.A.1
 - Homestead classification, §12.5.D
 - HUD-1 settlement statement, §12.5.A.4
 - Individual sewage treatment system disclosure, §12.5.C.1
 - Initial escrow account disclosure, §12.5.A.3
 - Loan application RESPA requirements, §12.5.A.1
 - Required disclosures, §12.5.C
 - RESPA requirements at closing, §12.5.A.3
 - RESPA requirements prior to closing, §12.5.A.2
 - Title insurer selection, §12.5.A.3
 - Truth in lending disclosure, §12.5.B
- Seller affidavits, §12.3.A.3
- Tax documents, §12.3.A.8
- Title documents, §12.3.A.5
- Types of deeds, §12.3.A.1
- CLOSING FEES**
 - Commercial real estate, settlement statements, §12.4.A.9
- CLOSING INSTRUCTION LETTERS**
 - Commercial real estate, settlement statements, §12.4.B.1
- CLOSING LETTERS**
 - Commercial real estate, settlement statements, §12.4.B
- CLOSING PROCESS**
 - Generally, §§12.1 to 12.7
 - Abstract of title, delivery, §12.6.D
 - Adjustments to basis, closing costs and fees, §5.2.C.4
 - Attorney role, §12.1
 - Checklists
 - Closing checklist, Appendix A following §12.7.B
 - Conveyancing CIC property checklist, Appendix A following §18.8.C
 - Tracking documents, §12.2.A
 - Closing book, documents related to transaction, §12.7.B
 - Closing checklist, Appendix A following §12.7.B
 - Closing timetable, Appendix B following §12.7.B
 - Commercial real estate, §12.4
 - Common interest communities (CICs), §18.8
 - Agreement to reduce warranty statute of limitations, §18.8.A
 - Common element license/lease/easement, §18.8.B
 - Governance documents, §12.6.C
 - Legal descriptions, §18.8.C
 - Proration of assessments, §18.8.C
- Documents (See CLOSING DOCUMENTS)
- Due diligence
 - Attendance of counsel, §8.7.E
 - Closing process, §8.7
 - Closing protection letter, §8.7.C
 - Document review, §8.7.D
 - Documentation, §8.7.A
 - Post-closing follow-up, §8.7.F
- Financing documents, §§26.1 to 26.14
- Keys, transfers, §12.6.A
- New construction, commercial real estate, §17.3.D
- Option to purchase, enforceable agreement terms, §16.2.C.2
- Original documents for operation of property, §12.6.C
- Possession, transfers, §12.6.B
- Post-closing issues, recorded documents copies from closer, §12.7.A
- Real estate licensees, disclosures, right to choose closer, §8.3.C
- Sample closing checklist, Appendix A following §12.7.B
- Scheduling time for closing, §12.1
- Standard documents, §12.3
- Survival of warranty, §4.5.B
- Timetable, §12.2.B
- Torrens property, approval for recording documents, §13.1.A.5
- CLOSING PROTECTION LETTERS**
 - Commercial real estate, settlement statements, §12.4.B.2
 - Due diligence, covered losses, §8.7.C
- CLOSING STATEMENTS**
 - Real estate licensees, negotiations, §2.14.A.5
- CLOSING TIMETABLE**
 - Forms, Appendix B following §12.7.B
- COAL INTERESTS**
 - Real estate taxes, separately taxed property categories, §11.3
- CODE COMPLIANCE**
 - Due diligence, commercial real estate, §7.3.A
- COLLATERAL**
 - Installment sales, use of obligation as collateral, §5.3.F
- COMMERCE DEPARTMENT**
 - Real estate licensees
 - Approved continuing education courses, §2.2.E
 - License denial, suspension, or revocation, §2.2.N, §2.2.O
 - Notice to Commissioner, §2.14.B
 - Regulation, §2.1.A
 - Review of license decisions, §2.2.R
 - Trust accounts
 - Notice of change of account, §2.10.H
 - Real estate licensee, §2.10.A
- COMMERCIAL REAL ESTATE**
 - Closing documents, §12.4.A
 - Operational documents, §12.3.A.9
 - Closing process, §12.4
 - Contracts for deed, collection of rent, §25.5.B.6
 - Development property purchases, §§21.1 to 21.9
 - Disclosure, environmental concerns, §24.2
 - Distressed property, §§22.1 to 22.10
 - Due diligence, §§7.1 to 7.4
 - Access to property, §7.1.C

- Americans with Disabilities Act (ADA) issues, §7.3.D.3
- Archaeological conditions, §7.3.D.5
- Burial mounds, §7.3.D.5
- Checklist items, §7.4.B
- Checklist use, §7.4.A
- Checklists, §7.4.B
- Contract review, §7.2.A
- Document review, §7.2
- Environmental conditions, §7.3.C
- Financial records, §7.2.C
- Financing contingencies, §7.1.D
- Historical conditions, §7.3.D.5
- Land use, §7.3.B
- Lease review, §7.2.B
- License review, §7.2.A
- Parking needs, §7.3.D.1
- Physical condition, §7.3
- Property documents, §7.2.C
- Responsibilities, §7.1.A
- Role of lawyer, §7.1.E
- Seller corrections limitations, §7.1.B
- Signage, §7.3.D.6
- Soil conditions, §7.3.D.2
- Timing, §7.1.B
- Title and survey, §7.2.D
- Utilities, §7.3.D.4
- Environmental concerns
 - Further investigation, §7.3.C.2
 - Records review, §7.3.C.1
- Environmental conditions, Phase I investigations, §7.3.C.1
- Financing documents
 - Commitment letter, §26.4.B
 - Complexity of transaction, §26.2.B
 - Guaranties, §26.8
 - Kinds of documents, §26.2.C
 - Opinion of counsel, §26.14
 - Security agreements, §26.9
- Forms, purchase agreements, Appendix A following §3.9.D
- Forms vs. models, §1.5
- Green certification, §17.3.A.2
- Hazardous substances, statutory disclosure requirements, §4.4.D.7
- Lease agreements review
 - Assignment rights, §7.2.B.7
 - Duration of leases, §7.2.B.1
 - Exclusivity provisions, §7.2.B.3
 - Expansion options, §7.2.B.4
 - Improvements, §7.2.B.5
 - Permitted uses of property, §7.2.B.2
 - Security deposits, §7.2.B.8
 - Subletting rights review, §7.2.B.7
 - Tenant estoppel, §7.2.B.9
 - Tenant purchase rights, §7.2.B.6
- Misrepresentation, §4.3.C
- New construction
 - Access to site, §17.3.A.2
 - Additions to existing structures, §17.3.A.2
 - Closing documents, §17.3.D
 - Condominium endorsements, §17.3.B.1
 - Contingencies in purchase agreements, §17.3.A.1
 - Contingency checklists, §17.3.A.2
 - Easements, §17.3.A.2
 - Impact, §17.3
 - Insurance endorsements, §17.3.B.1
 - Insurance exceptions, §17.3.B.1
 - Loan transaction impact, §17.4
 - Planned unit development endorsements, §17.3.B.1
 - Purchase agreements, §17.3.A
 - Restrictions on development, §17.3.A.2
 - Seller vs. buyer contingencies, §17.3.A.1
 - Site contingencies, §17.3.A.2
 - Survey requirements, §17.3.C
 - Title insurance, §17.3.B.1
 - Title issues, §17.3.B
 - Warranties, §17.3.E
 - Wetlands, §17.3.A.2
- New construction contingency checklists, government approvals, §17.3.A.2
- Option to purchase, when used, §16.2.B
- Phase I investigations, §7.3.C.1
- Purchase agreements, §3.9
 - Due diligence period, §3.3.A
 - Escrow of earnest money, §3.9.B
 - Express warranties, §3.4
 - Forms, Appendix A following §3.9.D
 - Prorations and closing costs, §3.9.D
 - Tenant estoppel certificates, §3.9.A
 - Transfer of leases and rights, §3.9.C
- Retail/office property, §§20.1 to 20.5
- Role of attorney, §1.3
- Settlement statements, §12.4.A
 - Broker commissions, §12.4.A.12
 - Closing fees, §12.4.A.9
 - Closing instruction letters, §12.4.B.1
 - Closing letters, §12.4.B
 - Closing protection letters, §12.4.B.2
 - Conservation fee, §12.4.A.5
 - Costs, §12.4.A.13
 - Deed tax, §12.4.A.4
 - Earnest money, §12.4.A.2
 - Escrow account deposits, §12.4.A.11
 - Loan fees, §12.4.A.10
 - Mortgage registration tax, §12.4.A.6
 - Proration of rents, operating expenses, and security deposits, §12.4.A.1
 - Real estate taxes, §12.4.A.3
 - Recording fees, §12.4.A.7
 - Special assessments, §12.4.A.3
 - Title evidence/insurance, §12.4.A.8
- Statutory disclosure requirements, storage tanks, §4.4.E.5
- Third party contracts, §17.3.A.2
- COMMISSIONS**
 - Commercial real estate, settlement statements, §12.4.A.12
 - Due diligence, retail/office property, §20.2.E
 - Letters of intent, terms of letter, §15.2.B.8
 - Purchase agreement drafting considerations, distressed properties, Appendix A following §22.10.F
 - Real estate licensees
 - Actions to collect, §2.12

- Fee splitting, §2.14.D.3
- Statutory requirements for recovery, §2.4.C
- Retail/office property, new leases and lease amendments, §20.3.C
- Right of first refusal, purchase price, §16.3.B.4
- COMMITMENT LETTERS**
- Financing documents, §26.4
- Opinion of counsel, §26.14
- COMMON INTEREST COMMUNITIES (CICs)**
- Generally, §§18.1 to 18.8
- Application of law, §18.3
 - Condominiums, §18.3.A
 - Cooperatives, §18.3.B, §18.3.D
 - Planned community, §18.3.B
 - Small planned communities, §18.3.C
- Auxiliary units, §18.4.C.1
- Characteristics, §18.4
- CIC, §18.2.A
- CIC numbers, §18.3.D
- CIC plats
 - Condominiums, §18.4.A.1
 - Personal property cooperatives, §18.4.A.3
 - Planned communities, §18.4.A.2
 - Real property cooperatives, §18.4.A.1
 - Types of plats, §18.4.A
- Closing process, §18.8
 - Agreement to reduce warranty statute of limitations, §18.8.A
 - Common element license/lease/easement, §18.8.B
 - Governance documents, §12.6.C
 - Legal descriptions, §18.8.C
 - Proration of assessments, §18.8.C
- Common element licenses, §18.4.C.3
- Conveyancing CIC property checklist, Appendix A following §18.8.C
- Conveyancing documents
 - Condominiums, §18.4.B.1
 - Cooperatives, §18.4.B.3
 - Planned communities, §18.4.B.2
- Declaration of covenants, easements, and restrictions, §18.3.D
- Deeds and conveyances, documents, §18.4.B
- Definitions, §18.2
- Disclosure, §18.6
- Disclosure exempt conveyances, §18.6.A
- Disclosure obligations, §18.6.B.1
- Disclosure statements, §18.6.B.2
- Disclosures, resources, §8.1
- Failure to disclose penalties, §18.6.B.3
- Initial considerations, §18.3
- Legal descriptions, §18.4.B
- Limited common elements, §18.4.C.2
- Master developer disclosures, §18.6.D
- Minnesota Common Interest Ownership Act, §18.1
- New construction
 - Chapter 515B warranty coverage, §17.5.C.2
 - Express warranties, §17.5.C.2
 - Implied warranties, §17.5.C.2
 - Statute of limitations on warranties, §17.5.C.2
 - Warranty insurance programs, §17.5.C.3
- Purchase agreements, §18.5
 - 100-lot exemption, §18.5.K
 - Appurtenances, §18.5.B
 - Cancellation period commencement, §18.7.B
 - Cancellation period duration, §18.7.A
 - Cancellation period modification or waiver, §18.7.C
 - Common element license/lease/easement, §18.5.B.1
 - Common expense assessments, §18.5.G.1
 - Conversion property, §18.5.K
 - Disclosure statement amendment, §18.7.D
 - Escrow of deposits, §18.5.C
 - Implied warranties, §3.4
 - Improved lot exemption, §18.5.K
 - Interstate Land Sales Full Disclosure Act, §18.5.K
 - Legal descriptions, §18.5.A
 - Lien releases, §18.5.D.1
 - Limited common elements, §18.5.B.2
 - Minnesota Subdivided Land Sales Act, §18.5.K
 - Notice requirements, §18.5.F
 - Pre-sale contingencies, §18.5.I
 - Prepaid insurance, §18.5.G.3
 - Proof of title, §18.5.D.2
 - Prorations and closing payments, §18.5.G
 - Purchaser cancellation rights, §18.5.H
 - Real estate taxes, §18.5.E
 - Special assessments, §18.5.E.2
 - Statute of limitations reduction, §18.5.J
 - Tax subdivision and timing, §18.5.E.1
 - Title commitment endorsements, §18.5.D.3
 - Unit titles, §18.5.D
 - Working capital contribution, §18.5.G.2
- Purchaser cancellation rights, §18.7
- Purchaser rescission period, §8.2.D.2
- Real vs. personal property, §18.1
- Recording documents, well disclosures, §13.2.B.6
- Related interests transfers
 - Auxiliary units, §18.4.C.1
 - Common element licenses, §18.4.C.3
 - Limited common elements, §18.4.C.2
- Resale disclosure certificates, §18.6.C
- Residential real estate, required disclosures, §12.5.C.2
- Seller disclosures
 - Excluded transactions, §8.2.A.2
 - Waiver, §8.2.D.3
- Statewide recording fees, chart, Appendix F following §13.6.B
- Title examination, §9.2.C.5
- Title insurance, endorsements, §9.4.C.7
- Uniform Condominium Act, §18.3.D
- Units, §18.1
 - Related interests transfers, §18.4.C
- COMMON LAW CLAIMS**
- Real estate licensees, disclosures, liability for nondisclosure, §8.3.E.8
- Remedies, title defects, §14.10.A
- COMPLIANCE AGREEMENTS**
- Residential real estate, closing documents, §12.5.E
- COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA)**
- “As is” provisions
 - CERCLA claims for contribution, §4.7.A
 - Gopher Oil, §4.7.B

- Due diligence, lender liability, §24.3.A.2
- Federal liability for hazardous substance release, §24.3.A
- COMPREHENSIVE MUNICIPAL PLANS**
 - Defined, §21.4.D.1
 - Development property purchases, §21.4.D.1
 - Metropolitan area, municipalities within, §21.4.D.2
- CONCILIATION**
 - Remedies, §14.9
- CONDEMNATION**
 - Mortgages, insurance and condemnation proceeds, §26.6.1
 - Option to purchase, enforceable agreement terms, §16.2.C.2
- CONDITION OF PROPERTY**
 - Due diligence, §8.5
 - Property inspections, §8.5.B
 - Waiver of disclosure, §8.5.A.1
 - Property inspections, impact on required disclosures, §8.5.B.3
 - Real estate licensees, disclosures, material facts of condition of property, §8.3.E
- CONDITIONAL USE**
 - Defined, §21.4.E.1
- CONDITIONAL USE PERMITS**
 - Development property purchases, development agreements, §21.5.A.9
 - Lakeshore property, §19.2.D
 - Zoning ordinances, §21.4.E.4
- CONDITIONS**
 - New construction, purchase agreement checklist, §17.5.D.11
- CONDOMINIUMS. See also COMMON INTEREST COMMUNITIES (CICs)**
 - Application of law, common interest communities (CICs), §18.3.A
 - CIC plats, §18.4.A.1
 - Conveyancing documents, §18.4.B.1
 - Defined, §18.2.C
- CONFIDENTIALITY**
 - Fiduciary duties, real estate licensees, §2.3.C
 - Letter of intent, binding provisions, §15.4.A.1
- CONFLICT OF INTEREST**
 - Dual agency, real estate licensees, §2.3.B
- CONSENSUAL CANCELLATION**
 - Cancellation of purchase agreements, §6.5
- CONSENT**
 - Dual agency, real estate licensees, §2.3.B
 - Mutual rescission, §14.4.A
- CONSERVATION EASEMENTS**
 - Section 1031 exchanges, property qualifying, §23.2.E
 - Surveys, §10.3.A.12
- CONSERVATION FEE**
 - Commercial real estate, settlement statements, §12.4.A.5
- CONSIDERATION**
 - Defined, deed tax, §13.3.A.1
 - Option to purchase
 - Enforceable agreement terms, §16.2.C.2
 - Statute of frauds, §16.2.C.1
 - Purchase agreements, §3.3.B
 - Right of first refusal, §16.3.B.3
- CONSTRUCTION**
 - New construction (See NEW CONSTRUCTION)
- CONSTRUCTION FINANCING**
 - Commercial real estate, new construction contingency checklists, §17.3.A.2
- CONSTRUCTION OF LAW**
 - Legal descriptions, §9.2.C.1
- CONSUMER PROTECTION**
 - Financing documents, Truth in Lending Act (TILA), §26.2.C
 - Interstate Land Sales Full Disclosure Act (ILSA), §14.13
 - Minnesota ILSA, application of law, §14.13.A
 - Purchase agreements
 - Common interest communities (CICs), §18.5.K
 - Residential real estate, §3.8
 - Real estate education, research, and recovery fund, §2.11
 - Real Estate Settlement Procedures Act (RESPA), §26.2.C
 - Residential real estate, new construction, §17.5.A
- CONTAMINATION. See also ENVIRONMENTAL CONCERNS; HAZARDOUS SUBSTANCES**
 - Aboveground or underground storage tanks, owner notification requirements in Minn. Stat. §116.48, Appendix A following §24.4.C
 - Due diligence, addressing contamination, §24.4
 - Forms, MPCA change of UST ownership notice, Appendix C following §24.4.C
 - Minnesota Petrofund, §24.4.B
 - Off-site source determinations, MPCA, §24.4.A.2
 - Real estate taxes, contamination tax, §11.6.H
 - Seller disclosures, §8.2.E
 - Applicable transactions, §8.2.E.1
 - Disclosure content, §8.2.E.2
 - Liability for nondisclosure, §8.2.E.3
 - When to disclose, §8.2.E.4
 - Underground storage tanks, §24.4.B
 - Uniform Environmental Restrictive Covenants Act (UECA), §24.4.C
 - Voluntary cleanups, §24.4.A
 - Statutory liability assurances, §24.4.A.3
- CONTAMINATION TAX**
 - Defined, §11.6.H
- CONTIGUITY ENDORSEMENTS**
 - New construction, commercial real estate, §17.3.B.1
- CONTINGENCIES**
 - Assignment of construction contract, construction loan agreements, §17.4.A.3
 - Commercial real estate, financing contingencies, §7.1.D
 - Development property purchases
 - Architectural approval, §21.9.D
 - Land use, §21.9.D
 - Physical characteristics of property, §21.9.C
 - User approvals, §21.9.E
 - Due diligence
 - Financing contingencies, §8.4.A
 - Property inspection contingency, §8.5.B.1
 - Lakeshore property, building inspections, §19.3.D
 - Letters of intent, terms of letter, §15.2.B.5
 - New construction, commercial real estate, §17.3.A.1
 - Purchase agreement drafting considerations, distressed properties, Appendix A following §22.10.F
 - Purchase agreements, §3.3.A
 - Common interest communities (CICs), §18.5.1

CONTRACT PRICE

Defined, installment sales, §5.3.B

CONTRACTOR'S RECOVERY FUND

New construction, purchase agreement checklist, §17.5.D.12

Residential real estate, builder license fees, §17.5.B

CONTRACTS

Assignment of professional contracts, construction loan agreements, §17.4.A.3

Attorney review for closing, §12.1

Commercial real estate, contract review, §7.2.A

Letters of intent, terms of letter, §15.2.B

Purchase agreements, §§3.1 to 3.9

Remedies

Limitation of remedies, §14.2.B

Statute of limitations, §14.12

Sale contracts, section 1031 exchanges, §23.1

CONTRACTS FOR DEED

Generally, §§25.1 to 25.7

Acceleration clauses, §25.2.C.1

Assignment, §25.4

Assignment of rents, §25.2.C.1

Cancellation of purchase agreements

Application of law, §6.1

Purchaser remedies, §25.5.A.1

Seller bankruptcy, §25.6.D.4

Seller remedies, §25.5.B

Statutory cancellation, §25.5.B.5

Statutory vs. declaratory cancellations, §25.6.A

Cure requirements for reinstatement, §25.6.D

Bankruptcy, §25.6.D.3

Injunctions, §25.6.D.2

Payments, §25.6.D.1

Deed tax, exemptions, §13.3.B.1

Default on assumed financing, §25.2.C.1

Default on existing financing, §25.2.C.2

Defined, §25.1

Disclosure, multiple property sellers, §25.7.D

Drafting, §25.2

Due-on-sale clauses, §25.2.A.2

Earnest money contracts compared, §25.1.A

Environmental concerns indemnification, §25.2.C.1, §25.2.C.2

Escrow for taxes and insurance, §25.2.C.1

Executory vs. nonexecutory contract, §25.1

Extensions, §25.3

Future assumption of present financing, §25.2.C.1

Improvement limitations, §25.2.C.1

Income tax, §5.3

Language, sample clauses, §25.2

Late payment fees, §25.2.C.1

Lease restrictions, §25.7.B

Limited ability to sell, §25.2.C.2

Loan secured on purchaser interest, §25.4.C

Loan secured on seller interest, §25.4.C

Mechanic's liens, owner imposing on property, §6.2.A.4

Merger doctrine, limitations, §14.8

Modifications, §25.3

Mortgage registration tax, exemptions, §13.4.D.5

Multiple property sellers, disclosure, §25.7.D

Non-uniform provisions, §25.2.C

Favoring purchasers, §25.2.C.2

Favoring sellers, §25.2.C.1

Nonrecourse provisions, §25.2.C.2

Post-cancellation issues

Note given as down payment, §25.6.F.3

Recovery of personal property, §25.6.F.2

Title to property, §25.6.G

Unjust enrichment, §25.6.F.1

Prepayment restrictions, §25.2.C.1

Purchase agreements compared, §25.1.A

Purchase money mortgages compared, §25.1.B

Default vs. foreclosure, §25.1.B.2

Equitable mortgages, §25.1.B.4

Mechanic's liens, §25.1.B.3

Property interests, §25.1.B.1

Termination, §25.1.B.2

Purchase process role, §1.4

Purchaser remedies, §25.5.A

Damages action, §25.5.A.4

Fraud action, §25.5.A.3

Self-help, §25.5.A.1

Specific performance, §25.5.A.2

Recording documents, §13.2.C.2, §25.7.A

Remedies, §25.5

Judicial termination, §14.3.C

Restrictions against transfers, §25.2.C.1

Right of first refusal, §25.2.C.2

Sale of purchaser's interest, §25.4.B

Sale of seller's interest, §25.4.A

Sample clauses, §25.2

Section 1031 exchanges, buyer financing of relinquished property, §23.11.C

Security interests in personal property, §25.2.C.1

Seller bankruptcy, §25.6.D.4

Seller disclosures, wells, §8.2.H.6

Seller remedies, §25.5.B

Collection of rent, §25.5.B.6

Damages action, §25.5.B.2

Deed in lieu of cancellation, §25.5.B.4

Judicial termination, §25.5.B.3

Separate guaranty actions, §25.5.B.7

Specific performance, §25.5.B.1

Statutory cancellation, §25.5.B.5

Seller right to refinance, §25.2.C.1

Statutory cancellation, §25.6

Cure requirements, §25.6.D

Declaratory cancellations distinguished, §25.6.A

Judgment creditors, §25.6.C

Lien searches, §25.6.C

Mechanics of canceling, §6.2.B

Parties to be served, §25.6.C

Post-cancellation issues, §25.6.F

Procedures, §25.6.B

Service of process, §25.6.B

Waiver or termination, §25.6.E

Statutory vs. declaratory cancellations, §25.6.A

Structure of contract, §25.2.A

Contract with assumption, §25.2.A.2

Straight contract for deed, §25.2.A.1

- Wrap-around contract, §25.2.A.3
- Title to property, following cancellation, §25.6.G
- Uniform Conveyancing Blanks (UCBs), §25.2.B
 - List of forms available, Appendix E following §13.6.B
- CONTROLLED BUSINESS ARRANGEMENTS**
 - Defined, §8.3.F.2
- CONTROLLED BUSINESS RELATIONSHIPS**
 - Real estate licensee disclosures, §8.3.F
 - Applicable transactions, §8.3.F.1
 - Associates' role, §8.3.F.3
 - What constitutes arrangement, §8.3.F.2
- CONVERSION**
 - Contracts for deed, recovery of personal property, §25.6.F.2
- CONVERSION PROPERTY**
 - Purchase agreements, common interest communities (CICs), §18.5.K
- CONVEYANCING CIC PROPERTY**
 - Checklist, Appendix A following §18.8.C
- COOPERATIVE ASSOCIATIONS**
 - Real estate taxes, separately taxed property categories, §11.3
- COOPERATIVES**
 - Application of law, common interest communities (CICs), §18.3.B, §18.3.D
 - CIC plats, §18.4.A.1
 - Conveyancing documents, §18.4.B.3
 - Defined, §18.2.D
- COORDINATES**
 - Legal descriptions, §10.1.D.4
- CORPORATIONS. See also BUSINESS ENTITIES**
 - Closing documents, powers of attorney, §12.3.A.12
 - Disclosures, resources, §8.1
 - Existence of entity, verification, §13.2.B.8
 - Name changes, Torrens property system, §13.1.A.2
 - Recording documents, §13.2.B.8
 - Title clearance, affidavits of identity/nonidentity, §9.3.A
- CORRECTIVE DEEDS**
 - Minimum deed tax situations, §13.3.C.1
- CORRECTIVE INSTRUMENTS**
 - Title clearance, §9.3.D
- COST RECOVERY**
 - Depreciation, §5.2.E.3
 - Income tax, §5.2.E
- COST-SEGREGATION STUDIES**
 - Depreciation, §5.2.E.2
- COSTS**
 - Commercial real estate, settlement statements, §12.4.A.13
 - Financing documents, guaranties, §26.8.I
 - Real estate licensees, investigative costs, §2.2.S
 - Seller disclosures, failure to disclose, §8.2.C
 - Special covenants, remedies for breach, §4.2.C.1
 - Specific performance, practical considerations, §14.6.C
- COUNTER-CANCELLATIONS**
 - Cancellation of purchase agreements
 - Injunctions against cancellation, §6.4.C
 - Statutory procedures under Minn. Stat. §559.217, §6.3.D.1
- COUNTEROFFERS**
 - Purchase agreements, §3.2.C
- COUNTIES**
 - Development property purchases, land use controls, §21.4
 - Filing, government survey, §10.1.C.3
 - Land use requests, 60-day response rule, §21.6
- COUNTY BOARDS**
 - Chapter 505 plats, §10.4.A
- COUNTY RECORDERS**
 - Abstract property system, records and recording documents, §13.1.B
 - Abstract property system vs. Torrens property system, §13.1.A.2
 - Electronic recording, §13.5
 - Recording documents
 - Accurate legal description, §13.2.A.3
 - Acknowledgments, §13.2.A.2
 - Date, §13.2.A.6
 - Drafter identification, §13.2.A.4
 - Erasures or overlays, §13.2.A.5
 - Fees, §13.2.A.8
 - Formatting, §13.2.A.7
 - Legibility, §13.2.A.5
 - Requirements, §13.2.A
 - Signatures, §13.2.A.1
 - Statewide recording fees, chart, Appendix F following §13.6.B
- COUNTY SURVEYORS**
 - Chapter 505 plats, §10.4.A
 - Filing, government survey, §10.1.C.3
 - Government survey, §10.1.C.2
- COUNTY TREASURERS**
 - Mortgage registration tax, payment procedures, §13.4.C
- COURT ORDERS**
 - Title clearance, §9.3.A, §9.3.G
- COURT PROCEEDINGS**
 - Bankruptcy, delinquent real estate taxes, §13.2.B.7
 - Cancellation of purchase agreements, judicial cancellation, §6.5.C
 - Torrens property
 - Involuntary transfers, §13.1.A.2
 - Notice for subsequent proceedings, §13.1.A.5
 - Registering title, §13.1.A.3
 - Subsequent proceedings after registration, §13.1.A.5
- COVENANTS**
 - Generally, §4.2
 - Defined, §4.2.A
 - Development property purchases, project design requirements, §21.3
 - Financing documents, guarantor covenants, §26.8.G
 - Letter of intent, covenant of good faith and fair dealing, §15.3.C
 - Loan agreements
 - Affirmative covenants, §26.3.D
 - Negative covenants, §26.3.E
 - Negotiations, §4.1
 - New construction
 - Commercial real estate, §17.3.B.1
 - Purchase agreement checklist, §17.5.D.11
 - Post-closing covenants, merger doctrine, §4.2.C
 - Pre-closing covenants, §4.2.B
 - Purchase agreements, merger doctrine, §3.5
 - Remedies for breach, costs, §4.2.C.1
 - Special covenants, §4.2.B
 - Title examination, §9.2.C.4
- COVERED LOSSES**
 - Closing protection letter, §8.7.C

CREDITORS

Contracts for deed, statutory cancellations, §25.6.C

CREEKS

ALTA survey requirements, §10.2.C

Government lots, §10.1.C

CRIMES AND OFFENSES

Real estate licensees, notice to Commissioner, §2.14.B.4

CURATIVE ACTS

Title clearance, §9.3.E

Title examination, 40-year source of title, §9.2.C.4

Title standards, noncompliance, §9.2.B

CURRENT FACTS

Representations, §4.3.H

D**DAMAGES**

Actual damages, §14.5.A

Actual vs. liquidated damages, §14.5.B

Contracts for deed

Purchaser remedies, §25.5.A.4

Seller remedies, §25.5.B.2

Failure to disclose

Hazardous substances, §4.4.D.4

Methamphetamine production on property, §4.4.C.3

Seller disclosures, §8.2.C

Septic systems, §4.4.B.3

Storage tanks, §4.4.E.3

Liquidated damages, §14.5.B

Out-of-pocket damages, misrepresentation, §4.3.E.3

Out-of-pocket rule, fraud and misrepresentation, §14.7

Purchase agreements, breach of warranty, §4.5.A

Remedies

Breach of special covenants, §4.2.C.1

Default, §14.5

Misrepresentation, §4.3.E.3

Seller liens, §14.5.C

DEBT

Defined, mortgage registration tax, §13.4.A

Financing documents, underlying debt information, §26.6.D

Section 1031 exchanges

Buyer financing of relinquished property, §23.11.C

Post-exchange financing, §23.11.B

Pre-exchange financing, §23.11.A

DEBT CANCELLATION

Income tax, debt restructuring, §5.2.H

DEBT RESTRUCTURING

Income tax, §5.2.H

DECEPTIVE PRACTICES

Dual agency, real estate licensees, §2.3.B

Real estate licensee, fraudulent, deceptive, or dishonest practices, §2.13

Real estate licensees, fraudulent, deceptive, or dishonest practices, §2.14.D.11

DECLARATIONS

Common interest communities (CICs)

Common element license/lease/easement, §18.5.B.1

Declaration of covenants, easements, and restrictions, §18.3.D

Limited common elements, §18.5.B.2

DECLARATORY CANCELLATION

Cancellation of purchase agreements, statutory procedures under Minn. Stat. §559.217, §6.3.C

DECLARATORY JUDGMENT

Contracts for deed, judicial termination, §25.5.B.3

DECREE OF DISTRIBUTION

Probate proceedings, deeds and conveyances, §13.2.B.7

DEDICATIONS

Defined, development agreements, §21.5.A.1

DEED IN LIEU OF FORECLOSURE

Deed tax, §13.3.A.4

DEED TAX

Generally, §13.3

Allocation, closing documents, §12.3.A.1

Application of law, §13.3

Calculation

Net consideration, §13.3.A.1

Required tax payment, §13.3.A.2

Commercial real estate, settlement statements, §12.4.A.4

Corrective deeds, §13.3.C.1

Deed in lieu of foreclosure, §13.3.A.4

Eminent domain, §13.3.A.4

Exchanges, §13.3.A.4

Exemption procedures, deed in lieu of foreclosure, §13.3.A.4

Exemptions, §13.3.B

American Indians, §13.3.B.13

Bankruptcy, §13.3.B.14

Cemetery lots, §13.3.B.6

Contracts for deed, §13.3.B.1

Conveyances involving federal government, §13.3.B.5

Dissolution of marriage, §13.3.B.11

Easements, §13.3.B.10

Foreclosure and redemption, §13.3.B.9

Leases, §13.3.B.4

Mortgages, §13.3.B.2

Partition of property, §13.3.B.8

Subdivision plats, §13.3.B.3

Transfer on death deeds, §13.3.B.12

Forms, Revenue Department Form DT2, Appendix B following §13.6.B

Gifts, §13.3.C.3

Like-kind exchanges, §13.3.A.4

Minimum deed tax situations, §13.3.C

Corrective deeds, §13.3.C.1

Designated transfers, §13.3.C.2

Gifts, §13.3.C.3

Net consideration, §13.3.A.1

Payment procedures, §13.3.A.3

Recording documents, common errors in documents, §13.6.A

Revenue Department Form DT1, Appendix A following §13.6.B

Section 1031 exchanges, §13.3.A.4

Severed mineral rights, §13.3.A.4

Standing timber, §13.3.A.4

Statewide recording fees, chart, Appendix F following §13.6.B

DEEDS AND CONVEYANCES

Certificates of real estate value (CRVs), designated transfer, §13.2.B.1

Checklists, conveyancing CIC property checklist, Appendix A following §18.8.C

Closing documents, §12.3.A
 Common interest communities (CICs), §18.4.B
 Auxiliary units, §18.4.C.1
 Common element licenses, §18.4.C.3
 Limited common elements, §18.4.C.2
 Unique characteristics, §18.4
 Contracts for deed, §§25.1 to 25.7
 Conveyances involving federal government, deed tax exemptions, §13.3.B.5
 Conveyancing documents
 Condominiums, §18.4.B.1
 Cooperatives, §18.4.B.3
 Planned communities, §18.4.B.2
 Corrective deeds, minimum deed tax situations, §13.3.C.1
 Deed tax, §13.3
 Electronic recording, §13.5
 Foreclosure, §13.2.B.7
 Lakeshore property, boundary lines, §19.6
 Legal descriptions, measurement accuracy, §9.2.C.1
 Limited warranty deeds, §12.3.A.1
 Minnesota uniform conveyancing forms, §1.5
 Personal property cooperatives, attorney duties, §18.4.A.3
 Probate, §13.2.B.7
 Purchase agreements vs. contracts for deed, §25.1.A
 Quit claim deeds, §12.3.A.1
 Recording checklist, Appendix D following §13.6.B
 Recording documents, §13.2.B
 Bankruptcy, §13.2.B.7
 Certificate of real estate value, §13.2.B.1
 Corporations, §13.2.B.8
 Delinquent real estate taxes, §13.2.B.4
 Individuals, §13.2.B.8
 Powers of attorney, §13.2.B.8
 Sheriff's certificate of sale on execution or foreclosure, §13.2.B.4
 Special entities, §13.2.B.8
 Standard form use, §13.6.B
 Tax parcel split/subdivision, §13.2.B.5
 Tax statements, §13.2.B.3
 Well disclosures, §13.2.B.6
 Special entities, §13.2.B.8
 Special situations, §13.2.B.7
 Spousal execution, closing documents, §12.3.A.1
 State deed tax, §13.2.B.2
 Subdivision, conveyance of part of tax parcel, §10.4.C
 Title clearance, §9.3.B
 Corrective instruments, §9.3.D
 Torrens property
 Approval for recording documents, §13.1.A.5
 Involuntary transfers of property, §13.1.A.2
 Types of deeds, §12.3.A.1
 Uniform Conveyancing Blanks (UCBs), §13.6.B
 List of forms available, Appendix E following §13.6.B
 Warranty deeds, §12.3.A.1
 Well disclosure statements, closing documents, §12.3.A.1
 Wells, certificates and deed statements, §4.4.A.5

DEEDS OF DISTRIBUTION
 Deed tax, exemptions, §13.3.B.7

DEFAULT

Financing documents
 Loan agreements, §26.3.F
 Promissory note, §26.5.D
 Security agreements, §26.9.E
 Guaranties, financing documents, §26.8.H
 Mortgages, financing documents, §26.6.J
 Promissory note, default interest rates, §26.5.G
 Remedies, §§14.1 to 14.14
 Subordination, nondisturbance, and attornment agreements (SNDAs), notice and extended cure period, §26.11.B

DEFECTS IN TITLE

Title insurance
 Exclusions from coverage, §9.4.C.5
 Owner's policy coverage, §9.4.C.2

DEFENSES

Cancellation of purchase agreement, defenses to cancellation, §6.2.B.2
 Financing documents, waiver of defenses and rights, §26.8.E
 Hazardous substances, liability, §4.4.D.5

DEFERRED EXCHANGE

Defined, section 1031 exchanges, §23.6

DEFERRED TAXES

Green Acres program, §11.5.B, §11.6.A
 Metropolitan Agricultural Preserves Act, §11.6.D
 Minnesota Open Space Property Tax Law, §11.6.C
 Section 1031 exchanges, §§23.1 to 23.15

DEFICIENCY JUDGMENTS

Buyer options on foreclosed property, purchase sheriff's certificate and deficiency judgments, §22.6.C.3

DEFINITIONS

Accede, riparian rights, §19.5.E
 Accessory building, §21.4.E.1
 Accessory use, §21.4.E.1
 Accretion, riparian rights, §19.5.E
 Affiliated business arrangement, §8.3.F.3
 Agricultural homestead, §11.3.A.4
 Alluvion, riparian rights, §19.5.E
 Amount realized, income tax, §5.2.B
 Associates, affiliated business arrangement, §8.3.F.3
 Attornment agreements, financing documents, §26.11.A
 Auxiliary units, §18.4.C.1
 Avulsion, riparian rights, §19.5.E
 Block, §10.1.D
 Boot, section 1031 exchanges, §23.3
 Borrower's loan commitment, financing contingencies, §8.4.A.2
 Bounds, legal descriptions, §10.1.A
 Building standards, Chapter 327 warranty coverage, §17.5.C.1
 CAM contributions, retail/office property, §20.2.B
 Capital assets, §5.2.A
 Capitalization rate, market value, §11.4.B
 CIC, §18.2.A
 CIC plat, §18.2.F
 Comprehensive municipal plans, §21.4.D.1
 Conditional use, §21.4.E.1
 Condominium, §18.2.C
 Consideration, deed tax, §13.3.A.1
 Contamination tax, §11.6.H
 Contract for deed, §25.1

- Contract price, installment sales, §5.3.B
- Controlled business arrangements, §8.3.F.2
- Cooperative, §18.2.D
- Covenants, §4.2.A
- Debt, mortgage registration tax, §13.4.A
- Dedications, development agreements, §21.5.A.1
- Deferred exchange, section 1031 exchanges, §23.6
- Designated transfer, certificates of real estate value (CRVs), §13.2.B.1
- Development agreement, construction loan agreements, §17.4.A.3
- Disqualified persons, section 1031 exchanges, §23.6.C.2
- Distressed property, §22.1
- Drainage easement, §10.1.D
- Dual agency, real estate licensees, §2.3.B
- Dwelling, Chapter 327 warranty coverage, §17.5.C.1
- Effective tax rate, §11.3
- Estimated market value, rural preserves program, §11.6.B
- Exclusive, commercial real estate, §7.2.B.3
- Executory period, purchase agreements, §3.1
- Facilitators, §2.6
- First class cities, §21.4.A
- Flood fringe, §10.3.C.1
- Floodplain, §10.3.C.2
- Floodway, §10.3.C.3
- Fourth class cities, §21.4.A
- Fraudulent, deceptive, or dishonest practices, §2.13
- Government agencies, §21.6
- Gross profit, installment sales, §5.3.B
- Home rule charter cities, §21.4.A
- Homestead property, §11.3.A.1
- Indemnity, §4.6.A
- Insurable title, §9.2.A
- Insured, ALTA standard policies, §9.4.C.6
- Knowledge, ALTA standard policies, §9.4.C.6
- Letter of intent, §15.2.A
- Levy, real estate taxes, §11.5.A
- Like-kind, section 1031 exchanges, §23.2.D
- Limited common elements, §18.4.C.2
- Lot, §10.1.D
- Major construction defect, Chapter 327 warranty coverage, §17.5.C.1
- Market value, real estate taxes, §11.4
- Marketable title, §8.6.A, §9.2.A
 - Remedies, §14.10.A.1
- Material fact
 - Real estate licensee disclosure, §2.7.A.4
 - Seller disclosures, §8.2.A.4
- Meander lines, §10.1.J
- Minor subdivision procedure, §10.1.D
- Mortgage, mortgage registration tax, §13.4.A
- Multistate mortgage, mortgage registration tax, §13.4.A
- Natural breakpoint, percentage rent, §20.4.A.2
- Natural person, §9.4.C.3
- Nonconforming use, §21.4.E.1
- Nondisturbance agreements, financing documents, §26.11.A
- Novation, §3.7
- Off-site improvements, development agreements, §21.5.A.3
- Off-site source determinations, MPCA, §24.4.A.2
- Official controls, §21.4.B
- On-site improvements, development agreements, §21.5.A.2
- 100-year flood elevation, §10.3.C.4
- Option to purchase, §16.2.A
- Ordinary high water level, §10.3.F
- Out of pocket loss, §4.3.E.3
- Outlot, §10.1.D
- Period of nonqualified use, primary residence, §5.4.A.2
- Permitted use, §21.4.E.1
- Personal property, §11.2
- Phase I investigations, §7.3.C.1
- Planned community, §18.2.E
- Planned unit developments (PUDs), §21.4.E.6
- Plat, §10.1.D, §21.4.F.2
- Plat monument, §10.1.D
- Practical difficulties, §21.4.E.5
- Pre-approval, financing contingencies, §8.4.A.2
- Primary broker, §2.1.D
- Privity of contract, §3.7
- Privity of estate, §3.7
- Promissory estoppel, §15.4.C
- Proprietary lease, §18.2.D, §18.2.G
- Protective lists, listing agreements, §2.8.B
- Public records, ALTA standard policies, §9.4.C.6
- Public waters, §19.5.J
- Public waters wetlands, §10.3.C
- Public way, §10.1.D
- Qualified acquisition debt, itemized deductions, §5.4.B.2
- Qualified home equity debt, itemized deductions, §5.4.B.3
- Qualified residence, itemized deductions, §5.4.B.1
- Qualifying indebtedness, installment sales, §5.3.B
- Rate lock, financing contingencies, §8.4.A.2
- Real estate broker, §2.1.C
- Real property, §11.2
- Recede, riparian rights, §19.5.E
- Registered land surveys, §10.4.B
- Related-party sales, installment sales, §5.3.E
- Relative homestead, §11.3.A.2
- Reliction, riparian rights, §19.5.E
- Representations, §4.3.A
- Responsible person
 - Minnesota Petrofund, §24.4.B
 - Real estate companies, §2.1.B
- Right of first offer, §16.4.A
- Right of first refusal, §16.3.A
- Riparian rights, §19.5.E
- Second class cities, §21.4.A
- Source of title, §9.2.C.4
- Special covenants, §4.2.B
- Special use, §21.4.E.1
- Special use permit, §21.4.E.1
- Spot zoning, §21.4.E.1
- Spousal homestead, §11.3.A.3
- Statutory cities, §21.4.A
- Structurally substandard, redevelopment districts, §11.6.F.1
- Subdivision, §10.4.C
 - Tax parcel split/subdivision, §13.2.B.5
- Subordination agreements, financing documents, §26.11.A
- Survey line, §10.1.D

- Sworn construction statement, construction loan agreements, §17.4.A.3
- Third class cities, §21.4.A
- Total project cost statement, construction loan agreements, §17.4.A.3
- Trust accounts, real estate licensee, §2.10.A
- Unforeseen circumstances, home sale tax gains, §5.4.A.6
- Unit, §18.2.B
- Urban towns, §21.4.A
- Usable square feet, office property, §20.5.A
- Utility easement, §10.1.D
- Variance, §21.4.E.1
- Vendees, Chapter 327 warranty coverage, §17.5.C.1
- Vendors, Chapter 327 warranty coverage, §17.5.C.1
- Warranty, §4.5.A
- Warranty date, Chapter 327 warranty coverage, §17.5.C.1
- Water boundary, §10.1.D
- Wet land, §10.1.D
- Wetlands, §10.3.C
- Witness monument, §10.1.D
- DELAYS**
 - Specific performance, practical considerations, §14.6.C
- DELINQUENT REAL ESTATE TAXES**
 - Bankruptcy, recording documents, §13.2.B.7
 - Recognizing distressed property, §22.3
- DEPRECIATION**
 - Cost recovery, §5.2.E.3
 - Cost-segregation studies, §5.2.E.2
 - Depreciable lives, personal vs. real property, §5.2.E.2
 - Income tax, §5.2.E
 - Adjustments to basis, §5.2.C.2
 - Methods of depreciation, §5.2.E.1
 - Recapture, §5.2.E.3
- DESIGNATED TRANSFERS**
 - Defined, certificates of real estate value (CRVs), §13.2.B.1
 - Forms, Revenue Department Form DT2, Appendix B following §13.6.B
 - Minimum deed tax situations, §13.3.C.2
- DEVELOPMENT**
 - Real estate professionals, exceptions to tax rules, §5.2.F
- DEVELOPMENT AGREEMENTS**
 - Defined, construction loan agreements, §17.4.A.3
 - Development property purchases, project design requirements, §21.3
- DEVELOPMENT PROPERTY PURCHASES**
 - Generally, §§21.1 to 21.9
 - Changing or adopting zoning ordinances, role of attorney, §21.4.E.2
 - Comprehensive municipal plans, §21.4.D.1
 - Role in land use controls/approval, §21.4.D.3
 - Conditional use permits, §21.4.E.4
 - Dedicated land use and fees in lieu of, §21.4.F.5
 - Development agreements, §21.5.A
 - Building permit conditions, §21.5.A.6
 - Certificate of occupancy, §21.5.A.6
 - Conditional use permits, §21.5.A.9
 - Dedications, §21.5.A.1
 - Indemnification, §21.5.A.8
 - Negotiating terms, §21.5.B
 - Off-site improvements, §21.5.A.3
 - Off-site improvements by government, §21.5.A.4
 - On-site improvements, §21.5.A.2
 - Remedies, §21.5.A.8
 - Special assessments, §21.5.A.4
 - Terms, §21.5
 - Use and building restrictions, §21.5.A.7
 - Variations, §21.5.A.9
 - Financing documents, disbursing agreements, §26.13
 - Forms, zoning letter, Appendix C following §21.9.E
 - Government agencies, equitable estoppel, §21.7
 - Government approval process, §21.2
 - Land use controls, §21.4
 - Local government unit distinctions and powers, §21.4.A
 - Planned unit developments, §21.4.E.6
 - State and federal agencies, §21.8
 - Subdivision ordinances, §21.4.F
 - Zoning ordinances, §21.4.E
 - Zoning terminology, §21.4.E.1
 - Land use requests, 60-day response rule, §21.6
 - Lists
 - Initial inquiries of local government, Appendix B following §21.9.E
 - Initial questions for client, Appendix A following §21.9.E
 - Moratorium circumstances, §21.4.C
 - Official controls, §21.4.B
 - Planned use development agreements, negotiations, §21.5.B
 - Project design requirements, §21.3.B
 - Access to property, §21.3.C
 - ATLA owner's policy endorsements, §21.3.B
 - Building height, size, exterior, and lighting, §21.3.B
 - Investigations, §21.3
 - Outdoor area use, §21.3.D
 - Parking areas, §21.3.C
 - Signage, trade logos, and awnings, §21.3.A
 - Zoning endorsements, §21.3.B
 - Purchase agreements
 - Considerations, §21.9
 - Contingencies for architectural approval, §21.9.D
 - Contingencies for land use, §21.9.D
 - Contingencies for physical characteristics of property, §21.9.C
 - Contingencies for user approvals, §21.9.E
 - Credits for conditions increasing development cost, §21.9.A.2
 - Deferred assessments, §21.9.A.3
 - Environmental contingencies, §21.9.C.2
 - Form zoning letter, Appendix C following §21.9.E
 - Initial inquiries of local government, Appendix B following §21.9.E
 - Initial questions for client, Appendix A following §21.9.E
 - Net acreage price, §21.9.A.1
 - Purchase price considerations, §21.9.A
 - Soil condition contingencies, §21.9.C.1
 - Special easement requirements, §21.9.B
 - Survey contingencies, §21.9.C.3
 - Title contingencies, §21.9.C.3
 - Special assessments, security for payment, §21.5.A.5
 - Subdivision ordinances, §21.4.E.1, §21.4.F
 - Dedicated use and fees in lieu of, §21.4.F.5
 - Disclosure of platting necessity, §21.4.F.6

- Extending vested rights, §21.4.F.4
- Financial requirements, §21.4.F.1
- Platting, §21.4.F.2
- Regulatory authority and scope, §21.4.F.1
- Subdivision approval process, §21.4.F.3
- Vested rights, §21.4.F.4
- Subdivisions, written agreements with local government, §21.5
- Understanding client goals for property, §21.2
- Vanilla shell interiors, §21.3
- Variances, §21.4.E.5
 - Provisions for requesting, §21.4.F.3
- Vested rights
 - Duration after approval of subdivision, §21.4.F.4
 - Extending rights for project, §21.4.F.4
- Zoning ordinances
 - Administrative or judicial review of decisions, §21.4.E.3
 - Changing or adopting process, §21.4.E.2
 - Conditional use permits, §21.4.E.4
 - Scope of regulatory authority, §21.4.E.1
 - Town vs. county ordinances, §21.4.E.1
 - Variances, §21.4.E.5
- DEVELOPMENT SALES**
 - Retail/office property, new leases and lease amendments, §20.3.C
- DISABILITIES. See PERSONS WITH DISABILITIES**
- DISBURSING AGREEMENTS**
 - Financing documents, §26.13
- DISCIPLINARY ACTIONS**
 - Real estate licensees, notice to Commissioner, §2.14.B.3
- DISCLAIMERS**
 - “As is” provisions, purchase agreements, §4.7
 - Retail/office property, estoppel certificates, §20.3.B
- DISCLOSURE**
 - Aboveground or underground storage tanks, owner notification requirements in Minn. Stat. §116.48, Appendix A following §24.4.C
 - Charts, required disclosures summary, Appendix A following §8.7.D
 - Common interest communities (CICs), §18.6
 - Disclosure exempt conveyances, §18.6.A
 - Disclosure obligations, §18.6.B.1
 - Disclosure statements, §18.6.B.2
 - Failure to disclose penalties, §18.6.B.3
 - Master developer disclosures, §18.6.D
 - Purchaser cancellation rights, §18.7
 - Resale disclosure certificates, §18.6.C
 - Contracts for deed, multiple property sellers, §25.7.D
 - Development property purchases, disclosure of platting necessity, §21.4.F.6
 - Dual agency, real estate licensees, §2.3.B
 - Due diligence, commercial real estate, §7.3.A
 - Environmental concerns, §24.2
 - Asbestos-containing materials, §24.2.E
 - Hazardous waste disposal, §24.2.D
 - Lead-based paint, §24.2.F
 - Methamphetamine production, §24.2.G
 - Septic systems, §24.2.B
 - Sewage treatment systems, §24.2.B
 - Underground storage tanks, §24.2.C
 - Wells, §24.2.A
 - Failure to disclose, §4.3.D.2
 - Gopher Oil, §4.7.B
 - Fiduciary duties, real estate licensees, §2.3.C
 - Forms
 - Methamphetamine production on property, §4.4.C.4
 - MPCA change of UST ownership notice, Appendix C following §24.4.C
 - MPCA environmental covenant under UECA, Appendix D following §24.4.C
 - Well disclosure certificates, §4.4.A.6
 - Interstate Land Sales Full Disclosure Act (ILSA), §14.13
 - Lakeshore property, subsurface sewage treatment systems, §19.3.A.2
 - Lead-based paint, statutory disclosure requirements, §4.4.F
 - Mortgages, financing costs, §8.4.C
 - New construction, purchase agreement checklist, §17.5.D.4
 - Purchase agreements, residential real estate, §3.8.A
 - Purchase process, §1.4
 - Real estate licensees, §8.3
 - Buyer/broker agreements, §2.5
 - Statutory requirements, §2.7.A
 - Recording documents, well disclosures, §13.2.B.6
 - Residential real estate
 - Common interest communities disclosures, §12.5.C.2
 - Individual sewage treatment system disclosure, §12.5.C.1
 - Required disclosures, §12.5.C
 - Truth in lending disclosure, §12.5.B
 - Seller disclosures, §8.2
 - Settlement costs, disclosure to buyer, §8.4.B
 - Statutory disclosure requirements, §4.4
 - Hazardous substances, §4.4.D
 - Lead-based paint, §4.4.F
 - Methamphetamine production on property, §4.4.C
 - Miscellaneous residential disclosures, §4.4.G
 - Septic systems, §4.4.B
 - Storage tanks, §4.4.E
 - Unique knowledge of seller, §1.4
 - Wells, §4.4.A
 - Failure to comply effect, §4.4.A.8
 - Lakeshore property, §19.3.B.1
- DISSOLUTION OF MARRIAGE**
 - Deed tax, exemptions, §13.3.B.11
 - Mortgage registration tax, exemptions, §13.4.D.1
 - Title clearance, §9.3.A
 - Torrens property, approval for recording documents, §13.1.A.5
- DISTANCES**
 - Legal descriptions, §9.2.C.1
- DISTRESSED PROPERTIES**
 - Bankruptcy, section 363 free and clear sales, §22.10.E
 - Buyer options on foreclosed property
 - Purchase at foreclosure sale, §22.6.C.2
 - Purchase fee title, §22.6.C.5
 - Purchase of loan, §22.6.C.1
 - Purchase seller right of redemption, §22.6.C.4
 - Purchase sheriff’s certificate and deficiency judgments, §22.6.C.3
 - Due diligence, purchase from lender, §22.8
 - Foreclosure properties, considerations, §22.6
 - Negotiating with lender, §22.7

- Calculating lender price, §22.7.B
- Lender outlook, §22.7.B
- Seller perspective, §22.7.A
- Nonforeclosure properties, considerations, §22.5
- Purchase agreement drafting considerations, Appendix A following §22.10.F
- Purchase of property in bankruptcy, §22.10
 - Automatic stay, §22.10.C
 - Effect on purchase, §22.10.D
 - Executory contracts, §22.10.B
 - Free and clear sales, §22.10.E
 - Interest bought, §22.10.E
 - Sale orders from court, §22.10.F
 - Section 363 free and clear sales, §22.10.F
 - Type of bankruptcy, §22.10.A
- Purchasing foreclosed property
 - Buyer options, §22.6.C
 - Lender interest, §22.6.B
 - Seller interest, §22.6.A
- Title insurance, §22.9
- DISTRESSED PROPERTY**
 - Generally, §§22.1 to 22.10
 - Defined, §22.1
 - Due diligence, §22.4
 - Mortgage status, §22.4.C
 - Property taxes, §22.4.A
 - Title examination, §22.4.B
 - Managing client expectations, §22.2
 - Nondistressed vs. distressed property purchases, §22.2
 - Recognizing distressed property, §22.3
- DNR (NATURAL RESOURCES DEPARTMENT)**
 - Land use controls, §21.8
- DOCKS**
 - Lakeshore property, riparian rights, §19.5.I
- DOCTRINE OF APPORTIONMENT**
 - Ambiguities, legal descriptions, §10.1.J
- DOCUMENT REVIEW**
 - Closing process, due diligence, §8.7.D
- DRAFTING**
 - Contracts for deed, §25.2
 - Distressed properties, purchase agreement drafting considerations, Appendix A following §22.10.F
 - Financing documents
 - Limitations on guaranty, §26.8.D
 - Subordination of guarantor claims, §26.8.F
 - Waiver of defenses and rights, §26.8.E
 - Forms, letter of intent, Appendix A following §15.5
 - Legal descriptions, §10.1.K
 - Composition standards and rules, §10.1.K.1
 - Letter of intent
 - Enforceability, §15.3.B
 - Language reflecting intent to be bound, §15.5
 - Mortgages, warranties of title, §26.6.E
 - Opinion of counsel
 - Assumptions, §26.14.E
 - Definitions, §26.14.D
 - Document review, §26.14.C
 - Introduction, §26.14.B
 - Opinions, §26.14.F
 - Qualifications, §26.14.G
 - Real Estate Opinion Letter Guidelines, §26.14.G
 - Options, §16.1
 - Promissory note, prepayment restrictions, §26.5.F
 - Purchase agreement drafting considerations, distressed properties, Appendix A following §22.10.F
- DRAINAGE EASEMENT**
 - Defined, §10.1.D
- DRAWINGS**
 - Boundary line surveys, §10.2.A
- DUAL AGENCY RELATIONSHIPS**
 - Real estate licensee disclosures
 - Applicable transactions, §8.3.A.1
 - Dual agency circumstances, §8.3.A.4
 - Real estate licensees, §2.3
- DUE DILIGENCE**
 - Generally, §8.4
 - Aboveground or underground storage tanks, owner notification requirements in Minn. Stat. §116.48, Appendix A following §24.4.C
 - “As is” provisions, §8.5.E
 - Bona fide prospective purchasers, federal Brownfields amendments, §24.3.A.1
 - Closing process, §8.7
 - Attendance of counsel, §8.7.E
 - Buyer’s instructions, §8.7.B
 - Closing instructions, §8.7.B
 - Closing protection letter, §8.7.C
 - Document review, §8.7.D
 - Documentation, §8.7.A
 - Post-closing follow-up, §8.7.F
 - Seller’s instructions, §8.7.B
 - Timetable, §12.2.B
 - Commercial real estate, §§7.1 to 7.4
 - Access to property, §7.1.C
 - Americans with Disabilities Act (ADA) issues, §7.3.D.3
 - Archaeological conditions, §7.3.D.5
 - Checklist use, §7.4.A
 - Checklists, §7.4.B
 - Contract review, §7.2.A
 - Document review, §7.2
 - Financial records, §7.2.C
 - Financing contingencies, §7.1.D
 - Historical conditions, §7.3.D.5
 - Land use, §7.3.B
 - Lease review, §7.2.B
 - License review, §7.2.A
 - Parking needs, §7.3.D.1
 - Phase I investigations, §7.3.C.1
 - Physical condition, §7.3
 - Property documents, §7.2.C
 - Purpose, §7.1.A
 - Responsibilities, §7.1.A
 - Role of lawyer, §7.1.E
 - Seller corrections limitations, §7.1.B
 - Signage, §7.3.D.6
 - Soil conditions, §7.3.D.2
 - Timing, §7.1.B
 - Title and survey, §7.2.D

- Utilities, §7.3.D.4
- Condition of property, §8.5
 - Environmental concerns, §8.5.C
 - Property inspections, §8.5.B
 - Seller disclosure requirements, §8.5.A
 - Waiver of disclosure, §8.5.A.1
- Contiguous property, federal Brownfields amendments, §24.3.A.1
- Contingencies, property inspection contingency, §8.5.B.1
- Distressed property
 - Mortgage status, §22.4.C
 - Purchase from lender, §22.8
 - Real estate taxes, §22.4.A
 - Title examination, §22.4.B
- Environmental concerns, §24.3
 - Appropriate investigations, §24.3.B.1
 - ASTM Standard Practice 1527-13, §24.3.B.1
 - Federal Brownfields amendments, §24.3.A.1
 - Federal liability for hazardous substance release, §24.3.A
 - Lead-based paint, §8.5.C.3
 - Lender liability, §24.3.A.2
 - Liens and encumbrances, §24.3.A.3
 - MERLA liability and defenses, §24.3.A.3
 - Nonscope considerations, §24.3.D
 - Phase I environmental site assessments, §24.3.B
 - Phase I inspections, §8.5.C.1
 - Radon, §8.5.C.2
 - Release reporting requirements, §24.3.C
 - State liability for hazardous substance release, §24.3.A
- Financing
 - Contingencies, §8.4.A
 - Mortgage costs, §8.4.C
 - Settlement costs, §8.4.B
- Financing contingencies, §8.4.A, §8.4.A.2
 - MSBA vs. MAR forms, §8.4.A.1
 - Purpose of contingency, §8.4.A.1
 - Terminology, §8.4.A.2
- Forms
 - MPCA environmental covenant under UECA, Appendix D following §24.4.C
 - Property inspection contingency, §8.5.B.1
- Innocent purchase defenses, federal Brownfields amendments, §24.3.A.1
- Lakeshore property, §19.3
 - Fluctuating lake levels, §19.3.E
 - Methamphetamine production, §19.3.F
 - Mold and mildew, §19.3.C
 - Proximity to agricultural operations, §19.3.G
 - Subsurface sewage treatment systems, §19.3.A
 - Wells, §19.3.B
- Office property
 - Leasing plan, §20.5.B
 - Rentable square feet, §20.5.A
 - Tenant estoppel certificate, Appendix A following §20.5.B
- Option to purchase, enforceable agreement terms, §16.2.C.2
- Professional inspections, impact, §8.2.A.6, §8.2.A.7
- Property inspection contingency, §8.5.B.1
- Property inspections, §8.5.B
 - Government-mandated inspections, §8.5.B.2
 - Impact on required disclosures, §8.5.B.3
- Protections, federal Brownfields amendments, §24.3.A.1
- Purchase agreements, commercial real estate, §3.3.A
- Purchase process, §1.4
- Retail/office property, §20.2
 - Assignment of leases, §20.3.D.3
 - Budgets, §20.2.B
 - CAM contributions, §20.2.B
 - Estoppel certificates, §20.3.B
 - Examination of leases, §20.3.A
 - Fixed or minimum rent proration, §20.3.D.1
 - Lease agreements, §20.2.D
 - Leasing commissions, §20.2.E
 - New leases and lease amendments, §20.3.C
 - Operating statements, §20.2.A
 - Prorations, §20.3.D
 - Rent rolls, §20.2.D
 - Service and management agreements, §20.2.C
 - Tenant improvement obligations, §20.2.F
 - Tenant operating expenses proration, §20.3.D.3
- Retail property, §20.4
 - Anchor tenants, §20.4.F
 - Continuous operations requirements, §20.4.B
 - Exclusivity of product category agreements, §20.4.C
 - Gross leased and occupied area (GLOA) rent calculation, §20.4.E
 - Market rate rent, §20.4.A.1
 - Percentage rent, §20.4.A
 - Required percentage for rent, §20.4.A.3
 - Sales breakpoints for percentage rent, §20.4.A.2
 - Sales subject to percentage rent, §20.4.A.4
 - Trade name operations, §20.4.G
 - Verification/audit of tenant sales reports, §20.4.A.5
- Seller representations, buyer request considerations, §4.3.G
- Settlement costs, disclosure to buyer, §8.4.B
- Timing, property inspection, §8.5.B.1
- Title to property, §8.6
 - Buyer's title commitment review, §8.6.D.2
 - Evidence of title, §8.6.B
 - Form of title commitment, §8.6.C
 - Form/substance of objections, §8.6.D.2
 - Making title objections, §8.6.D
 - Purpose of review, §8.6.A
 - When to make objections, §8.6.D.1
- Walk-through inspection on day of closing, §8.5.D
- "DUE ON SALE" CLAUSES**
 - Mortgages, financing documents, §26.6.J
- DWELLING**
 - Defined, Chapter 327 warranty coverage, §17.5.C.1
- E**
- EARLY NEUTRAL THIRD PARTIES**
 - Remedies, §14.9
- EARNEST MONEY**
 - Actual damages, §14.5.A
 - Cancellation of purchase agreement
 - Buyer traps, §6.3.E.1
 - Effect of cancellation, §6.2.C
 - Seller traps, §6.3.E.2
 - Commercial real estate
 - Escrow of earnest money, §3.9.B

- Settlement statements, §12.4.A.2
- Consideration, purchase agreements, §3.3.B
- Contracts for deed, earnest money contracts compared, §25.1.A
- Insufficient funds checks, §2.10.D
- New construction, purchase agreement checklist, §17.5.D.3
- Real estate licensee, trust accounts, §2.10.B
- Remedies
 - Breach of special covenants, §4.2.C.1
 - Misrepresentation, §4.3.E.2
- Section 1031 exchanges, receipt/payment of earnest money, §23.6.D.1
- EASEMENTS**
 - Abstract property system vs. Torrens property system, §13.1.A.2
 - Chapter 505 plats, §10.4.A
 - Commercial real estate
 - New construction, §17.3.A.2
 - Survey review, §7.2.D
 - Common interest communities (CICs), common element license/lease/easement, §18.5.B.1, §18.8.B
 - Deed tax, exemptions, §13.3.B.10
 - Development property purchases, project design requirements, §21.3.A
 - Drainage easement, §10.1.D
 - Income tax, adjustments to basis, §5.2.C.2
 - Lakeshore property
 - Boundary lines, §19.6
 - Public access, §19.7.B
 - Legal descriptions, §10.1.J
 - Surveys
 - Auditor's subdivision plats, §10.3.A.8
 - Conservation easements, §10.3.A.12
 - Creation of easement, §10.3.A.2
 - Private roadways, §10.3.A.4
 - Registered land survey, §10.3.A.9
 - Right-of-way plats, §10.3.A.6
 - Semantics, §10.3.A.10
 - Strip descriptions, §10.3.A.11
 - Town road maps, §10.3.A.5
 - Type of easement, §10.3.A.1
 - Utilities, §10.3.A.3
 - Title examination, §9.2.C.4
 - Title examination process, abstract property system, §9.2.C.4
 - Title insurance, ALTA standard policies, §9.4.C.1
 - Torrens property, registering title, §13.1.A.3
- EAT (EXCHANGE ACCOMMODATION TITLEHOLDER)**
 - Reverse section 1031 exchanges safe harbor, §23.7.A
- ECONOMIC DEVELOPMENT DISTRICTS**
 - Tax increment financing (TIF), §11.6.F.4
- EDUCATION**
 - Real estate licensees
 - Continuing education, §2.2
 - Licensing process, §2.1.N
 - Pre-licensing requirements, §2.1.N
- EFFECTIVE TAX RATE**
 - Defined, §11.3
- EJECTMENT ACTIONS**
 - Title clearance, court orders, §9.3.G
- ELECTION OF REMEDIES DOCTRINE**
 - Generally, §14.2.A
- Contracts for deed, seller remedies, §25.5.B
- ELECTRIC LIGHT AND POWER COMPANIES**
 - Real estate taxes, separately taxed property categories, §11.3
- ELECTRONIC RECORDING**
 - Generally, §13.5
 - Documents eligible, §13.5
 - Written documents, §13.5
- EMINENT DOMAIN**
 - Deed tax, §13.3.A.4
 - Title insurance, exclusions from coverage, §9.4.C.5
- ENCROACHMENTS**
 - Lakeshore property, §19.6
- ENDORSEMENTS**
 - Development property purchases, project design requirements, §21.3.B
 - New construction, commercial real estate, §17.3.B.1
 - Title insurance, policy holder special needs, §9.4.C.7
- ENGINEERS**
 - Assignment of professional contracts, construction loan agreements, §17.4.A.3
- ENTRY ON LAND. See also ACCESS TO PROPERTY**
 - Letter of intent, binding provisions, §15.4.A.3
 - Mortgages, financing documents, §26.6.K
 - Surveys, plats, §10.1.D.5
- ENVIRONMENTAL CONCERNS**
 - Generally, §§24.1 to 24.4
 - Aboveground or underground storage tanks, owner notification requirements in Minn. Stat. §116.48, Appendix A following §24.4.C
 - Addressing contamination, §24.4
 - "As is" provisions
 - CERCLA claims for contribution, §4.7.A
 - Gopher Oil, §4.7.B
 - Closing documents, environmental documents, §12.3.A.11
 - Commercial real estate
 - Due diligence, §7.3.C
 - Further investigation, §7.3.C.2
 - Green certification, §17.3.A.2
 - Records review, §7.3.C.1
 - Site reconnaissance, §7.3.C.1
 - Condition of property, due diligence, §8.5.C
 - Contamination tax, §11.6.H
 - Development property purchases, purchase agreements, §21.9.C.2
 - Disclosure, §24.2
 - Asbestos-containing materials, §24.2.E
 - Hazardous waste disposal, §24.2.D
 - Lead-based paint, §24.2.F
 - Methamphetamine production, §24.2.G
 - Septic systems, §24.2.B
 - Sewage treatment systems, §24.2.B
 - Underground storage tanks, §24.2.C
 - Wells, §24.2.A
 - Due diligence, §24.3
 - Appropriate investigations, §24.3.B.1
 - ASTM Standard Practice 1527-13, §24.3.B.1
 - Federal Brownfields amendments, §24.3.A.1
 - Federal liability for hazardous substance release, §24.3.A
 - Lender liability, §24.3.A.2
 - Liens and encumbrances, §24.3.A.3

- MERLA liability and defenses, §24.3.A.3
- Nonscope considerations, §24.3.D
- Phase I environmental site assessments, §24.3.B
- Release reporting requirements, §24.3.C
- State liability for hazardous substance release, §24.3.A
- Financing documents, environmental indemnity, §26.12
- Forms
 - Aboveground/underground storage tank affidavit, Appendix B following §24.4.C
 - MPCA change of UST ownership notice, Appendix C following §24.4.C
 - MPCA environmental covenant under UECA, Appendix D following §24.4.C
- Indemnification, contracts for deed, §25.2.C.1
- Letters of intent, terms of letter, §15.2.B.8
- Mortgages, financing documents, §26.6.G
- Off-site source determinations, MPCA, §24.4.A.3
- Purchase agreement drafting considerations, distressed properties, Appendix A following §22.10.F
- Underground storage tanks, §24.4.B
 - Minnesota Petrofund, §24.4.B
- Uniform Environmental Restrictive Covenants Act (UECA), §24.4.C
- Voluntary cleanups, §24.4.A
 - Liability assurances, §24.4.A.2
 - Retroactive no association determinations, §24.4.A.3
 - Statutory liability assurances, §24.4.A.3
- ENVIRONMENTAL CONSULTANTS**
 - Due diligence, §24.3.B.1
- ENVIRONMENTAL INDEMNITY**
 - Financing documents
 - Indemnification, §26.12.D
 - Investigation and remediation, §26.12.C
 - Representations and warranties, §26.12.A
- ENVIRONMENTAL QUALITY BOARD (MEQB)**
 - Land use controls, §21.8
- ENVIRONMENTAL REVIEW**
 - Purchase process, §1.4
- ENVIRONMENTAL SITE ASSESSMENTS**
 - Contracts for deed, environmental concerns indemnification, §25.2.C.2
 - Due diligence, §24.3.B.1
- EPA (U.S. ENVIRONMENTAL PROTECTION AGENCY)**
 - Land use controls, §21.8
- EQUIPMENT LEASES**
 - Closing documents, operational documents, §12.3.A.9
 - Closing process, original documents for operation of property, §12.6.C
 - Commercial real estate, transfer of leases and rights, §3.9.C
 - Due diligence, commercial real estate, §7.3.A
- EQUITABLE CONVERSION DOCTRINE**
 - Cancellation of purchase agreements, statutory procedures, §6.2.A.2
 - Purchase agreements, §3.6.A
- EQUITABLE ESTOPPEL**
 - Application of law, government bodies or officials, §21.7
 - Land use requests, 60-day response rule, §21.6
 - Purchase agreements, statute of frauds exceptions, §3.3.C.1
- EQUITABLE INTERESTS**
 - Abandonment, remedies, §14.3.A
- EQUITABLE MORTGAGES**
 - New construction, purchase agreement checklist, §17.5.D.9
- ESCROW ACCOUNT DEPOSITS**
 - Commercial real estate
 - Escrow of earnest money, §3.9.B
 - Settlement statements, §12.4.A.11
 - Nondepositable items, §2.10.C
 - Purchase agreements, common interest communities (CICs), §18.5.C
 - Retail/office property, new leases and lease amendments, §20.3.C
 - Section 1031 exchanges, receipt of money or other property, §23.6.C.2
- ESTATES IN PROPERTY**
 - Section 1031 exchanges, property qualifying, §23.2.E
- ESTIMATED MARKET VALUE**
 - Defined, rural preserves program, §11.6.B
- ESTOPPEL**
 - Seller disclosures, statutory vs. common law claims, §8.2.B
- ESTOPPEL CERTIFICATES**
 - Closing documents, §12.3.A.7
 - Commercial real estate, tenant estoppel certificates, §3.9.A
 - Due diligence, retail/office property, §20.3.B
 - Office property, tenant estoppel certificate, Appendix A following §20.5.B
- ETHICS**
 - Commercial real estate, role of attorney, §1.3
 - Dual agency, real estate licensees, §2.3.B
- EVICITION**
 - Eviction proceedings, §14.11.B.2
 - Seller rights in buyer default, §14.11.B
 - Writ of recovery of premises, §14.11.B.1
- EXAMINATION OF TITLE. See TITLE EXAMINATION EXAMINATIONS**
 - Real estate licensees, state and national examinations, §2.1.O
- EXAMINER OF TITLES**
 - Torrens property
 - Approval for recording documents, §13.1.A.5
 - Examiner directives on records, §13.1.A.5
 - Recording involuntary instruments, §13.1.A.4
- EXCHANGE ACCOMMODATION TITLEHOLDER (EAT)**
 - Reverse section 1031 exchanges safe harbor, §23.7.A
- EXCLUSIVE**
 - Defined, commercial real estate, §7.2.B.3
- EXCLUSIVE AGREEMENTS**
 - Commercial real estate, lease agreements review, §7.2.B.3
 - Real estate licensees, exclusive agreement interference, §2.14.D.8
- EXCLUSIVITY**
 - Letter of intent, binding provisions, §15.4.A.2
 - Option to purchase, enforceable agreement terms, §16.2.C.2
- EXECUTORY CONTRACTS**
 - Bankruptcy, debtor choices, §16.6
 - Contracts for deed, executory vs. nonexecutory contract, §25.1
 - Distressed properties, purchase of property in bankruptcy, §22.10.B
 - Rescission, by action, §14.4.B
- EXECUTORY PERIOD**
 - Defined, purchase agreements, §3.1

EXPRESS WARRANTIES

New construction, common interest communities (CICs), §17.5.C.2

Purchase agreements, §3.4

EXTERIOR MATERIALS

Development property purchases, project design requirements, §21.3.B

F**FACILITATOR AGREEMENTS**

Real estate licensees, §2.6

FAIR HOUSING

Real estate licensees
Continuing education, §2.2.C

FAIR MARKET VALUE

Section 1031 exchanges, calculation, §23.3

FARM DEBTS

Income tax, cancellation of indebtedness effect, §5.2.G

FARM LAND

Agricultural homestead, §11.3.A.4
Separately taxed property categories, §11.3
Disclosures, resources, §8.1
Income tax, real estate professionals, §5.3.D
Minnesota Agricultural Property Tax Law, Green Acres program, §11.6.A
Mortgage registration tax, exemptions, §13.4.D.10
Right of first refusal, acquisition by lender, §16.3.E.5
Section 1031 exchanges, mixed-use property, §23.14.A
Tax due dates, §11.7

FEDERAL AGENCIES

Conveyances involving federal government, deed tax exemptions, §13.3.B.5
Mortgage registration tax, exemptions, §13.4.D.7

FEDERAL ENERGY REGULATORY COMMISSION (FERC)

Land use controls, §21.8

FEDERAL LAW

Lakeshore property, application of law, §19.2.A

FEES

Mortgages, financing documents, §26.6.L
Recording documents, commercial real estate, settlement statements, §12.4.A.7
Residential real estate, builder licenses, §17.5.B
Statewide recording fees, chart, Appendix F following §13.6.B

FERC (FEDERAL ENERGY REGULATORY COMMISSION)

Land use controls, §21.8

FIDUCIARY DUTIES

Real estate licensees, §2.3.C

FIDUCIARY RELATIONSHIPS

Misrepresentation, failure to disclose, §4.3.D.2

FINANCIAL INTERESTS

Real estate licensee disclosures, §2.7.A.3, §8.3.G
Applicable transactions, §8.3.G.1
Liability for nondisclosure, §8.3.G.3
When to disclose, §8.3.G.2

FINANCING CONTINGENCIES

Commercial real estate, new construction, §17.3.A.2
Due diligence, §8.4.A
Terminology, §8.4.A.2
Right of first refusal, §16.3.B.7

FINANCING DOCUMENTS

Generally, §§26.1 to 26.14

Assignment of leases and rents, §26.7

Application of rents in default, §26.7.C

Borrower lease obligations, §26.7.A

Remedies, §26.7.B

Borrower lease obligations, §26.7.A

Commitment letter, §26.4

Binding vs. nonbinding language, §26.4.B

Commercial real estate, §26.4.B

Issues addressed, §26.4.B

Residential real estate, §26.4.A

Disbursing agreements, §26.13

Environmental indemnity, §26.12

Indemnification, §26.12.D

Investigation and remediation, §26.12.C

Notification of release, §26.12.B

Representations and warranties, §26.12.A

Financing statements, §26.10

Completing statement form, §26.10.B

Description and purpose of document, §26.10.A

Filing form, §26.10.C

Guaranties, §26.8

Costs, §26.8.I

Default, §26.8.H

Description and purpose of document, §26.8.A

Guarantor covenants, §26.8.G

Lender discretion in changes to loan, §26.8.C

Limitations on guaranty, §26.8.D

Payment vs. collection guaranties, §26.8.B

Remedies, §26.8.H

Subordination of guarantor claims, §26.8.F

Waiver of defenses and rights, §26.8.E

Loan agreements, §26.3

Affirmative covenants, §26.3.D

Basic terms of loan, §26.3.B

Borrower obligations, §26.3.D

Conditions of loan, §26.3.B

Contents, §26.3

Cross-default provisions, §26.3.F

Default, §26.3.F

Default definitions, §26.3.F

Definitions section, §26.3.A

Good faith and reasonableness of lender, §26.3.E

Miscellaneous provisions, §26.3.G

Negative covenants, §26.3.E

Prior written consent of lender, §26.3.E

Remedies, §26.3.F

Representations, §26.3.C

Restrictions on borrower, §26.3.E

“To the best of the knowledge of the borrower”
qualifiers, §26.3.C

Mortgages, §26.6

Borrower information, §26.6.A

Casualty insurance, §26.6.H

Default, §26.6.J

“Due on sale” clauses, §26.6.J

Environmental concerns, §26.6.G

Insurance and condemnation proceeds, §26.6.I

- Lender information, §26.6.B
- Lien theory vs. title theory, §26.6
- Mortgage registration tax, §26.6.L
- Payment of taxes, charges, and liens, §26.6.F
- Property information, §26.6.C
- Underlying debt information, §26.6.D
- Warranties of title, §26.6.E
- Opinion of counsel, §26.14
 - Assumptions, §26.14.E
 - Definitions, §26.14.D
 - Document review, §26.14.C
 - Introduction, §26.14.B
 - Opinions, §26.14.F
 - Qualifications, §26.14.G
 - Real Estate Opinion Letter Guidelines, §26.14.G
 - Salutation, §26.14.A
- Promissory note, §26.5
 - Attorney fees, §26.5.E
 - Borrower information, §26.5.A
 - Business terms, §26.5.C
 - Carve-outs from nonrecourse provisions, §26.5.H
 - Default, §26.5.D
 - Default interest rates, §26.5.G
 - Late payment penalties, §26.5.G
 - Lender information, §26.5.B
 - Nonrecourse provisions, §26.5.H
 - Payment terms, §26.5.C
 - Penalties, §26.5.F
 - Prepayment restrictions, §26.5.F
 - Remedies, §26.5.D
 - Usury exceptions, §26.5.G
- Real Estate Settlement Procedures Act (RESPA), §26.2.C
 - Residential real estate, §26.2.C
- Residential vs. commercial financing, §26.2
 - Complexity of transaction, §26.2.B
 - Document purposes, §26.2.A
 - Kinds of documents, §26.2.C
 - Role of lawyer, §26.2.D
 - Standardization of forms, §26.2.B
- Security agreements, §26.9
 - Borrower representations and warranties, §26.9.C
 - Covered property, §26.9.B
 - Default, §26.9.E
 - Description and purpose of document, §26.9.A
 - Lock box requirements, §26.9.D
 - Remedies, §26.9.E
 - UCC document searches, §26.9.B
- Subordination
 - Nondisturbance, and attornment agreements (SNDAs), §26.11
 - Description and purpose of document, §26.11.A
 - Lender liability, §26.11.C
 - Notice and extended cure period, §26.11.B
 - Pledge and assignment of lease payments, §26.11.E
 - Representations, §26.11.D
 - Subordination of existing mortgages, §26.11.F
 - Warranties, §26.11.D
- Subordination agreements, §26.11
- Truth in Lending Act (TILA), §26.2.C
- Underlying debt information, §26.6.D
- FINANCING STATEMENTS**
 - Financing documents, §26.10
 - Completing statement form, §26.10.B
 - Description and purpose of document, §26.10.A
 - Filing form, §26.10.C
- FINES AND PENALTIES**
 - Failure to disclose
 - Contamination liability, §8.2.E.3
 - Hazardous substances, §4.4.D.3
 - Financing documents, promissory note, §26.5.F
 - Promissory note, late payment penalties, §26.5.G
 - Real estate licensees, §2.14.C
 - Remedies, Minnesota ILSA, §14.13.C
 - Residential real estate, builder licenses, §17.5.B
 - Survey monuments, destruction, §10.1.D.6
- FIRPTA (FOREIGN INVESTMENT IN REAL PROPERTY TAX ACT OF 1980)**
 - Closing documents, §12.3.A.3
 - Real estate licensees, disclosures, §8.3.L
- FIRST CLASS CITIES**
 - Defined, §21.4.A
- FLIGHT EQUIPMENT**
 - Real estate taxes, separately taxed property categories, §11.3
- FLOOD FRINGE**
 - Defined, §10.3.C.1
- FLOOD ZONES**
 - Optional survey responsibilities and specifications, ALTA surveys, §10.2.C
- FLOODPLAIN**
 - Defined, §10.3.C.2
- FLOODPLAIN MANAGEMENT LAW**
 - Lakeshore property, §19.2.B.2
- FLOODWAY**
 - Defined, §10.3.C.3
- FORBEARANCES**
 - Income tax, debt restructuring, §5.2.H
- FORECLOSURE**
 - Deed tax exemptions, foreclosure and redemption, §13.3.B.9
 - Distressed property
 - Nonforeclosure properties, §22.5
 - Purchasing foreclosed property, §22.6
 - Title insurance, §22.9
 - Election of remedies doctrine, §14.2.A
 - Mortgages, financing documents, §26.6.K
 - Negotiating with lender
 - Lender outlook, §22.7.B
 - Seller perspective, §22.7.A
 - Recognizing distressed property, §22.3
 - Recording documents
 - Mortgages, §13.2.B.7
 - Sheriff's certificate of sale on execution or foreclosure, §13.2.B.4
 - Redemption, foreclosure by action, §13.2.B.7
 - Right of first refusal
 - Agricultural land, §16.3.E.5
 - Subordination to mortgage financing, §16.3.E.3
 - Seller disclosures, excluded transactions, §8.2.A.2
 - Title clearance, curative acts, §9.3.E
 - Title examination, §9.2.C.4

- Uniform Conveyancing Blanks (UCBs), list of forms available, Appendix E following §13.6.B
- FORECLOSURE BY ACTION**
 - Contracts for deed, purchase money mortgages compared, §25.1.B.4
- FORECLOSURE DEEDS**
 - Closing documents, §12.3.A.1
- FOREIGN INVESTMENT IN REAL PROPERTY TAX ACT OF 1980 (FIRPTA)**
 - Closing documents, §12.3.A.3
 - Real estate licensees, disclosures, §8.3.L
- FOREIGN OWNERSHIP**
 - Section 1031 exchanges, withholding of realized gain, §23.15.D
- FOREIGN SERVICE**
 - Primary residence, five year use test for gain exclusion, §5.4.A.5
- FOREIGN STATES**
 - Remedies, interstate land sales laws, §14.13
- FORGIVEN DEBT**
 - Income tax, reporting, §5.2.G
- FORMS**
 - Aboveground/underground storage tank affidavit, Appendix B following §24.4.C
 - Closing checklist, Appendix A following §12.7.B
 - Closing timetable, Appendix B following §12.7.B
 - Commercial real estate, due diligence checklist, §7.4.B
 - Disclosure forms, methamphetamine production on property, §4.4.C.4
 - Financing contingencies, MSBA vs. MAR forms, §8.4.A.1
 - Homestead classification, treatment of classification, §11.3.B
 - Letter of intent, Appendix A following §15.5
 - MAR purchase agreement: new construction, Appendix B following §17.6.A.3
 - Minnesota Association of Realtors Purchase Agreement, Appendix B following §26.14.G
 - Minnesota uniform conveyancing forms, §1.4
 - MPCA change of UST ownership notice, Appendix C following §24.4.C
 - MSBA residential purchase agreement and contract for new construction, Appendix A following §17.6.A.3
 - MSBA Standard Residential Purchase Agreement, Appendix A following §26.14.G
 - MSBA vs. MAR purchase agreement forms, §1.5
 - Property inspection contingency, §8.5.B.1
 - Purchase agreements, commercial real estate, Appendix A following §3.9.D
 - Recording checklist, Appendix D following §13.6.B
 - Revenue Department Form DT1, Appendix A following §13.6.B
 - Revenue Department Form DT2, Appendix B following §13.6.B
 - Revenue Department Form MRT1, Appendix C following §13.6.B
 - Seller disclosures, valuation exclusion, §8.2.K.3
 - Statutory disclosure requirements, septic systems, §4.4.B.5
 - Tenant estoppel certificate, Appendix A following §20.5.B
 - Title to property, form of title commitment, §8.6.C
 - Uniform Conveyancing Blanks (UCBs), list of forms available, Appendix E following §13.6.B
 - Well disclosure certificates, §4.4.A.6
 - Zoning letter, development property purchases, Appendix C following §21.9.E
- 40-YEAR STATUTE**
 - Title clearance, statute of limitations, §9.3.F
 - Title examination, 40-year source of title, §9.2.C.4
- FOURTH CLASS CITIES**
 - Defined, §21.4.A
- FRACTIONAL PROPERTIES**
 - Homestead classification, §11.3.A.7
- FRACTIONS**
 - Legal descriptions, composition standards and rules, §10.1.K.1
- FRANCHISES**
 - Real estate licensees, license exceptions, §2.1.J
- FRATERNAL BENEFIT SOCIETIES**
 - Mortgage registration tax, exemptions, §13.4.D.9
- FRAUD**
 - Cancellation of purchase agreement, fraud claims by buyer, §6.2.C
 - Contracts for deed, purchaser remedies, §25.5.A.3
 - Disclosure, environmental concerns, §24.2
 - Dual agency, real estate licensees, §2.3.B
 - Elements and showing, §14.7
 - Merger doctrine, limitations, §14.8
 - Real estate licensees, fraudulent, deceptive, or dishonest practices, §2.13, §2.14.D.11
 - Remedies, §14.7
 - Minnesota ILSA, §14.13.C
 - Misrepresentation, §4.3.E.3
 - Representations, fraudulent vs. negligent misrepresentation, §4.3.D.1
 - Seller disclosures, statutory vs. common law claims, §8.2.B
- FRAUDULENT, DECEPTIVE, OR DISHONEST PRACTICES**
 - Defined, §2.13
- FRAUDULENT MISREPRESENTATION**
 - Seller disclosures, statutory vs. common law claims, §8.2.B
- G**
- GAS INTERESTS**
 - Real estate taxes, separately taxed property categories, §11.3
- GENERAL PARTNERSHIPS**
 - Deeds and conveyances, recording documents, §13.2.B.8
 - Section 1031 exchanges, different vs. same partnerships, §23.2.B
- GIFTS**
 - Basis, property received as gift, §5.2.C.6
 - Minimum deed tax situations, §13.3.C.3
 - Seller disclosures, excluded transactions, §8.2.A.2
- GOOD FAITH**
 - Closing documents, estimates of settlement costs, §12.5.A.1
 - Letter of intent, covenant of good faith and fair dealing, §15.3.C
 - Seller disclosures, §8.2.A.4
- GOPHER OIL**
 - “As is” provisions, failure to disclose claims, §4.7.B
- GOVERNMENT AGENCIES**
 - Charts, land use controls, §21.8
 - Closing documents, approvals and assurances, §12.3.A.10
 - Conveyances involving federal government, deed tax exemptions, §13.3.B.5
 - Defined, §21.6
 - Development property purchases
 - Government approval process, §21.2
 - Land use controls, §21.4
 - Equitable estoppel, application of law, §21.7

GOVERNMENT AGENCY REPORTS

Real estate licensees, disclosures, §8.3.E.5

GOVERNMENT APPROVALS

Comprehensive municipal plans, role in land use controls/
approval, §21.4.D.3

GOVERNMENT LOTS

Lakeshore property, shoreland descriptions, §19.4.B.3

GOVERNMENT SURVEY

Clerk of government surveys, §10.1.C.1

County surveyors, §10.1.C.2

Government lots, §10.1.C

History, public land survey, §10.1.C

Optional survey responsibilities and specifications, ALTA
surveys, §10.2.C

Plats, §10.1.D

Sections and quarters, §10.1.C

Tools, original survey, §10.1.C

GRANTOR/GRANTEE INDEX

Abstract property system, §13.1.B.1

Legal descriptions, research and verification, §10.1.E

GREEN ACRES PROGRAM

Minnesota Agricultural Property Tax Law, §11.6.A

Real estate taxes, deferred assessments, §11.5.B

GREEN CERTIFICATION

Commercial real estate, new construction contingency
checklists, §17.3.A.2

GROSS PROFIT

Defined, installment sales, §5.3.B

GUARANTEED SALE PROGRAMS

Real estate licensee disclosures, §8.3.M

Applicable transactions, §8.3.M.1

What to disclose, §8.3.M.2

GUARANTIES

Financing documents, §26.8

Costs, §26.8.I

Default, §26.8.H

Description and purpose of document, §26.8.A

Guarantor covenants, §26.8.G

Lender discretion in changes to loan, §26.8.C

Limitations on guaranty, §26.8.D

Payment vs. collection guaranties, §26.8.B

Remedies, §26.8.H

Subordination of guarantor claims, §26.8.F

Waiver of defenses and rights, §26.8.E

H**HAZARDOUS SUBSTANCES**

Defenses, intervening acts, §4.4.D.5

Disclosure, environmental concerns, §24.2.D

Due diligence

Nonscope considerations, §24.3.D

Release reporting requirements, §24.3.C

Environmental concerns, federal liability for hazardous substance
release, §24.3.A

Failure to disclose

Damages, §4.4.D.4

Gopher Oil, §4.7.B

Remedies, §4.4.D.3

Waiver, §4.4.D.6

Forms, MPCA environmental covenant under UECA,
Appendix D following §24.4.C

How to disclose, §4.4.D.2

Liability

Defenses, §4.4.D.5

Release of substance, §4.4.D.4

Mortgages, financing documents, §26.6.G

Seller disclosures, §8.2.E

Statutory disclosure requirements, §4.4.D

Affidavit vs. purchase agreement language, §4.4.D.6

Case law, §4.4.D.7

Voluntary cleanups, technical assistance, §24.4.A.1

When to disclose, §4.4.D.1

HAZARDOUS SUBSTANCES SUBDISTRICTS

Tax increment financing (TIF), §11.6.F.6

HEALTH DEPARTMENT (MDH)

Land use controls, §21.8

HEARINGS

Chapter 505 plats, §10.4.A

Development property purchases, variance requests, §21.4.F.3

HEIGHT

Development property purchases, project design
requirements, §21.3.B

HENNEPIN COUNTY

Deed tax, calculation, §13.3.A.2

Deed tax allocation, closing documents, §12.3.A.1

Mortgage registration tax, rates, §13.4.B

Surveys, Hennepin county highway maps, §10.3.B.7

HIGHWAY RIGHT-OF-WAY PLATS

Legal descriptions, §10.1.D.2

HISTORICAL CONDITIONS

Due diligence, commercial real estate, §7.3.D.5

HOME BUSINESSES

Section 1031 exchanges, mixed-use property, §23.14.A

HOME IMPROVEMENTS

Real estate taxes, exclusions from assessed value, §11.6.G

HOME RULE CHARTER CITIES

Defined, §21.4.A

HOME WARRANTY DISPUTE PROCESS

New construction, residential real estate, §17.5.C.1

HOMESTEAD CLASSIFICATION

Agricultural homestead, §11.3.A.4

Separately taxed property categories, §11.3

Application for classification, §11.3.B.2

Benefits of classification, §11.3.C

Blind or disabled occupants, §11.3.A.6

Forms, treatment of classification, §11.3.B

Homestead property, defined, §11.3.A.1

Manufactured homes, §11.3.A.5

MAR purchase agreement forms, §11.3.B.1

MSBA purchase agreement forms, §11.3.B.2

Qualification factors, §11.3.A.1

Real estate taxes, §11.3.A

Deferred assessments, §11.5.B

Qualification factors, §11.3.A.1

Relative homestead, §11.3.A.2

Residential real estate, closing documents, §12.5.D

Split class/fractional properties, §11.3.A.7

Spousal homestead, §11.3.A.3

HOMESTEAD PROPERTY

Defined, §11.3.A.1

HOUSING

Lead-based paint, statutory disclosure requirements, §4.4.F

HOUSING DISTRICTS

Tax increment financing (TIF), §11.6.F.3

HOW TO EXAMINE TITLE TO REAL PROPERTY--THE BASICS

Title examination, §9.2.C.4

HUD-1 SETTLEMENT STATEMENT

Residential real estate, closing documents, §12.5.A.4

I**IDENTITY**

Affidavits, title clearance, §9.3.A

ILSA (INTERSTATE LAND SALES FULL DISCLOSURE ACT)

Foreign states, remedies, §14.13

Purchase agreements, common interest communities (CICs), §18.5.K

IMPERVIOUS SURFACES

Lakeshore property, §19.2.C.1

IMPLIED WARRANTIES

New construction, common interest communities (CICs), §17.5.C.2

Purchase agreements, §3.4

Common interest communities (CICs), §18.5.J

Residential real estate, purchase agreements, §3.8.B

IMPROPER REFERRALS

Residential real estate, closing documents, §12.5.A.2

IMPROVEMENTS TO PROPERTY

Commercial real estate, lease agreements review, §7.2.B.5

Optional survey responsibilities and specifications, ALTA surveys, §10.2.C

Remedies, statute of limitations, §14.12

Retail/office property, tenant obligations, §20.2.F

INCOME PROPERTY

Capitalization rate, market value, §11.4.B

Depreciation, cost-segregation studies, §5.2.E.2

INCOME TAX

Accelerated vs. straight-line depreciation, §5.2.E.1

Adjustments to basis, §5.2.C.2

Closing costs and fees, §5.2.C.4

Amount realized, §5.2.B

Assessments, §5.2.C.3

Basis, §5.2.C

Property received as gift, §5.2.C.6

Basis in property

Received section 1031 property, §23.4

Section 1031 exchanges, §23.3

Business use of residence, capital gain/loss restrictions, §5.4.A.1

Calculation, income or gain/loss, §5.2.B

Cancellation of indebtedness, effect, §5.2.G

Capital gain/loss, calculation, §5.2.B

Characterization of income, §5.2.A

Contracts for deed, §5.3

Conversion to/from rental property, §5.4.A.3

Cost recovery, §5.2.E

Debt restructuring, §5.2.H

Deductions

Home sale losses, §5.4.A.8

Interest, §5.4.B

Passive activity loss rules, §5.2.D

Depreciable lives, personal vs. real property, §5.2.E.2

Depreciation, §5.2.E

Accelerated vs. straight-line, §5.2.E.1

Methods, §5.2.E.1

Federal vs. state income tax, §5.1

Five year use test for gain exclusion, disability exceptions, §5.4.A.4

Forbearances, debt restructuring, §5.2.H

Foreclosure, §5.2.I

Forgiven debt, reporting, §5.2.G

Home exclusion rule, §5.4.A.2

Home sales, losses, §5.4.A.8

Income from sale of property, calculation, §5.2.B

Installment sales

Determining gain, §5.3.B

Election in reporting, §5.3.A

Real estate, §5.3

Special rules, §5.3.F

Interest deductions, limitations, §5.4.B.1

Itemized deductions

Construction loan interest, §5.4.B.4

Mortgage insurance premiums, §5.4.B.5

Qualified acquisition debt, §5.4.B.2

Qualified home equity debt, §5.4.B.3

Qualified residence, §5.4.B.1

Second homes, §5.4.D

Look-back period, section 1231 property, §5.2.A

Offsets, passive activity loss rules, §5.2.D

Ordinary income, §5.2.A

Foreclosure debt forgiven, §5.2.I

Original basis, §5.2.C.1

Primary residence

Cancellation of indebtedness, §5.2.G

Capital gain/loss restrictions, §5.4.A.1

Converting to/from rental property, §5.4.A.3

Five year use test for gain exclusion, §5.4.A.5

Period of nonqualified use, §5.4.A.2

Reduced maximum exclusion, §5.4.A.6

Qualification as principal residence, capital gain exclusions, §5.4.C

Rates, §5.2.A

Real estate professionals

Exceptions to tax rules, §5.2.F

Installment sales, §5.3.D

Recapture gain, §5.2.A

Related-party sales, §5.3.E

Residential property, capital gain/loss restrictions, §5.4.A

Section 1031 exchanges, §§23.1 to 23.15

Section 1250 gain, recapture provisions, §5.2.E.3

Seller-financed installment sales, §5.3.A

Short-term capital gain or loss, §5.2.A

Special assessments, §5.2.C.3

Tangible personal property, §5.2.A

Vacant land, home sale tax exclusions, §5.4.A.7

Wrapped mortgages, §5.3.C

INDEBTEDNESS

Financing documents, underlying debt information, §26.6.D

INDEMNIFICATION

Generally, §4.6

Against damage, §4.6.C

Development property purchases, development agreements, §21.5.A.8

Environmental concerns, contracts for deed, §25.2.C.1

Financing documents, environmental indemnity, §26.12

Letter of intent, binding provisions, §15.4.A.3

Negotiations, §4.1

Third-party indemnifications, §4.6.B

Title defect remedies, §14.10.B

Title insurance

Loan policy, §9.4.C.4

Owner's policy coverage, §9.4.C.2

Purpose and scope, §9.4.A

INDEMNITY

Defined, §4.6.A

INDEXES

Abstract property system, §13.1.B.1

INITIAL INQUIRIES OF LOCAL GOVERNMENT

Lists, development property purchases, Appendix B following §21.9.E

INITIAL QUESTIONS FOR CLIENT

Lists, development property purchases, Appendix A following §21.9.E

INJUNCTIONS

Cancellation of purchase agreements, injunctions against cancellation, §6.4

Contracts for deed, cure requirements for reinstatement, §25.6.D.2

INSOLVENCY. See also BANKRUPTCY

Income tax, cancellation of indebtedness effect, §5.2.G

Title insurance, exclusions from coverage, §9.4.C.5

INSPECTIONS

Due diligence

Commercial real estate, §7.3.A

Property inspections, §8.5.B

Walk-through inspection on day of closing, §8.5.D

Environmental concerns, Phase 1 inspections, §8.5.C.1

Lakeshore property, §19.3

Building inspections, §19.3.D

Due diligence, §19.3.D

Wells, §19.3.B.4

Letters of intent, terms of letter, §15.2.B.8

Real estate licensee disclosures, contradictions in written reports, §8.3.E.7

INSTALLMENT SALES

Collateral, use of obligation as, §5.3.F

Income tax

Determining gain, §5.3.B

Election in reporting, §5.3.A

Real estate professionals, §5.3.D

Related-party sales, §5.3.E

Special rules, §5.3.F

Real estate, income tax, §5.3

Section 1031 exchanges, buyer financing of relinquished property, §23.11.C

INSUFFICIENT FUNDS CHECKS

Earnest money, §2.10.D

INSURABLE TITLE

Defined, §9.2.A

INSURANCE

Itemized deductions, mortgage insurance premiums, §5.4.B.5
Mortgages

Casualty insurance, §26.6.H

Insurance and condemnation proceeds, §26.6.I

New construction, purchase agreement checklist, §17.5.D.10

Purchase agreements

Common interest communities (CICs), §18.5.G.3

Equitable conversion, §3.6.A.4

Real estate brokers, errors and omissions, §2.1.D

INSURED

Defined, ALTA standard policies, §9.4.C.6

INTANGIBLE PROPERTY

Closing documents, operational documents, §12.3.A.9

INTELLIGENCE PERSONNEL

Primary residence, five year use test for gain exclusion, §5.4.A.5

INTEREST

Actual damages, §14.5.A

Capitalization rate, market value, §11.4.B

Income tax, deductions, §5.4.B

Itemized deductions, construction loan interest, §5.4.B.4

Title insurance, owner's policy coverage, §9.4.C.2

Trust accounts, §2.10.F

INTERESTS

Contracts for deed, purchase money mortgages compared, §25.1.B.1

Minerals (See MINERAL INTERESTS)

Option to purchase, legal effect, §16.2.B

Real estate licensee disclosures, financial interests, §8.3.G

INTERNET

Resources, commercial real estate, §1.3

INTERPRETATION

Title insurance, ALTA standard policy conditions, §9.4.C.6

INTERSTATE LAND SALES FULL DISCLOSURE ACT (ILSA)

Foreign states, remedies, §14.13

Purchase agreements, common interest communities (CICs), §18.5.K

INTERVENING ACTS

Hazardous substances, defenses, §4.4.D.5

INTERVIEWS

Environmental concerns, commercial real estate, §7.3.C.1

INVENTORY

Public waters, §19.5.K

INVESTIGATIONS

Development property purchases, project design requirements, §21.3

Environmental indemnity, investigation and remediation, §26.12.C

Real estate licensees, investigative costs, §2.2.S

INVESTMENT PROPERTY

Section 1031 exchanges, property qualifying, §23.2.E

INVOLUNTARY CONVERSIONS

Section 1031 exchanges, §23.15.A

IRON ORE VALUATION

Real estate taxes, separately taxed property categories, §11.3

IRS FORM 8824

Section 1031 exchanges, reporting, §23.1

IRS FORM 1099-S

Closing documents, tax documents, §12.3.A.8

IRS FORM W-9

Closing documents, tax documents, §12.3.A.8

J**JOB OPPORTUNITY BUILDING ZONES (JOBZ)**

Real estate taxes, exempt property, §11.6.E

JUDGMENT LIENS

Title clearance

Corrective instruments, §9.3.D

Satisfaction of financing, §9.3.C

JUDICIAL TERMINATION

Contracts for deed, §14.3.C

K**KEYS**

Transfers, §12.6.A

L**LAKE IMPROVEMENT DISTRICTS**

Lakeshore property, §19.2.B.7

LAKES

ALTA survey requirements, §10.2.C

Government lots, §10.1.C

Riparian rights, lake bed vs. shoreline ownership, §19.5.F

LAKESHORE PROPERTY

Generally, §§19.1 to 19.7

Access to property, §19.7

Allocation and control, waters of the state, §19.5.L

Application of law, §19.2

Boundary lines, §19.6

Building inspections, §19.3.D

Clean Water Act, §19.2.A.1

Conditional use permits, §19.2.D

County/municipal shoreland and zoning ordinances, §19.2.C.1

Due diligence, §19.3

Fluctuating lake levels, §19.3.E

Methamphetamine production, §19.3.F

Mold and mildew, §19.3.C

Proximity to agricultural operations, §19.3.G

Subsurface sewage treatment systems, §19.3.A

Encroachments, §19.6

Federal law, §19.2.A

Floodplain Management Law, §19.2.B.2

Inspections, §19.3

Lake improvement districts, §19.2.B.7

Local controls, §19.2.C

Minnesota Wild and Scenic Rivers Act, §19.2.B.1

Municipalities, §19.2.C.1

Ordinances, §19.2.C.1

Private water wells, §19.2.B.8

Public access, §19.7.A

Cartways, §19.7.A.4

Common law dedication, §19.7.A.3

Easement access, §19.7.B

Roads to be laid out, §19.7.B

Statutory dedication, §19.7.A.1

Public waters, inventory, §19.5.K

Public Waters Permit Program, §19.2.B.3

Restrictions on construction and use of lot, §19.2.C.1

Riparian issues, §19.5

Riparian rights

Beds of lakes and waters, §19.5.A

Docks, §19.5.I

Effect of public waters designation, §19.5.N

Lake bed vs. shoreline ownership, §19.5.F

Meandered waters and lakes, §19.5.B

Navigable waters, §19.5.A.1

Nonmeandered waters, §19.5.C

Ordinary highwater mark, §19.5.D.4

Owner duties, §19.5.G

Public waters, §19.5.J

Qualified right of homeowner, §19.5.D.5

Shoreline changes, §19.5.D.3

Shoreline peculiarities, §19.5.D.1

State right to regulate, §19.5.H

Water as boundary, §19.5.D.2

Setback requirements, §19.2.C.1

Sewer districts, regulation, §19.2.C.4

Shoreland descriptions, §19.4

Access to property, §19.4.B.7

Area descriptions, §19.4.B.6

Government lots, §19.4.B.3

Leases, §19.4.B.8

Marketability, §19.4.B

Meander corners, §19.4.B.2

Meander lines, §19.4.B.4

Property extending to shoreline, §19.4.B.5

Shoreline, §19.4.B.1

Surveys, §19.4.A

Shoreland Development Act, §19.2.B.5

Subsurface sewage treatment systems

Disclosure, §19.3.A.2

Regulatory authority, §19.3.A.1

Replacement, §19.3.A.3

Use and maintenance, §19.3.A.4

Title to property, separate names for adjoining lots, §19.2.C.1

Townships, regulation, §19.2.C.2

Variances, §19.2.D

Watershed districts, regulation, §19.2.C.3

Watershed Law, §19.2.B.6

Wells, §19.3.B

Disclosure, §19.3.B.1

Inspections, §19.3.B.4

Replacement, §19.3.B.2

Use and maintenance, §19.3.B.4

Water tests, §19.3.B.3

Wetland Conservation Act, §19.2.B.4

Wild and Scenic Rivers Act, §19.2.A.2

Work in public waters, §19.5.M

LAND

Income tax, home sale tax exclusions, §5.4.A.7

LAND DEVELOPMENT

Disclosures, resources, §8.1

Real estate professionals, exceptions to tax rules, §5.2.F

- Subdivision plats, deed tax exemptions, §13.3.B.3
- LAND SURVEYS**
- Torrens property, registered land surveys, §13.1.A.5
- LAND USE**
- Development property purchases, dedicated use and fees in lieu of, §21.4.F.5
- Due diligence, commercial real estate, §7.3.B
- LAND USE CONTROLS**
- Charts, state and federal agencies, §21.8
- Development property purchases, §21.4
- LANGUAGE**
- Drafting, contracts for deed, §25.2
- Drafting documents, options, §16.1
- Easements, surveys, §10.3.A.10
- Financing documents
 - Limitations on guaranty, §26.8.D
 - Subordination of guarantor claims, §26.8.F
 - Waiver of defenses and rights, §26.8.E
- Forms, letter of intent, Appendix A following §15.5
- Legal descriptions, composition standards and rules, §10.1.K.1
- Letter of intent
 - Binding provisions, §15.4.A.4
 - Enforceability, §15.3.B
- Mortgages, warranties of title, §26.6.E
- Opinion of counsel
 - Assumptions, §26.14.E
 - Definitions, §26.14.D
 - Document review, §26.14.C
 - Introduction, §26.14.B
 - Opinions, §26.14.F
 - Qualifications, §26.14.G
 - Real Estate Opinion Letter Guidelines, §26.14.G
- Promissory note, prepayment restrictions, §26.5.F
- Sample clauses, contracts for deed, §25.2
- Title insurance, ALTA standard policy conditions, §9.4.C.6
- LEAD-BASED PAINT**
- Disclosure, environmental concerns, §24.2.F
- Due diligence, environmental concerns, §8.5.C.3
- Real estate licensee disclosures, §8.3.H
 - Applicable transactions, §8.3.H.1
 - Liability for nondisclosure, §8.3.H.3
 - Sale or lease impact, §8.3.H.4
 - What to disclose, §8.3.H.2
- Seller disclosures, §8.2.G
 - Applicable transactions, §8.2.G.1
 - Impact on sale or lease, §8.2.G.5
 - Liability for nondisclosure, §8.2.G.3
 - Waiver, §8.2.G.4
 - What to disclose, §8.2.G.2
- Statutory disclosure requirements, §4.4.F
- LEAD WARNING STATEMENTS**
- Seller disclosures, §8.2.G.2
- LEASE AGREEMENTS**
- Closing documents, operational documents, §12.3.A.9
- Closing process, original documents for operation of property, §12.6.C
- Commercial real estate
 - Lease review, §7.2.B
 - Transfer of leases and rights, §3.9.C
- Common interest communities (CICs), common element license/lease/easement, §18.5.B.1, §18.8.B
- Contracts for deed, restrictions on leases, §25.7.B
- Due diligence, retail/office property, §20.2.C, §20.2.D
- Financing documents, borrower lease obligations, §26.7.A
- Lakeshore property, boundary lines, §19.6
- Lead warning statements, §8.2.G.2
- Office property, tenant estoppel certificate, Appendix A following §20.5.B
- Purchase agreement drafting considerations, distressed properties, Appendix A following §22.10.F
- Retail/office property
 - Estoppel certificates, §20.3.B
 - Examination of leases, §20.3.A
 - New leases and lease amendments, §20.3.C
 - Tenants with net leases, §20.2.B
- LEASES**
- Deed tax, exemptions, §13.3.B.4
- Financing documents
 - Assignment of leases and rents, §26.7
 - Borrower lease obligations, §26.7.A
 - Lakeshore property, shoreland descriptions, §19.4.B.8
 - Real estate licensee disclosures, lead-based paint, §8.3.H.4
- LEASING PLANS**
- Due diligence, office property, §20.5.B
- LEGAL DESCRIPTIONS**
- Generally, §10.1
- Auditor's subdivision plats, §10.1.G
- Blanket easements, §10.1.J
- Centerline of roadway descriptions, §10.1.J
- Commercial real estate, title and survey review, §7.2.D
- Common interest communities (CICs)
 - Closing process, §18.8.C
 - Purchase agreements, §18.5.A
- Condominiums, §18.4.B.1
- Conflicting elements, §10.1.H
 - Control between conflicting monuments, §10.1.H.2
 - Priorities of rights, §10.1.H.1
- Cooperatives, §18.4.B.3
- Coordinates, §10.1.D.4
- Describing by area instead of boundary, §10.1.J
- Directions on antiwompus lot, §10.3.D
- Drafting, §10.1.K
 - Composition standards and rules, §10.1.K.1
- Error correction, plats, §10.1.D.7
- Government survey, §10.1.C
- Lakeshore property, shoreland descriptions, §19.4
- Letters of intent, description of property, §15.2.B.2
- Local right-of-way acquisitions, §10.1.D.3
- Measurement accuracy, §9.2.C.1
- Metes and bounds descriptions, §10.1.A
- Option to purchase, enforceable agreement terms, §16.2.C.2
- Optional survey responsibilities and specifications, ALTA surveys, §10.2.C
- Planned communities, §18.4.B.2
- Plat name, §10.1.D.1
- Plats, §10.1.D
 - Auditor's subdivision plats, §10.1.G
 - Dedication statements, §10.1.D.1

Highway right-of-way plats, §10.1.D.2
 Recording documents, §10.1.D.7
 Problems with descriptions, auditor's subdivision plats, §10.1.J
 Purchase agreements, §3.3.C
 Race notice, priorities of rights, §10.1.H.1
 Recording checklist, Appendix D following §13.6.B
 Recording documents
 Accurate legal description, §13.2.A.3
 Common errors in documents, §13.6.A
 Research and verification, §10.1.E
 Riparian rights, §10.1.I
 Sections and quarters, §10.1.C
 Gaps and overlaps, §10.3.D
 Subdivisions, doctrine of apportionment, §10.1.J
 Sufficiency of description, §10.1.B
 Surveys
 Entry on land, §10.1.D.5
 Gaps and overlaps, §10.3.D
 Title examination process, §9.2.C.1
 Abstract property system, §9.2.C.4
 Title standards, §10.1.F

LENDER LIABILITY
 Environmental concerns, voluntary cleanups, §24.3.A.2, §24.4.A.3
 Voluntary cleanups, liability assurances, §24.4.A.2

LETTERS OF INTENT
 Generally, §§15.1 to 15.5
 Binding/nonbinding effect, §15.3.A
 Binding provisions, §15.4.A
 Access/indemnities, §15.4.A.3
 Confidentiality, §15.4.A.1
 Exclusive dealings, §15.4.A.2
 Language, §15.4.A.4
 Character of parties, §15.2.A
 Covenant of good faith and fair dealing, §15.3.C
 Defined, §15.2.A
 Disclaimers, §15.4.C
 Drafting, language reflecting intent to be bound, §15.5
 Enforceability, §15.3
 Forms, Appendix A following §15.5
 Gentleman's agreement comparison, §15.1
 Manifesting intent to be bound, §15.3.B
 Nonbinding nature, §15.3.B
 Promissory estoppel, §15.4.C
 Purchase agreement precedent, §1.4
 Purpose, §15.2.A
 Statute of frauds, §15.3.D
 Terms of letter, §15.2.B, §15.2.B.8
 Binding nature, §15.2.B.6
 Contingencies, §15.2.B.5
 Description of property, §15.2.B.2
 Governing law, §15.2.B.7
 Particulars of transaction, §15.2.B.8
 Party identification, §15.2.B.1
 Price and economic terms, §15.2.B.3
 Third party approvals, §15.2.B.5
 Timing of deal, §15.2.B.4
 Tortious interference, §15.4.B
 When/why to use, §15.2.A

LETTERS OF UNDERTAKING

Closing documents, §12.3.A.14

LEVY

Defined, real estate taxes, §11.5.A

LIABILITY

Letters of intent, enforceability, §15.3.B

Remedies, Minnesota ILSA, §14.13.C

LIABILITY INSURANCE

New construction, purchase agreement checklist, §17.5.D.10

LICENSES

Closing documents, government approvals and assurances, §12.3.A.10

Commercial real estate, license review, §7.2.A

Common element licenses, CICs, §18.4.C.3

Common interest communities (CICs), common element license/lease/easement, §18.5.B.1, §18.8.B

Lakeshore property, boundary lines, §19.6

Real estate licensees, §2.1

Residential real estate, new construction, §17.5.B

LIENS AND ENCUMBRANCES

Bankruptcy, recording documents, §13.2.B.7

Contracts for deed

 Owner imposing on property, §6.2.A.4

 Statutory cancellations, §25.6.C

Damages, seller liens, §14.5.C

Electronic recording, §13.5

Environmental concerns, due diligence, §24.3.A.3

Mortgages, payment of taxes, charges, and liens, §26.6.F

New construction

 Mechanic's liens, §17.6

 Purchase agreement checklist, §17.5.D.7

Purchase agreements, common interest communities (CICs), §18.5.D.1

Review of property records, closing documents, §12.3.A.2

Statewide recording fees, chart, Appendix F following §13.6.B

Title clearance

 Corrective instruments, §9.3.D

 Satisfaction of financing, §9.3.C

Title defects, common law remedies, §14.10.A.5

Title examination, §9.2.C.4

Title insurance

 ALTA standard policies, §9.4.C.1

 Exclusions from coverage, §9.4.C.5

 Owner's policy coverage, §9.4.C.2

Title to property, buyer's title commitment review, §8.6.D.2

Uniform Conveyancing Blanks (UCBs), list of forms available, Appendix E following §13.6.B

LIGHTING

Development property purchases, project design requirements, §21.3.B

LIKE-KIND

Defined, section 1031 exchanges, §23.2.D

LIKE-KIND EXCHANGES

Deed tax, §13.3.A.4

Section 1031 exchanges, §§23.1 to 23.15

LIMITED COMMON ELEMENTS

Common interest communities (CICs), purchase agreements, §18.5.B.2

Defined, §18.4.C.2

LIMITED LIABILITY COMPANIES

- Deeds and conveyances, recording documents, §13.2.B.8
- Real estate companies, licenses, §2.1.B
- Section 1031 exchanges
 - Single member LLCs, §23.12
 - Tax treatment as partnerships, §23.2.B

LIMITED LIABILITY PARTNERSHIPS

- Deeds and conveyances, recording documents, §13.2.B.8

LIMITED PARTNERSHIPS

- Deeds and conveyances, recording documents, §13.2.B.8
- Section 1031 exchanges, different vs. same partnerships, §23.2.B

LIMITED WARRANTY DEEDS

- Closing documents, §12.3.A.1

LIS PENDENS

- Recording documents, foreclosure by action, §13.2.B.7
- Title defects, common law remedies, §14.10.A.5

LISTING AGREEMENTS

- Exclusive right to sell, §2.4.A.1
- Net listing agreements, §2.4.A.2
- Open listing agreements, §2.4.A.3
- Override clauses, §2.8.A
- Protective lists, §2.8.B
- Real estate licensees, §2.4

LISTS. See also CHECKLISTS

- Development property purchases, initial questions for client, Appendix A following §21.9.E

LOAN BROKERS

- Real estate licensees, §2.1.1

LOAN COMMITMENT

- Financing contingencies, §8.4.A.2

LOAN FEES

- Commercial real estate, settlement statements, §12.4.A.10

LOANS

- Buyer options on foreclosed property, purchase of loan, §22.6.C.1
- Commercial real estate, settlement statements, §12.4.A.10
- Construction loan agreements
 - Borrower loan submissions, §17.4.A.3
 - Disbursement process, §17.4.A.3
- Distressed property
 - Due diligence, §22.4.C
 - Negotiating with lender, §22.7
- Financing documents
 - Loan agreements, §26.3
 - Opinion of counsel, §26.14
- Loan agreements, §26.3
- Negotiating with lender, lender outlook, §22.7.B
- New construction
 - Borrowers, §17.4.A.2
 - Construction loan agreements, §17.4.A.3
 - Impact, §17.4
 - Project budget, §17.4.A.1
- Release/satisfaction of current financing, closing documents, §12.3.A.6

LOCAL GOVERNMENTS

- Development property purchases, land use controls, §21.4

LOCAL RIGHT-OF-WAY ACQUISITIONS

- Legal descriptions, §10.1.D.2

LOCK BOXES

- Security agreements, financing documents, §26.9.D

LOT

- Defined, §10.1.D

LOYALTY

- Fiduciary duties, real estate licensees, §2.3.C

M**MANUAL OF INSTRUCTIONS FOR THE SURVEY OF THE PUBLIC LANDS OF THE UNITED STATES**

- Subdivisions, survey rules, §10.1.C

MANUFACTURED HOMES

- Homestead classification, §11.3.A.5
- Tax due dates, §11.7

MAR (MINNESOTA ASSOCIATION OF REALTORS)**Forms**

- MAR purchase agreement: new construction, Appendix B following §17.6.A.3
- Minnesota Association of Realtors Purchase Agreement, Appendix B following §26.14.G
- Homestead classification, MAR purchase agreement forms, §11.3.B.1

MAR PURCHASE AGREEMENT: NEW CONSTRUCTION

- Forms, Appendix B following §17.6.A.3

MARITAL DISSOLUTION

- Deed tax, exemptions, §13.3.B.11
- Mortgage registration tax, exemptions, §13.4.D.1
- Title clearance, §9.3.A
- Torrens property, approval for recording documents, §13.1.A.5

MARITAL INTERESTS

- Spousal execution, closing documents, §12.3.A.1

MARITAL STATUS

- Affidavits, title clearance, §9.3.A
- Title examination, party names, §9.2.C.4

MARKET VALUE

- Cost approach, §11.4.C
- Defined, real estate taxes, §11.4
- Estimated market value, rural preserves program, §11.6.B
- Real estate taxes
 - Comparable sales, §11.4.A
 - Income approach, §11.4.B
- Sales ratio, §11.4.D
- Section 1031 exchanges, calculation, §23.3

MARKETABLE TITLE

- Abstract property system vs. Torrens property system, §13.1.A.2
- Defined, §8.6.A, §9.2.A
 - Remedies, §14.10.A.1
- New construction, purchase agreement checklist, §17.5.D.9
- Title insurance, owner's policy coverage, §9.4.C.2

MARKETABLE TITLE ACT

- Option to purchase, enforceability concerns, §16.2.D.2
- Right of first refusal, §16.3.E.1
- Title examination, §9.2.C.4

MATERIAL FACTS

- Defined
 - Real estate licensee disclosure, §2.7.A.4
 - Seller disclosures, §8.2.A.4
 - Real estate licensees, disclosure, §2.7.A.4

MDH (MINNESOTA DEPARTMENT OF HEALTH)

- Land use controls, §21.8

MEANDER CORNERS

- Lakeshore property, shoreland descriptions, §19.4.B.2

MEANDER LINES

- Defined, §10.1.J
- Lakeshore property, shoreland descriptions, §19.4.B.4

MECHANIC'S LIENS

- Contracts for deed
 - Owner imposing on property, §6.2.A.4
 - Purchase money mortgages compared, §25.1.B.3
- New construction, §17.6
 - General contractor pre-lien notice, §17.6.A.1
 - Pre-lien notice, §17.6.A
 - Pre-lien notice exceptions, §17.6.A.3
 - Purchase agreement checklist, §17.5.D.7
 - Subcontractor pre-lien notice, §17.6.A.2
- Priority pictures, new construction, §17.6
- Purchase agreement checklist, waiver of rights, §17.5.D.7
- Recognizing distressed property, §22.3
- Withholding payment vs. lien waivers from contractor, §17.6

MEDIATION

- Binding agreements, §14.9.B.1
- Remedies, §14.9
- Statute of limitations, tolling, §14.9.B.2

MEQB (MINNESOTA ENVIRONMENTAL QUALITY BOARD)

- Land use controls, §21.8

MERGER DOCTRINE

- Application of law, option to purchase, §16.2.A
- Closing process, documentation, §8.7.A
- Limitations, §14.8
- Purchase agreements, §3.5, §4.2.C.3
- Remedies, §14.8

MERLA (MINNESOTA ENVIRONMENTAL RESPONSE AND LIABILITY ACT)

- Voluntary cleanups, §24.4.A

METES

- Defined, legal descriptions, §10.1.A

METES AND BOUNDS

- Legal descriptions, §9.2.C.1, §10.1.A
- Composition standards and rules, §10.1.K.1

METHAMPHETAMINE PRODUCTION

- Generally, §4.4.C
- Disclosure
 - Environmental concerns, §24.2.G
 - Forms, §4.4.C.4
- How to disclose, §4.4.C.2
- Lakeshore property, due diligence, §19.3.F
- Remedies for failure to disclose, §4.4.C.3
- Seller disclosures, §8.2.1
 - Affidavits, §8.2.1.1
 - Content of disclosure, §8.2.1.3
 - Liability for nondisclosure, §8.2.1.4
 - Waiver, §8.2.1.5
 - Written disclosure, §8.2.1.2
- Statute of limitations, liability for nondisclosure, §8.2.1.4
- Statutory disclosure requirements
 - Case law, §4.4.C.5
 - Production on property, §4.4.C
- Statutory preemption of ordinances, §4.4.C.6
- When to disclose, §4.4.C.1

METROPOLITAN AGRICULTURAL PRESERVES ACT

- Deferred taxes, §11.6.D

METROPOLITAN AREA

- Municipalities, comprehensive municipal plans, §21.4.D.2

METROPOLITAN COUNCIL

- Metropolitan Urban Service Area (MUSA), §21.4.D.2

METROPOLITAN URBAN SERVICE AREA (MUSA)

- Metropolitan Council, §21.4.D.2

MILITARY PERSONNEL

- Primary residence, five year use test for gain exclusion, §5.4.A.5

MILITARY SERVICE

- Affidavits, title clearance, §9.3.A

MINERAL INTERESTS

- Deed tax, severed mineral rights, §13.3.A.4
- Mortgage registration tax, exemptions, §13.4.D.8
- Real estate taxes, §11.2
 - Separately taxed property categories, §11.3
- Section 1031 exchanges, property qualifying, §23.2.E
- Title defects, common law remedies, §14.10.A.5

MINERALS PRODUCTION TAX

- Mortgage registration tax, exemptions, §13.4.D.8

MINNESOTA AGRICULTURAL PROPERTY TAX LAW

- Green Acres program, §11.6.A

MINNESOTA ASSOCIATION OF REALTORS (MAR)

- Forms
 - MAR purchase agreement: new construction, Appendix B following §17.6.A.3
 - Minnesota Association of Realtors Purchase Agreement, Appendix B following §26.14.G
 - Homestead classification, MAR purchase agreement forms, §11.3.B.1

MINNESOTA ASSOCIATION OF REALTORS PURCHASE AGREEMENT

- Forms, Appendix B following §26.14.G

MINNESOTA COMMON INTEREST OWNERSHIP ACT

- Generally, §§18.1 to 18.8

MINNESOTA COMMON INTEREST OWNERSHIP ACT (MCIOA)

- New construction, Chapter 515B warranty coverage, §17.5.C.2

MINNESOTA CONSUMER FRAUD ACT

- Seller disclosures, statutory vs. common law claims, §8.2.B

MINNESOTA DEPARTMENT OF HEALTH (MDH)

- Land use controls, §21.8

MINNESOTA ENVIRONMENTAL QUALITY BOARD (MEQB)

- Land use controls, §21.8

MINNESOTA ENVIRONMENTAL RESPONSE AND LIABILITY ACT (MERLA)

- “As is” provisions, Gopher Oil, §4.7.B
- Due diligence, liability and defenses, §24.3.A.3
- State liability for hazardous substance release, §24.3.A
- Voluntary cleanups, §24.4.A

MINNESOTA OPEN SPACE PROPERTY TAX LAW

- Deferred taxes, §11.6.C

MINNESOTA PETROFUND

- Underground storage tanks, addressing contamination, §24.4.B

MINNESOTA POLLUTION CONTROL AGENCY (MPCA)

- Land use controls, §21.8
- Underground storage tanks, site assessment, §24.2.C

MINNESOTA PUBLIC UTILITIES COMMISSION (MPUC)

Land use controls, §21.8

MINNESOTA REGISTRATION ACT

Torrens property, §13.1.A.1

MINNESOTA STANDARDS FOR TITLE EXAMINATION

Title examination, §9.2.B

MINNESOTA STATE BAR ASSOCIATION (MSBA)

Forms

MSBA residential purchase agreement and contract for new construction, Appendix A following §17.6.A.3

MSBA Standard Residential Purchase Agreement, Appendix A following §26.14.G

Homestead classification, MSBA purchase agreement forms, §11.3.B.2

MINNESOTA UNIFORM CONVEYANCING FORMS

Online resources, §1.4

MINNESOTA WILD AND SCENIC RIVERS ACT

Lakeshore property, §19.2.B.1

MINOR SUBDIVISION PROCEDURE

Defined, §10.1.D

MIRROR IMAGE RULE

Acceptance, purchase agreements, §3.2.B

MISCONDUCT

Real estate licensees, license denial, suspension, or revocation, §2.2.N

MISREPRESENTATION

Commercial real estate, §4.3.C

Elements and proof, §14.7

Elements of proof, §4.3.C

Failure to disclose, §4.3.D.2

Fraudulent vs. negligent misrepresentation, §4.3.D.1

Remedies, §4.3.E, §14.7

Seller disclosures, statutory vs. common law claims, §8.2.B

Warranties vs. representations, §4.5.C

MISTAKE

Merger doctrine, limitations, §14.8

MIXED-USE PROPERTY

Section 1031 exchanges, §23.14.A

Structuring transaction for tax purposes, §23.2.G

MOLD

Seller disclosures, statutory vs. common law claims, §8.2.B

MOLD AND MILDEW

Lakeshore property, due diligence, §19.3.C

MONEY DAMAGES

Special covenants, remedies for breach, §4.2.C.1

MONUMENTS

Optional survey responsibilities and specifications, ALTA surveys, §10.2.C

Surveys, §10.2.A

MORTGAGE DEBT RELIEF ACT OF 2007

Primary residence, cancellation of indebtedness, §5.2.G

MORTGAGE REGISTRATION TAX

Generally, §13.4

Bankruptcy, §13.4.E.10

Commercial real estate, settlement statements, §12.4.A.6

Definitions, §13.4.A

Exemptions, §13.4.D

Additional security instruments, §13.4.D.3

Affordable housing, §13.4.D.6

Agricultural mortgages, §13.4.D.10

American Indians, §13.4.D.12

Armory buildings, §13.4.D.11

Contracts for deed, §13.4.D.5

Corrective mortgages, §13.4.D.2

Federal agencies, §13.4.D.7

Fraternal benefit societies, §13.4.D.9

Marital dissolution, §13.4.D.1

Mortgage amendments and extensions, §13.4.D.4

Summary real estate disposition judgments, §13.4.D.1

Forms, Revenue Department Form MRT1, Appendix C following §13.6.B

Indeterminate amount mortgages, §13.4.E.6

Mortgage securing portion of debt, §13.4.E.4

Mortgages, financing documents, §26.6.L

Multicounty mortgages, §13.4.E.3

Multistate mortgages, §13.4.E.1

Payment procedures, §13.4.C

Religious organizations, §13.4.E.9

Reverse mortgages, §13.4.E.7

Revolving line of credit, §13.4.E.5

Schools, §13.4.E.8

Special issues, §13.4.E

Statewide recording fees, chart, Appendix F following §13.6.B

Supplemental mortgages and amendments, §13.4.E.2

Tax rates, §13.4.B

MORTGAGES

Buyer options on foreclosed property, purchase of loan, §22.6.C.1

Closing documents, loan documents, §12.3.A.6

Contracts for deed, purchase money mortgages compared, §25.1.B

Deed tax exemptions, §13.3.B.2

Foreclosure and redemption, §13.3.B.9

Defined, mortgage registration tax, §13.4.A

Distressed property, due diligence, §22.4.C

Financing documents, §26.6

Borrower information, §26.6.A

Casualty insurance, §26.6.H

Default, §26.6.J

Entry on property, §26.6.K

Environmental concerns, §26.6.G

Format for recording documents, §26.6.M

Insurance and condemnation proceeds, §26.6.I

Lender information, §26.6.B

Mortgage registration tax, §26.6.L

Payment of taxes, charges, and liens, §26.6.F

Property information, §26.6.C

Remedies, §26.6.K

Underlying debt information, §26.6.D

Warranties of title, §26.6.E

Foreclosure, recording documents, §13.2.B.7

Income tax, wrapped mortgages, §5.3.C

Itemized deductions, mortgage insurance premiums, §5.4.B.5

Mortgage costs, due diligence, §8.4.C

Mortgage Debt Relief Act of 2007, cancellation of indebtedness, §5.2.G

Mortgage registration tax, §13.4

Bankruptcy, §13.4.E.10

Indeterminate amount mortgages, §13.4.E.6

Mortgage securing portion of debt, §13.4.E.4
 Multicounty mortgages, §13.4.E.3
 Multistate mortgages, §13.4.E.1
 Religious organizations, §13.4.E.9
 Reverse mortgages, §13.4.E.7
 Schools, §13.4.E.8
 Supplemental mortgages and amendments, §13.4.E.2
 Recording documents, §13.2.C.1
 Foreclosure by action, §13.2.B.7
 Release/satisfaction of current financing, closing documents, §12.3.A.6
 Right of first refusal, subordination to mortgage financing, §16.3.E.3
 Title clearance
 Curative acts, §9.3.E
 Satisfaction of financing, §9.3.C
 Title defects, common law remedies, §14.10.A.5
 Title examination, §9.2.C.4
 Torrens property, recording documents, §13.1.A.4
 Uniform Conveyancing Blanks (UCBs), list of forms available, Appendix E following §13.6.B
MPCA (MINNESOTA POLLUTION CONTROL AGENCY)
 Land use controls, §21.8
MPUC (MINNESOTA PUBLIC UTILITIES COMMISSION)
 Land use controls, §21.8
MSBA (MINNESOTA STATE BAR ASSOCIATION)
 Forms
 MSBA residential purchase agreement and contract for new construction, Appendix A following §17.6.A.3
 MSBA Standard Residential Purchase Agreement, Appendix A following §26.14.G
 Homestead classification, MSBA purchase agreement forms, §11.3.B.2
MSBA RESIDENTIAL PURCHASE AGREEMENT AND CONTRACT FOR NEW CONSTRUCTION
 Forms, Appendix A following §17.6.A.3
MSBA STANDARD RESIDENTIAL PURCHASE AGREEMENT
 Forms, Appendix A following §26.14.G
MULTICOUNTY MORTGAGES
 Mortgage registration tax, §13.4.E.3
MULTIPARTY EXCHANGES
 Section 1031 exchanges, §23.5
MULTIPLE DWELLINGS
 New construction, pre-lien notice exceptions, §17.6.A.3
MULTIPLE LAND PARCELS
 Commercial real estate, new construction contingency checklists, §17.3.A.2
MULTIPLE PARTIES
 Right of first refusal, tortious interference, §16.3.E.4
MULTIPROPERTY TRANSACTIONS
 Right of first refusal, §16.3.B.6
MULTISTATE MORTGAGES
 Defined, §13.4.A
 Mortgage registration tax, §13.4.E.1
MUNICIPALITIES
 Cartways, lakeshore property, §19.7.A.4
 Chapter 505 plats, §10.4.A
 Code compliance inspections, §8.2.A.6

Comprehensive municipal plans, §21.4.D.1
 Metropolitan area, §21.4.D.2
 Defined, §21.4.A
 Development property purchases, land use controls, §21.4
 Lakeshore property, §19.2.C.1
 Land use requests, 60-day response rule, §21.6
 Real estate taxes, tax increment financing (TIF), §11.6.F
MUSA (METROPOLITAN URBAN SERVICE AREA)
 Metropolitan Council, §21.4.D.2
N
NATURAL BREAKPOINT
 Defined, percentage rent, §20.4.A.2
NATURAL PERSON
 Defined, §9.4.C.3
NATURAL RESOURCES DEPARTMENT (DNR)
 Land use controls, §21.8
NAVIGABLE WATERS
 Lakeshore property, riparian rights, §19.5.A.1
NEGLIGENT MISREPRESENTATION
 Government agencies, §21.7
 Seller disclosures, statutory vs. common law claims, §8.2.B
NEGOTIATIONS
 Development property purchases, development agreements, §21.5.B
 Letter of intent, covenant of good faith and fair dealing, §15.3.C
 Real estate licensee, statutory requirements/prohibitions, §2.14.A
NEUTRALS
 Home warranty dispute process, new construction, §17.5.C.1
NEW CONSTRUCTION
 Generally, §§17.1 to 17.6
 Breach of warranty, §17.5.C.1
 Chapter 327 warranty coverage, warranty exclusions, §17.5.C.1
 Commercial real estate
 Access to site, §17.3.A.2
 Additions to existing structures, §17.3.A.2
 ALTA zoning endorsements, §17.3.B.1
 Closing documents, §17.3.D
 Condominium endorsements, §17.3.B.1
 Contingencies in purchase agreements, §17.3.A.1
 Contingency checklists, §17.3.A.2
 Early start insurance coverage, §17.3.B.1
 Easements, §17.3.A.2
 Government approvals, §17.3.A.2
 Impact, §17.3
 Insurance endorsements, §17.3.B.1
 Insurance exceptions, §17.3.B.1
 Loan transaction impact, §17.4
 Planned unit development endorsements, §17.3.B.1
 Purchase agreements, §17.3.A
 Restrictions on development, §17.3.A.2
 Seller vs. buyer contingencies, §17.3.A.1
 Site contingencies, §17.3.A.2
 Survey requirements, §17.3.C
 Title insurance, §17.3.B.1
 Title issues, §17.3.B
 Warranties, §17.3.E
 Wetlands, §17.3.A.2
 Common interest communities (CICs)
 Express warranties, §17.5.C.2

Implied warranties, §17.5.C.2
 Statute of limitations on warranties, §17.5.C.2
 Warranty insurance programs, §17.5.C.3
 Construction loan agreements, borrower loan submissions, §17.4.A.3
 Express warranties, common interest communities (CICs), §17.5.C.2
 Forms
 MAR purchase agreement: new construction, Appendix B following §17.6.A.3
 MSBA residential purchase agreement and contract for new construction, Appendix A following §17.6.A.3
 Impact, purchase and sales transactions, §17.1
 Loan transaction, impact, §17.4
 Loans
 Borrowers, §17.4.A.2
 Construction loan agreements, §17.4.A.3
 Project budget, §17.4.A.1
 Mechanic's liens, §17.6
 Pre-lien notice, §17.6.A
 Priority pictures, mechanic's liens, §17.6
 Purchase agreement checklist
 Alternative dispute resolution, §17.5.D.13
 Builder as buyer, §17.5.D.2
 Buyer as own general contractor, §17.5.D.2
 Change orders, §17.5.D.6
 Contractor's recovery fund, §17.5.D.12
 Covenants, conditions and restrictions, §17.5.D.11
 Disclosure requirements, §17.5.D.4
 Earnest money and downpayment, §17.5.D.3
 Liability insurance, §17.5.D.10
 Mechanic's lien rights waiver, §17.5.D.7
 New homes, §17.5.D.1
 Plans and specifications, §17.5.D.5
 Subcontractors, §17.5.D.8
 Title issues, §17.5.D.9
 Voiding new home warranties, §17.5.D.1
 Remedies, construction loan agreements, §17.4.A.3
 Residential real estate, §17.5
 Alternative dispute resolution, §17.5.C.1
 Breach of warranty, §17.5.C.1
 Builder licenses, §17.5.B
 Chapter 515B warranty coverage, §17.5.C.2
 Purchase agreement checklist, §17.5.D
 Warranties, §17.5.C
 Warranty exclusions, §17.5.C.1
 Warranty insurance programs, §17.5.C.3
 Statute of limitations, Chapter 327 warranty claims, §17.5.C.1
 Turn key transactions, §17.2
NONCONFORMING USE
 Defined, §21.4.E.1
NONDISTURBANCE AGREEMENTS
 Defined
 Financing documents, §26.11.A
NONMEANDERED WATERS
 Lakeshore property, riparian rights, §19.5.C
NONRECOURSE LOANS
 Income tax
 Cancellation of indebtedness, §5.2.G

Foreclosure debt forgiven, §5.2.I
 Promissory note, §26.5.H
NOTARIES
 Recording checklist, Appendix D following §13.6.B
 Recording documents
 Acknowledgments, §13.2.A.2
 Common errors in documents, §13.6.A
NOTES
 Section 1031 exchanges, property not qualifying, §23.2.A
NOTICE
 Cancellation of purchase agreements
 Notice of termination, §6.2.A.4
 Statutory procedures under Minn. Stat. §559.217, §6.3.A.4
 Common interest communities (CICs), purchase agreement requirements, §18.5.F
 Contracts for deed, landlord cancellation or foreclosure, §25.7.B
 Entry on land, surveys, §10.1.D.5
 Financing documents, environmental indemnity, §26.12.B
 Forms, MPCA environmental covenant under UECA, Appendix D following §24.4.C
 Mechanic's liens, pre-lien notice, §17.6.A
 Multiple property sellers, contracts for deed, §25.7.D
 New construction, pre-lien notice exceptions, §17.6.A.3
 Option to purchase, exercise of option, §16.2.E
 Protective lists, listing agreements, §2.8.B
 Real estate licensee disclosures
 Nonperforming party, §8.3.J.2
 Right to choose closer, §8.3.C.2
 Statutory procedures, mechanics of canceling purchase agreement, §6.2.B.1
 Torrens property, subsequent court proceedings, §13.1.A.5
NOVATION
 Defined, §3.7
NUMBERS
 Legal descriptions, composition standards and rules, §10.1.K.1
NUMERICAL INDEX
 Abstract property system, §13.1.B.1
 Legal descriptions, research and verification, §10.1.E
NURSING HOMES
 Real estate taxes, exempt property, §11.3.D.2
O
OBEDIENCE
 Fiduciary duties, real estate licensees, §2.3.C
OFF-SITE IMPROVEMENTS
 Defined, development agreements, §21.5.A.3
OFF-SITE SOURCE DETERMINATIONS
 Defined, MPCA, §24.4.A.2
OFFER
 Purchase agreements, §3.2.A
OFFICE OF FOREIGN ASSETS CONTROL (OFAC)
 Blocked persons check, closing documents, §12.3.A.13
OFFICE PROPERTY. See also RETAIL/OFFICE PROPERTY
 Calculation, rentable square feet, §20.5.A
 Due diligence
 Leasing plan, §20.5.B
 Rentable square feet, §20.5.A
 Forms, tenant estoppel certificate, Appendix A following §20.5.B
OFFICIAL CONTROLS
 Defined, §21.4.B

OIL INTERESTS

Real estate taxes, separately taxed property categories, §11.3

ON-SITE IMPROVEMENTS

Defined, development agreements, §21.5.A.2

100-YEAR FLOOD ELEVATION

Defined, §10.3.C.4

OPEN SPACE PARK LAND

Real estate taxes, separately taxed property categories, §11.3

OPERATING STATEMENTS

Due diligence, retail/office property, §20.2.A

OPERATING SYSTEMS

Due diligence, commercial real estate, §7.3.A

OPINION OF COUNSEL

Closing documents, §12.3.A.6

Financing documents, §26.14

Assumptions, §26.14.E

Definitions, §26.14.D

Document review, §26.14.C

Introduction, §26.14.B

Opinions, §26.14.F

Qualifications, §26.14.G

Salutation, §26.14.A

Real Estate Opinion Letter Guidelines, §26.14.G

OPTION TO PURCHASE

Generally, §16.2

Cancellation of purchase agreements, statutory procedures, §6.2.A.3

Defined, §16.2.A

Enforceability concerns, §16.2.D

Marketable Title Act, §16.2.D.2

Recording documents, §16.2.D.3

Statute of frauds, §16.2.D.1

Title insurance, §16.2.D.4

Enforceable agreements, terms, §16.2.C.2

Enforcement, §16.5

Executory contract status, §16.6

Exercise of option, §16.2.E

Language, drafting documents, §16.1

Option period, exercise of option, §16.2.E

Purchase options vs. purchase agreements, §16.2.B

Rights given option holder, §16.2.B

Statute of frauds, §16.2.C.1

Termination of agreement, §16.2.F

Terms, §16.2.C

Exercise of option, §16.2.E

Time and manner of exercise, enforceable agreement terms, §16.2.C.2

When used, §16.2.A

OPTIONS

Purchase agreement v. option, §1.4

ORDINANCES

Code compliance inspections, §8.2.A.6

Development property purchases

Moratorium circumstances, §21.4.C

Official controls, §21.4.B

Project design requirements, §21.3

Lakeshore property, §19.2.C.1

Boundary lines, §19.6

Townships, §19.2.C.2

Methamphetamine production on property, statutory preemption, §4.4.C.6

Septic systems, case law, §4.4.B.6

Title insurance, exclusions from coverage, §9.4.C.5

Torrens property, registered land surveys, §13.1.A.5

ORDINARY INCOME

Income tax, foreclosure debt forgiven, §5.2.I

ORGANIZATIONS

Closing documents, powers of attorney, §12.3.A.12

OUT-OF-POCKET LOSS

Defined, §4.3.E.3

OUT-OF-POCKET RULE

Damages

Breach of warranty, §4.5.A

Seller disclosures, §8.2.C

Fraud and misrepresentation, §14.7

OUTDOOR AREA USE

Development property purchases, project design requirements, §21.3.D

OUTLOT

Defined, §10.1.D

OVERRIDE CLAUSES

Listing agreements, §2.8.A

OWNER-OCCUPIED DUPLEXES

Section 1031 exchanges, mixed-use property, §23.14.A

OWNER'S MANUALS

Closing process, original documents for operation of property, §12.6.C

P**PARKING AREAS**

Development property purchases, project design requirements, §21.3.C

Optional survey responsibilities and specifications, ALTA surveys, §10.2.C

PAROL EVIDENCE RULE

Fraud and misrepresentation, §14.7

Title defects, common law remedies, §14.10.A.5

PARTIES

Option to purchase, enforceable agreement terms, §16.2.C.2

Right of first refusal, terms, §16.3.B.1

Title examination, party names, §9.2.C.4

PARTITION OF PROPERTY

Deed tax, exemptions, §13.3.B.8

PARTNERSHIPS

Deeds and conveyances, recording documents, §13.2.B.8

Licenses, real estate companies, §2.1.B

Liquidation of partnership interests, §23.9.C

Section 1031 exchanges, §23.2.F, §23.9

Deemed sale of property, §23.15.C

Different vs. same partnerships, §23.2.B

Distribution of undivided interests, §23.9.C

Liquidation of partnership interests, §23.9.C

Partnership property subject to debt, §23.6.D.3

Property not qualifying, §23.2.A, §23.2.F

Purchase of partnership interest, §23.9.A

Special allocation, §23.9.B

Statement of partnership authority, §13.2.B.8

Tax termination of partnership, §23.9.A

PASSIVE ACTIVITY LOSS RULES

- Income tax deductions, §5.2.D
- Section 1031 exchanges, §23.15.B

PAST FACTS

- Representations, §4.3.H

PEACE CORPS

- Primary residence, five year use test for gain exclusion, §5.4.A.5

PERIOD OF NONQUALIFIED USE

- Defined, primary residence, §5.4.A.2

PERMITS

- Closing documents
 - Government approvals and assurances, §12.3.A.10
 - Operational documents, §12.3.A.9
- Commercial real estate, license review, §7.2.A
- Conditional use permits, lakeshore property, §19.2.D
- Development property purchases, building permit conditions, §21.5.A.6
- Lakeshore property, conditional use permits, §19.2.D
- Public Waters Permit Program, lakeshore property, §19.2.B.3

PERMITTED USE

- Defined, §21.4.E.1

PERSONAL PROPERTY

- Closing documents, bill of sale, §12.3.A.2
- Defined, §11.2
- Depreciable lives, personal vs. real property, §5.2.E.2
- Forms, MSBA Standard Residential Purchase Agreement, Appendix A following §26.14.G
- Government-owned, tax due dates, §11.7
- Income tax, tangible personal property, §5.2.A
- Manufactured homes, §11.3.A.5
- Real estate taxes, application of law, §11.1
- Tax due dates, §11.7
- Tax status, §11.2

PERSONAL PROPERTY COOPERATIVES

- CIC plats, §18.4.A.3

PERSONS WITH DISABILITIES

- Homestead classification, blind or disabled occupants, §11.3.A.6
- Primary residence, five year use test for gain exclusion, §5.4.A.4

PETROLEUM LEAKS

- Contamination, underground storage tanks, §24.4.B
- Forms, MPCA environmental covenant under UECA, Appendix D following §24.4.C
- Voluntary cleanups
 - Liability assurances, §24.4.A.2
 - Technical assistance, §24.4.A.1

PHASE I INVESTIGATIONS

- Defined, §7.3.C.1

PHYSICAL CONDITION

- Commercial real estate, due diligence, §7.3

PLANNED COMMUNITIES

- Application of law, common interest communities (CICs), §18.3.B
- CIC plats, §18.4.A.2
- Defined, §18.2.E
- Legal descriptions, §18.4.B.2
- Title examination, common interest communities (CICs), §9.2.C.5

PLANNED UNIT DEVELOPMENTS (PUDs)

- Defined, §21.4.E.6
- Land use controls, §21.4.E.6

- New construction, commercial real estate, title insurance endorsements, §17.3.B.1

PLANNED USE DEVELOPMENT AGREEMENTS

- Negotiations, §21.5.B

PLANS AND SPECIFICATIONS

- New construction, purchase agreement checklist, §17.5.D.5

PLAT

- Defined, §21.4.F.2

PLAT BOOKS

- Title examination process, aids to examination, §9.2.C.2

PLAT DRAWINGS

- ALTA survey requirements, §10.2.C
- CIC plats, §18.2.F
 - Types of plats, §18.4.A
- Legal descriptions, §9.2.C.1
- Subdivision plats, deed tax exemptions, §13.3.B.3
- Title examination process, aids to examination, §9.2.C.2
- Title to property, buyer's title commitment review, §8.6.D.2
- Torrens property, registered land surveys, §13.1.A.5

PLAT MAPS

- Development property purchases, subdivision ordinances, §21.4.F.2

PLAT MONUMENT

- Defined, §10.1.D

PLATS

- Generally, §10.1.D
- Coordinates, §10.1.D.4
- Defined, §10.1.D
- Easements, surveys, §10.3.A.7
- Legal descriptions
 - Auditor's subdivision plats, §10.1.G
 - Dedication statements, §10.1.D.1
 - Highway right-of-way plats, §10.1.D.2
 - Local right-of-way acquisitions, §10.1.D.3
 - Name and legal description, §10.1.D.1
 - Purpose of plat, §10.1.D
 - Recording documents, §10.1.D.7
 - Subdivisions, §10.4
 - Conveyance of part of tax parcel, §10.4.C
 - Surveys
 - Access (public or private), §10.3.B.1
 - Entry on land, §10.1.D.5

POINTS

- Adjustments to basis, closing costs and fees, §5.2.C.4

POLLUTION CONTROL AGENCY (MPCA)

- Land use controls, §21.8

PONDS

- ALTA survey requirements, §10.2.C

POPULAR NAME LAWS

- Clean Water Act, §19.2.A.1
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), §4.7, §24.3.A
- Floodplain Management Law, §19.2.B.2
- Foreign Investment in Real Property Tax Act of 1980 (FIRPTA), §8.3.L, §12.3.A.3
- Interstate Land Sales Full Disclosure Act (ILSA), §14.13, §18.5.K
- Job Opportunity Building Zones (JOBZ), §11.6.E
- Marketable Title Act, §9.2.C.4
 - Option to purchase, §16.2.D.2

- Right of first refusal, §16.3.E.1
- Metropolitan Agricultural Preserves Act, §11.6.D
- Minnesota Agricultural Property Tax Law, §11.6.A
- Minnesota Common Interest Ownership Act (MCIOA), §17.5.C.2, §§18.1 to 18.8
- Minnesota Consumer Fraud Act, §8.2.B
- Minnesota Environmental Response and Liability Act (MERLA), §4.7.B, §24.3.A
- Minnesota Open Space Property Tax Law, §11.6.C
- Minnesota Registration Act, §13.1.A.1
- Minnesota Subdivided Land Sales Act, §18.5.K
- Minnesota water law, §19.2.B
- Minnesota Wild and Scenic Rivers Act, §19.2.B.1
- Mortgage Debt Relief Act of 2007, §5.2.G
- Real Estate Settlement Procedures Act (RESPA), §12.5.A, §26.2.C
- Shoreland Development Act, §19.2.B.5
- Sustainable Forest Incentive Act (SFIA), §11.6.B
- Truth in Lending Act (TILA), §26.2.C
- Uniform Condominium Act, §18.3.D
- Uniform Environmental Restrictive Covenants Act (UECA), §24.4.C
- Uniform Vendor and Purchaser Risk Act, §3.6
- Watershed Law, §19.2.B.6
- Wild and Scenic Rivers Act, §19.2.A.2
- POSSESSION**
 - Transfers, §12.6.B
- POST-CLOSING AGREEMENTS**
 - Closing documents, §12.3.A.14
 - Purchase agreement drafting considerations, distressed properties, Appendix A following §22.10.F
- POST-CLOSING COVENANTS**
 - Purchase agreements, merger doctrine, §4.2.C.3
 - Securing performance, §4.2.C.2
 - Special covenants, §4.2.B
- POST-CLOSING FOLLOW-UP**
 - Due diligence, §8.7.F
- POST-CLOSING ISSUES**
 - Missing documents or signatures, §12.7.A
- POWERS OF ATTORNEY**
 - Closing documents, §12.3.A.12
 - Electronic recording, §13.5
 - Recording documents, deeds and conveyances, §13.2.B.8
 - Uniform Conveyancing Blanks (UCBs), list of forms available, Appendix E following §13.6.B
- PRE-CLOSING COVENANTS**
 - Special covenants, §4.2.B
- PRICE**
 - Recognizing distressed property, §22.3
- PRIMARY BROKER**
 - Defined, §2.1.D
- PRIMARY RESIDENCE**
 - Business use of property, §5.4.A.1
 - Capital gain/loss restrictions, sale of property, §5.4.A.1
 - Five year use test for gain exclusion, disability exceptions, §5.4.A.4
 - Income tax
 - Cancellation of indebtedness, §5.2.G
 - Capital gain/loss restrictions, §5.4.A.1
 - Converting to/from rental property, §5.4.A.3
 - Home sale losses, §5.4.A.8
 - Reduced maximum exclusion, §5.4.A.6
 - Qualified residence, itemized deductions, §5.4.B.1
 - Seller disclosures, statutory provisions, §8.2.A.1
- PRIORITY PICTURES**
 - Mechanic's liens, new construction, §17.6
- PRIVATE OUTDOOR RECREATIONAL LAND**
 - Real estate taxes, separately taxed property categories, §11.3
- PRIVATE ROADWAYS**
 - Easements, surveys, §10.3.A.4
- PRIVATE WATER WELLS**
 - Lakeshore property, §19.2.B.8
- PRIVITY OF CONTRACT**
 - Defined, §3.7
- PRIVITY OF ESTATE**
 - Defined, §3.7
- PROBATE DEEDS**
 - Closing documents, §12.3.A.1
- PROBATE PROCEEDINGS**
 - Deeds and conveyances, §13.2.B.7
 - Title clearance, curative acts, §9.3.E
- PROFESSIONAL CONDUCT**
 - Commercial real estate, role of attorney, §1.3
- PROMISSORY ESTOPPEL**
 - Defined, §15.4.C
 - Letter of intent, §15.4.C
- PROMISSORY NOTE**
 - Financing documents, §26.5
- PROPERTY IDENTIFICATION NUMBERS (PINs)**
 - Legal descriptions, research and verification, §10.1.E
- PROPERTY INSPECTIONS**
 - Due diligence, §8.5.B
 - Impact on required disclosures, §8.5.B.3
 - Government-mandated inspections, §8.5.B.2
 - Timing, §8.5.B.1
- PROPERTY TAX. See REAL ESTATE TAXES**
- PROPERTY TAX ADMINISTRATOR'S MANUAL**
 - Exempt property factors, §11.3.D.1
- PROPRIETARY LEASE**
 - Defined, §18.2.D, §18.2.G
- PRORATIONS**
 - Due diligence, retail/office property, §20.3.D
- PROTECTIVE LISTS**
 - Listing agreements, §2.8.B
- PUBLIC ACCESS**
 - Lakeshore property, §19.7.A
 - Cartways, §19.7.A.4
 - Common law dedication, §19.7.A.3
 - Dedication by statutory use, §19.7.A.2
 - Easement access, §19.7.B
 - Railroad crossings, §19.7.C
- PUBLIC CHARITIES**
 - Real estate taxes, exempt property, §11.3.D.1
- PUBLIC HEARINGS**
 - Development property purchases, variance requests, §21.4.F.3
- PUBLIC OFFICERS AND EMPLOYEES**
 - Real estate licensees, license exceptions, §2.1.J

PUBLIC RECORDS

Defined, ALTA standard policies, §9.4.C.6

PUBLIC ROADS

Surveys, access (public or private), §10.3.B.3, §10.3.B.4

PUBLIC UTILITIES COMMISSION (MPUC)

Land use controls, §21.8

PUBLIC WATERS

Allocation and control, waters of the state, §19.5.L

Effect of public waters designation, §19.5.N

Inventory, §19.5.K

Lakeshore property, riparian rights, §19.5.J

Work in public waters, §19.5.M

PUBLIC WATERS PERMIT PROGRAM

Lakeshore property, §19.2.B.3

PUBLIC WATERS WETLANDS

Defined, §10.3.C

PUBLIC WAY

Defined, §10.1.D

PURCHASE AGREEMENT DRAFTING CONSIDERATIONS

Distressed properties, Appendix A following §22.10.F

PURCHASE AGREEMENTS

Generally, §§3.1 to 3.9

Acceptance, mirror image rule, §3.2.B

“As is” provisions, CERCLA claims for contribution, §4.7.A

Assessments, buyer/seller apportionment, §11.5.A

Assignment

Liability of assignor, §3.7

Privity of estate vs. privity of contract, §3.7

Attorney review for closing, §12.1

Breach of warranty, damages, §4.5.A

Cancellation of purchase agreements, §§6.1 to 6.5

Checklists, residential real estate new construction, §17.5.D

Commercial real estate, §3.9

Due diligence period, §3.3.A

Escrow of earnest money, §3.9.B

Prorations and closing costs, §3.9.D

Tenant estoppel certificates, §3.9.A

Transfer of leases and rights, §3.9.C

Commercial vs. residential agreements, §3.1

Common interest communities (CICs), §18.5

100-lot exemption, §18.5.K

Appurtenances, §18.5.B

Cancellation period commencement, §18.7.B

Cancellation period duration, §18.7.A

Cancellation period modification or waiver, §18.7.C

Common element license/lease/easement, §18.5.B.1

Common expense assessments, §18.5.G.1

Conversion property, §18.5.K

Disclosure statement amendment, §18.7.D

Escrow of deposits, §18.5.C

Implied warranties, §3.4, §18.5.J

Improved lot exemption, §18.5.K

Interstate Land Sales Full Disclosure Act, §18.5.K

Legal descriptions, §18.5.A

Lien releases, §18.5.D.1

Limited common elements, §18.5.B.2

Minnesota Subdivided Land Sales Act, §18.5.K

Notice requirements, §18.5.F

Prepaid insurance, §18.5.G.3

Proof of title, §18.5.D.2

Prorations and closing payments, §18.5.G

Purchaser cancellation rights, §18.5.H

Real estate taxes, §18.5.E

Special assessments, §18.5.E.2

Statute of limitations reduction, §18.5.J

Tax subdivision and timing, §18.5.E.1

Title commitment endorsements, §18.5.D.3

Unit titles, §18.5.D

Working capital contribution, §18.5.G.2

Conditions precedent, §3.3.A

Consideration, §3.3.B

Contingencies, §3.3.A

Contract to keep offer open, effect, §3.3.C

Contracts for deed compared, §25.1.A

Counteroffers, §3.2.C

Covenants, §4.2.A

Merger doctrine, §3.5

Damages, breach of warranty, §4.5.A

Default, remedies, §§14.1 to 14.14

Definiteness, essential terms, §3.3.C

Development property purchases, §§21.1 to 21.9

Considerations, §21.9

Contingencies for architectural approval, §21.9.D

Contingencies for land use, §21.9.D

Contingencies for physical characteristics of property, §21.9.C

Contingencies for user approvals, §21.9.E

Credits for conditions increasing development cost, §21.9.A.2

Deferred assessments, §21.9.A.3

Environmental contingencies, §21.9.C.2

Form zoning letter, Appendix C following §21.9.E

Initial inquiries of local government, Appendix B following §21.9.E

Initial questions for client, Appendix A following §21.9.E

Land use controls/approval determinations, §21.4.D.3

Purchase price considerations, §21.9.A

Special easement requirements, §21.9.B

Survey contingencies, §21.9.C.3

Title contingencies, §21.9.C.3

Distressed property, §22.1 to 22.10

Purchase agreement drafting considerations, Appendix A following §22.10.F

Dual agency, disclosure and consent, §2.3.B

Earnest money

Consideration, §3.3.B

Trust account transfers, §2.10.B

Enforceability, §3.3

Equitable conversion

Insurance, §3.6.A.4

Majority rule, §3.6.A.1

Minority rule, §3.6.A.2

Uniform Vendor and Purchaser Risk Act, §3.6.A.3

Equitable estoppel, statute of frauds exceptions, §3.3.C.1

Equitable title in purchaser, §3.6.A

Executory period, §3.1

Financing documents, §§26.1 to 26.14

Formation, §3.2

Acceptance, §3.2.B

Counteroffers, §3.2.C

Offer, §3.2.A

Forms

- Commercial real estate, Appendix A following §3.9.D
- MAR purchase agreement: new construction, Appendix B following §17.6.A.3
- Minnesota Association of Realtors Purchase Agreement, Appendix B following §26.14.G
- MSBA residential purchase agreement and contract for new construction, Appendix A following §17.6.A.3
- MSBA Standard Residential Purchase Agreement, Appendix A following §26.14.G

Homestead classification

- MAR forms, §11.3.B.1
- MSBA forms, §11.3.B.2

Indemnification against damage, §4.6.C

Lead warning statements, §8.2.G.2

Legal descriptions, §3.3.C

Letter of intent, §§15.1 to 15.5

- Use, §1.4

MAR vs. MSBA forms, current forms, §3.8.D

Merger doctrine, §3.5, §4.2.C.3

- Remedies, §14.8

Mutual exchange of promises, consideration, §3.3.B

New construction

- Commercial real estate, §17.3.A
- Pre-lien notice exceptions, §17.6.A.3

Option vs. purchase agreement, §1.4

Partial performance, statute of frauds exceptions, §3.3.C.1

Purchase options vs. purchase agreements, §16.2.B

Purchase price, §3.3.B

Purchaser assignment, §3.7.B

Real estate taxes

- Allocation of costs, §5.2.C.5
- Buyer/seller proration, §11.7

Remedies

- Default, §§14.1 to 14.14
- Limitation of remedies, §14.2.B
- Statute of limitations, §14.12

Residential real estate, §3.8

- Disclosure, §3.8.A
- MAR vs. MSBA forms, §3.8.D
- New construction checklists, §17.5.D
- Statutorily implied warranties, §3.8.B

Retail/office property, §§20.1 to 20.5

- New leases and lease amendments, §20.3.C

Right of revocation, offer terms, §3.2.A

Risk of loss, §3.6

- Equitable conversion, §3.6.A

Seller assignment, §3.7.A

Signatures, necessary signatures, §3.3.D

Simultaneous agreement and closing, §3.1

Special assessments, payment of outstanding assessments, §5.2.C.3

Special covenants, remedies for breach, §4.2.C

Statute of frauds, §3.3.C

- Exceptions, §3.3.C.1

Statutorily implied warranties, §3.8.B

Statutory disclosure requirements, §4.4

Subdivision ordinances, disclosure of platting necessity, §21.4.F.6

Survival of warranty, §4.5.B

Synonymous names for, §3.1

Third-party indemnifications, §4.6.B

Warranties, §3.4

- Merger doctrine, §3.5

PURCHASE MONEY MORTGAGES

- Contracts for deed compared, §25.1.B

PURCHASE PRICE

- Option to purchase, enforceable agreement terms, §16.2.C.2
- Purchase agreement drafting considerations, distressed properties, Appendix A following §22.10.F
- Right of first offer, setting price, §16.4.B.1
- Right of first refusal, §16.3.B.4

PURCHASE PROCESS

- Commencing process, §1.4
- Disclosure, common interest communities (CICs), §18.6
- Letter of intent, §§15.1 to 15.5
- Role of attorney, §1.4

Q**QUALIFIED ACQUISITION DEBT****QUALIFIED EXCHANGE ACCOMMODATION AGREEMENT (QEAA)****QUALIFIED HOME EQUITY DEBT****QUALIFIED INTERMEDIARIES****QUALIFIED LEASES****QUALIFIED RESIDENCE****QUALIFYING INDEBTEDNESS****QUANTUM MERUIT****QUIET TITLE ACTIONS****QUIT CLAIM DEEDS****R****RACE NOTICE****RADON**

- Content of disclosure, §8.2.L.3
- Exceptions, §8.2.L.2
- Liability for nondisclosure, §8.2.L.4
- Real estate licensees, §8.2.L.6
- Waiver applicability, §8.2.L.5
- RAILROAD CROSSINGS**
 - Public access, lakeshore property, §19.7.C
- RAILROADS**
 - Real estate taxes, separately taxed property categories, §11.3
 - Right of first offer, interest in bankruptcy, §16.4.C
- RAMSEY COUNTY**
 - Deed tax, calculation, §13.3.A.2
 - Deed tax allocation, closing documents, §12.3.A.1
 - Mortgage registration tax, rates, §13.4.B
- RATE LOCK**
 - Defined, financing contingencies, §8.4.A.2
- REAL ESTATE AGENTS. See REAL ESTATE LICENSEES**
- REAL ESTATE BOARD**
 - License applications, §2.1.Q
- REAL ESTATE BROKER**
 - Defined, §2.1.C
- REAL ESTATE BROKERS. See REAL ESTATE LICENSEES**
- REAL ESTATE COMPANIES**
 - Licenses, §2.1.B
 - Partnerships, licenses, §2.1.B
- REAL ESTATE EDUCATION, RESEARCH, AND RECOVERY FUND**
 - Generally, §2.11
- REAL ESTATE LICENSEES**
 - Generally, §§2.1 to 2.14
 - Administrative hearings, license denial, suspension, or revocation, §2.2.Q
 - Agency relationships, §2.3
 - Common law principles, §2.3.A
 - Dual agency, §2.3.B
 - Fiduciary duties, §2.3.C
 - Applications, licenses, §2.1.Q
 - Broker price opinions, §2.9
 - Brokers
 - Dual agency, §2.3.B
 - License exceptions, §2.1.J
 - Retention of transaction records, §2.2.L
 - Buyer/broker agreements, §2.5
 - Cancellation of purchase agreement, fraud claims by buyer, §6.2.C
 - Civil actions, commission collection requirements, §2.4.B
 - Commerce Department
 - Approved continuing education courses, §2.2.E
 - License denial, suspension, or revocation, §2.2.O
 - Commingling personal funds, trust accounts, §2.10.D
 - Commissions
 - Actions to collect, §2.12
 - Collection requirements, §2.4.B
 - Fee splitting, §2.14.D.3
 - Continuing education, §2.2
 - Agency representation, §2.2.C
 - Approved courses, §2.2.E
 - Broker modules, §2.2.D
 - Broker-sponsored courses, §2.2.F
 - Fair housing, §2.2.C
 - License reinstatement, §2.2.K
 - License renewal, §2.2.H
 - Required modules, §2.2.D
 - Requirements, §2.2.B
 - Traditional vs. online courses, §2.2.G
 - Disclosures, §2.7, §2.7.A.5, §8.3
 - Advertising, §2.7.A.1, §8.3.B
 - Applicable transactions, §8.3.B.1
 - Liability for nondisclosure, §8.3.B.2
 - Agency relationships, §8.3.A
 - Applicable transactions, §8.3.A.1
 - Content of disclosure, §8.3.A.2
 - Dual agency circumstances, §8.3.A.4
 - When to disclose, §8.3.A.2, §8.3.A.3
 - Airport zoning, §8.3.E.4
 - Broker name, §2.7.A.2
 - Buyer/broker agreements, §2.5
 - Closing, right to choose closer, §8.3.C
 - Common law claims, §8.3.E.8
 - Contradictions in written reports, §8.3.E.7
 - Controlled business relationships, §8.3.F
 - Applicable transactions, §8.3.F.1
 - Associates' role, §8.3.F.3
 - What constitutes arrangement, §8.3.F.2
 - Dual agency, §8.3.A
 - Financial interests, §8.3.G
 - Applicable transactions, §8.3.G.1
 - Liability for nondisclosure, §8.3.G.3
 - When to disclose, §8.3.G.2
 - Foreign Investment in Real Property Tax Act of 1980 (FIRPTA), §8.3.L
 - Liability for nondisclosure, §8.3.L.1
 - Liability limitations, §8.3.L.2
 - Government agency reports, §8.3.E.5
 - Guaranteed sale programs, §8.3.M
 - Applicable transactions, §8.3.M.1
 - What to disclose, §8.3.M.2
 - Lead-based paint, §8.3.H
 - Applicable transactions, §8.3.H.1
 - Liability for nondisclosure, §8.3.H.3
 - Sale or lease impact, §8.3.H.4
 - Licensed name of broker, §8.3.I
 - Liability for nondisclosure, §8.3.I.2
 - When to disclose, §8.3.I.1
 - Licensee relationship to principal, §8.3.K
 - Liability for nondisclosure, §8.3.K.2
 - When to disclose, §8.3.K.1
 - Material facts, §2.7.A.4
 - Material facts of condition of property, §8.3.E
 - Applicable transactions, §8.3.E.1
 - Contradictions in inspection reports, §8.3.E.7
 - Liability for nondisclosure, §8.3.E.8
 - Nonmaterial facts, §8.3.E.2
 - Sex offender information, §8.3.E.3
 - Material facts of principals rights/interests, §8.3.D
 - Applicable transactions, §8.3.D.1
 - Duty and obligations, §8.3.D.2
 - Liability for nondisclosure, §8.3.D.3

- Nonperformance by party, §8.3.J
 - Exceptions, §8.3.J.3
 - Liability for nondisclosure, §8.3.J.5
 - Notice to nonperforming party, §8.3.J.2
 - What to disclose, §8.3.J.1
 - When to disclose, §8.3.J.4
- Nonperformance of party, §2.7.A.5
- Radon, §8.3.N
- Required disclosures summary chart, Appendix A following §8.7.D
- Right to choose closer
 - Applicable transactions, §8.3.C.1
 - Notice requirement, §8.3.C.2
- Sex offender information, §8.3.E.3
- Statutory requirements, §2.7.A
- Truth in housing inspection report, §8.3.E.6
- Dual agency, §2.3
- Earnest money
 - Insufficient funds checks, §2.10.D
 - Trust account transfers, §2.10.B
- Education, continuing education, §2.2
- Exclusive right to sell, provisions, §2.4.A.1
- Facilitator agreements, §2.6
- Fees, license applications, §2.1.R
- Fraudulent, deceptive, or dishonest practices, §2.13, §2.14.D.11
- Income tax
 - Exceptions to tax rules, §5.2.F
 - Installment sales, §5.3.D
- Independent contractors vs. employees, §2.1.K
- Insurance, brokers, §2.1.D
- Investigative costs, §2.2.S
- Letter of intent, promissory estoppel, §15.4.C
- License renewal, continuing education, §2.2.H
- License transfer, broker-to-broker, §2.2.I
- License types, §2.1.A
- Licenses
 - Applications, §2.1.Q
 - Assistants, §2.1.K
 - Automatic suspension, §2.11.G
 - Brokers, §2.1.C
 - Closing agents, §2.1.H
 - Continuing education, §2.2
 - Denial, suspension, or revocation, §2.2.N, §2.2.O
 - Exceptions, §2.1.J
 - Fees, §2.1.R
 - License period, §2.2.A
 - Limited brokers, §2.1.G
 - Loan brokers, §2.1.I
 - Pre-licensing requirements, §2.1.N
 - Primary brokers, §2.1.D
 - Purpose, §2.1.A
 - Qualifications, §2.1.M
 - Real estate companies, §2.1.B
 - Reciprocity and waivers, §2.1.P
 - Reinstatement, §2.2.K
 - Salespersons, §2.1.F
 - State and national examinations, §2.1.O
 - Termination, §2.2.J
 - Unlicensed persons, §2.1.L
- Listing agreements, §2.4
 - Exclusive right to sell, §2.4.A.1
 - Net listing agreements, §2.4.A.2
 - Open listing agreements, §2.4.A.3
 - Override clauses, §2.8.A
 - Protective lists, §2.8.B
 - Statutory requirements, §2.4.C
- Listing brokers, requirements, §2.4.C
- Loan brokers, §2.1.I
- Material facts disclosure, third-party inspection exceptions, §2.7.A.4
- Misconduct, license denial, suspension, or revocation, §2.2.N
- Negotiations
 - Closing costs, §2.14.A.3
 - Closing statements, §2.14.A.5
 - Nondisclosure of terms of offer, §2.14.A.2
 - Required documents, §2.14.A.4
 - Written offers, §2.14.A.1
- Net listing agreements, §2.4.A.2
- Notice, protective lists, §2.8.B
- Notice to Commissioner, §2.14.B
 - Adverse civil judgments, §2.14.B.2
 - Criminal offenses, §2.14.B.4
 - Disciplinary actions, §2.14.B.3
 - Requirements, §2.14.B.1
- Open listing agreements, §2.4.A.3
- Override clauses, §2.8.A
- Passive activity loss rules, income tax deductions, §5.2.D
- Penalties, §2.14.C
- Permits, temporary broker permit, §2.1.E
- Pre-licensing requirements
 - Broker education, §2.1.N.2
 - Closing agent education, §2.1.N.3
 - Salesperson education, §2.1.N.1
- Primary broker, defined, §2.1.D
- Prohibited actions, §2.14.D
 - Authorizing unlicensed persons to act, §2.14.D.4
 - Closing services, §2.14.D.7
 - Discouraging use of attorney, §2.14.D.10
 - Exclusive agreement interference, §2.14.D.8
 - Fee splitting, §2.14.D.3
 - Fraudulent, deceptive, or dishonest practices, §2.14.D.11
 - Future profit guarantee, §2.14.D.9
 - Misrepresentation of status, §2.14.D.2
 - Securities dealings outside license scope, §2.14.D.6
 - Self-serving provisions, §2.14.D.5
 - Unlicensed practice, §2.14.D.1
- Radon, seller disclosures, §8.2.L.6
- Real Estate Board, license applications, §2.1.Q
- Real estate broker, defined, §2.1.C
- Real estate education
 - Research, and recovery fund, §2.11
 - Authorized expenditures, §2.11.D
 - Automatic license suspension, §2.11.G
 - Claim amounts, §2.11.E
 - Creation, §2.11.A
 - Fees, §2.11.C
 - History, §2.11.B
 - Limits of recovery by licensees, §2.11.H

- Recovery procedures, §2.11.F
- Reciprocity, license education requirements, §2.1.P
- Recordkeeping, retention of transaction records, §2.2.L
- Regulation, §2.1.A
 - Commerce Department, §2.1.A
- Remedies
 - Minnesota ILSA, §14.13.C
 - Securities laws, §14.14
- Review, license denial, suspension, or revocation, §2.2.R
- Salespersons
 - License exceptions, §2.1.J
 - Powers and duties, §2.1.F
 - Retention of transaction records, §2.2.L
- Securities laws, application of law, §14.14
- Seller disclosures, liability, §8.2.A.1
- Show cause orders, license denial, suspension, or revocation, §2.2.P
- Statutory requirements/prohibitions, negotiations, §2.14.A
- Trust accounts, §2.10
 - Commingling personal funds, §2.10.D
 - Disbursements, §2.10.G
 - Interest, §2.10.F
 - Nondeposable items, §2.10.C
 - Notice of change of account, §2.10.H
 - Recordkeeping, §2.10.E
 - Requirements, §2.10.B
- Unauthorized practice of law, §2.2.M
- Unlicensed persons, affiliation with broker, §2.1.L
- Waiver, license education requirements, §2.1.P
- REAL ESTATE OPINION LETTER GUIDELINES**
 - Opinion of counsel, §26.14.G
- REAL ESTATE PROFESSIONALS. See also REAL ESTATE LICENSEES**
- Income tax
 - Exceptions to tax rules, §5.2.F
 - Installment sales, §5.3.D
- Passive activity loss rules, income tax deductions, §5.2.D
- REAL ESTATE SALESPERSONS. See REAL ESTATE LICENSEES**
- REAL ESTATE SETTLEMENT PROCEDURES ACT (RESPA)**
 - Closing documents, §12.5.A
 - Financing documents, residential real estate, §26.2.C
- REAL ESTATE TAXES**
 - Generally, §§11.1 to 11.7
 - Adjustments to basis, closing costs and fees, §5.2.C.5
 - Assessment dates, §11.1
 - Assessments, §11.5
 - Buyer/seller apportionment, §11.5.A
 - Deferred assessments, §11.5.B
 - Certificates of real estate value (CRVs), §11.4.C
 - Commercial real estate, settlement statements, §12.4.A.3
 - County variations, exempt property, §11.3.D.1
 - Deferred taxes
 - Green Acres program, §11.6.A
 - Metropolitan Agricultural Preserves Act, §11.6.D
 - Minnesota Open Space Property Tax Law, §11.6.C
 - Distressed property, due diligence, §22.4.A
 - Due dates, §11.7
 - Effective tax rate, defined, §11.3
 - Exclusions from assessed value, home improvements, §11.6.G
 - Exempt property, §11.3.D, §11.3.D.2
 - Job Opportunity Building Zones (JOBZ), §11.6.E
 - Nursing homes, §11.3.D.2
 - Six-factor statutory test, §11.3.D.1
 - Homestead classification
 - Benefits of classification, §11.3.C
 - Forms, §11.3.B
 - Itemized deductions, second homes, §5.4.D
 - Market value, §11.4
 - Comparable sales, §11.4.A
 - Cost approach, §11.4.C
 - Income approach, §11.4.B
 - Sales ratio, §11.4.D
 - Mineral interests, §11.2
 - Minnesota Open Space Property Tax Law, §11.6.C
 - Mortgages, payment of taxes, charges, and liens, §26.6.F
 - Personal property status, §11.1
 - Property classification, §11.3
 - Property Tax Administrator's Manual, exempt property factors, §11.3.D.1
 - Purchase agreements
 - Allocation of costs, §5.2.C.5
 - Buyer/seller proration, §11.7
 - Common interest communities (CICs), §18.5.E
 - Real property, defined, §11.2
 - Real vs. personal property, §11.1
 - Recording documents
 - Delinquent real estate taxes, §13.2.B.4
 - Tax parcel split/subdivision, §13.2.B.5
 - Rural preserves program, §11.6.B
 - Separately taxed property categories, §11.3
 - Subdivision, conveyance of part of tax parcel, §10.4.C
 - Sustainable Forest Incentive Act (SFIA), §11.6.B
 - Tax increment financing (TIF), §11.6.F
 - Economic development districts, §11.6.F.4
 - Hazardous substances subdistricts, §11.6.F.6
 - Housing districts, §11.6.F.3
 - Redevelopment districts, §11.6.F.1
 - Renewal and renovation districts, §11.6.F.2
 - Soil conditions districts, §11.6.F.5
 - Taxing sources, §11.1
 - Title to property, buyer's title commitment review, §8.6.D.2
 - Value for tax purposes, §11.4
- REAL PROPERTY**
 - Defined, §11.2
 - Depreciable lives, personal vs. real property, §5.2.E.2
 - Real estate licensees, disclosures, material facts of condition of property, §8.3.E
 - Section 1031 exchanges
 - "Held for" requirements, §23.2.C
 - Property not qualifying, §23.2.A
 - Property qualifying, §23.2.E
 - Value for tax purposes, §11.4
- REAL PROPERTY COOPERATIVES**
 - CIC plats, §18.4.A.1

REAL PROPERTY TAXES. See REAL ESTATE TAXES**REASONABLE CARE**

Fiduciary duties, real estate licensees, §2.3.C

RECAPTURE

Depreciation, §5.2.E.3

RECAPTURE GAIN

Income tax, §5.2.A

RECORDS AND RECORDING DOCUMENTS

Generally, §§13.1 to 13.6

Abstract property system, §13.1.B

Abstract vs. Torrens property, §13.1

Bankruptcy, §13.2.B.7

Reorganization plans, §13.2.B.7

Cancellation of purchase agreement, cancellation documents, §6.2.B.3

Certificate of trust, in lieu of recording trust, §13.2.B.8

Commercial real estate, settlement statements, fees, §12.4.A.7

Common errors in documents, §13.6.A

Contracts for deed, §13.2.C.2, §25.7.A

Loan secured on seller interest, §25.4.C

Corporations, §13.2.B.8

County recorder and registrar of titles, §13.1

County recorders, powers and duties, §13.2

Date, §13.2.A.6

Deeds and conveyances, §13.2.B

Special entities, §13.2.B.8

Special situations, §13.2.B.7

Delinquent real estate taxes, §13.2.B.4

Drafter identification, §13.2.A.4

Electronic recording, §13.5

Erasures or overlays, §13.2.A.5

Fees, §13.2.A.8

Financing statements, filing form, §26.10.C

Foreclosure by action, §13.2.B.7

Foreclosure by advertisement, sale documentation, §13.2.B.7

Formatting, §13.2.A.7

Legibility, §13.2.A.5

Mortgages, §13.2.C.1

Financing documents, §26.6.M

Foreclosure, §13.2.B.7

Name changes, title to property, §13.1.A.2

Option to purchase, enforceability concerns, §16.2.D.3

Planned unit development agreements, §21.4.E.6

Plats, §10.1.D.7

Recording checklist, Appendix D following §13.6.B

Requirements, §13.2.A

Right of first refusal, §16.3.E.2

Seller disclosures, underground storage tanks, §8.2.J.2

Sheriff's certificate of sale on execution or foreclosure, §13.2.B.4

Standard form use, §13.6.B

State deed tax, §13.2.B.2

Statewide recording fees, chart, Appendix F following §13.6.B

Subdivision, conveyance of part of tax parcel, §10.4.C

Tax parcel split/subdivision, §13.2.B.5

Tax statements, §13.2.B.3

Torrens property, §13.1.A

Certificate of title, §13.1.A.4

Voluntary instruments, §13.1.A.4

Uniform Conveyancing Blanks (UCBs), §13.6.B

Variances, §21.4.E.5

Well disclosures, §13.2.B.6

RECOURSE LOANS

Income tax, foreclosure debt forgiven, §5.2.I

REDEMPTION

Buyer options on foreclosed property, purchase seller right of redemption, §22.6.C.4

Deed tax exemptions, foreclosure and redemption, §13.3.B.9

Electronic recording, §13.5

Foreclosure by action, recording documents, §13.2.B.7

REDEVELOPMENT DISTRICTS

Tax increment financing (TIF), §11.6.F.1

REFERRALS

Residential real estate, closing documents, §12.5.A.2

REFUNDS

Remedies

Breach of special covenants, §4.2.C.1

Misrepresentation, §4.3.E.2

REGISTER OF DEEDS. See COUNTY RECORDER**REGISTERED LAND SURVEYS**

Defined, §10.4.B

Easements, §10.3.A.9

REGISTERED LAND SYSTEM. See TORRENS PROPERTY**REGISTRAR OF TITLES**

Abstract property system vs. Torrens property system, §13.1.A.2

Electronic recording, §13.5

Statewide recording fees, chart, Appendix F following §13.6.B

Subdivision, registered land surveys, §10.4.B

Torrens property, §13.1

Examiner directives on records, §13.1.A.5

Registering title, §13.1.A.3

Voluntary instruments, §13.1.A.4

REGULATION Z

Due diligence, mortgage costs, §8.4.C

REGULATIONS

Development property purchases, official controls, §21.4.B

RELATED-PARTY EXCHANGES

Section 1031 exchanges, §23.13

RELATED-PARTY SALES

Defined, installment sales, §5.3.E

Income tax, §5.3.E

RELATIVE HOMESTEAD

Defined, §11.3.A.2

RELEASE OF FINANCING

Closing documents, §12.3.A.6

RELEASES

Title clearance, releases and satisfactions, §9.3.C

RELICION

Defined, riparian rights, §19.5.E

RELIGIOUS ORGANIZATIONS

Deeds and conveyances, recording documents, §13.2.B.8

Mortgage registration tax, §13.4.E.9

Title clearance, curative acts, §9.3.E

REMEDIES

Abandonment, §14.3.A

Alternative dispute resolution, §14.9

Buyer vs. seller remedies, §14.1

Cancellation of purchase agreement, §6.1

Earnest money, §6.2.C

- Statutory cancellations, §14.3.B
- Construction loan agreements, §17.4.A.3
 - Disbursement process, §17.4.A.3
- Contracts for deed, §25.5
 - Judicial termination, §14.3.C
- Damages, §14.5
- Default, §§14.1 to 14.14
 - Cancellation of purchase agreements, §6.1
 - Statute of limitations, §14.12
- Development property purchases, development agreements, §21.5.A.8
- Election of remedies doctrine, §14.2.A
- Failure to disclose
 - Hazardous substances, §4.4.D.3
 - Methamphetamine production on property, §4.4.C.3
 - Septic systems, §4.4.B.3
 - Wells, §4.4.A.3
- Financing documents
 - Assignment of leases and rents, §26.7.B
 - Guaranties, §26.8.H
 - Loan agreements, §26.3.F
 - Promissory note, §26.5.D
 - Security agreements, §26.9.E
- Fraud, §14.7
- Interstate Land Sales Full Disclosure Act (ILSA), disclosure, §14.13
- Interstate land sales laws, §14.13
- Limitation of remedies, §14.2.B
- Merger doctrine, §14.8
- Minnesota ILSA
 - Application of law, §14.13.A
 - Exemptions, §14.13.B
 - Fines and penalties, §14.13.C
 - Requirements, §14.13.A.1
- Misrepresentation, §4.3.E, §14.7
- Mortgages, financing documents, §26.6.K
- Out of pocket damages, misrepresentation, §4.3.E.3
- Purchase agreement drafting considerations, distressed properties, Appendix A following §22.10.F
- Rescission, §14.4
- Right to possession, §14.11
- Securities laws, §14.14
- Special covenants, breach, §4.2.C
- Specific performance, §14.6
- Statute of limitations, §14.12
- Storage tanks, failure to disclose, §4.4.E.3
- Title defects, §14.10
- RENEWAL AND RENOVATION DISTRICTS**
 - Tax increment financing (TIF), §11.6.F.2
- RENT ROLLS**
 - Due diligence, retail/office property, §20.2.D
- RENTAL PROPERTY**
 - Basis, property converted from residential use, §5.2.C.7
 - Contracts for deed, collection of rent, §25.5.B.6
 - Cost-segregation studies, depreciation, §5.2.E.2
 - Income tax
 - Depreciation methods, §5.2.E.1
 - Foreclosure, §5.2.I
 - Passive activity loss rules, income tax deductions, §5.2.D
 - Primary residence, converting to/from rental property, §5.4.A.3
 - Section 1250 gain, recapture provisions, §5.2.E.3
 - Settlement statements, proration of rents, operating expenses, and security deposits, §12.4.A.1
 - Withholding rent to use security deposit, contracts for deed, §25.7.C
- RENTS**
 - Assignment of leases and rents, application of rents in default, §26.7.C
 - Financing documents, assignment of leases and rents, §26.7
 - Retail property, percentage rent, §20.4.A
- REPAIRS**
 - Seller disclosures, failure to disclose, §8.2.C
- REPORTS**
 - Environmental concerns, commercial real estate, §7.3.C.1
- REPRESENTATIONS**
 - Generally, §4.3
 - Caveat emptor doctrine, §4.3.B
 - Defined, §4.3.A
 - Failure to disclose, §4.3.D.2
 - Financing documents
 - Environmental indemnity, §26.12.A
 - Loan agreements, §26.3.C
 - Subordination, nondisturbance, and attornment agreements (SNDAs), §26.11.D
 - Fraudulent vs. negligent misrepresentation, §4.3.D.1
 - Guidelines, past or current facts, §4.3.H
 - Indemnification, §4.6.A
 - Inquiry vs. constructive knowledge, §4.3.G
 - Misrepresentation law, §4.3.C
 - Negotiations, §4.1
 - Option to purchase, enforceable agreement terms, §16.2.C.2
 - Past or current facts, §4.3.H
 - Purchase agreement drafting considerations, distressed properties, Appendix A following §22.10.F
 - Remedies, misrepresentation, §4.3.E
 - Security agreements, borrower representations and warranties, §26.9.C
 - Sellers, duty to disclose, §4.3.D.2
 - Warranties vs. representations, §4.5.C
- REQUIRED DISCLOSURES SUMMARY**
 - Chart, Appendix A following §8.7.D
- RESCISSION**
 - By action, §14.4.B
 - Common interest communities, purchaser cancellation rights, §8.2.D.2
 - Election of remedies doctrine, §14.2.A
 - Mutual rescission, §14.4.A
 - Remedies, misrepresentation, §4.3.E.1
 - Remedies for default, §14.4
- “RESERVING”**
 - Easements, surveys, §10.3.A.10
- RESIDENTIAL PROPERTY. See RESIDENTIAL REAL ESTATE**
- RESIDENTIAL REAL ESTATE**
 - Basis, property converted to other uses, §5.2.C.7
 - Builder licenses, fees, §17.5.B
 - Cancellation of purchase agreements
 - Statutory procedures under Minn. Stat. §559.21, §6.2

- Statutory procedures under Minn. Stat. §559.217, §6.3
- Closing documents, §12.5
 - Compliance agreements, §12.5.E
 - Good faith estimates of settlement costs, §12.5.A.1
 - Homestead classification, §12.5.D
 - HUD-1 settlement statement, §12.5.A.4
 - Individual sewage treatment system disclosure, §12.5.C.1
 - Initial escrow account disclosure, §12.5.A.3
 - Loan application RESPA requirements, §12.5.A.1
 - Required disclosures, §12.5.C
 - RESPA requirements at closing, §12.5.A.3
 - RESPA requirements prior to closing, §12.5.A.2
 - Title insurer selection, §12.5.A.3
 - Truth in lending disclosure, §12.5.B
- Common interest communities (CICs), §§18.1 to 18.8
- Distressed property, §§22.1 to 22.10
- Financing documents
 - Commitment letter, §26.4.A
 - Kinds of documents, §26.2.C
 - Standardization of forms, §26.2.B
 - Truth in Lending Act (TILA), §26.2.C
- Five year use test for gain exclusion, disability exceptions, §5.4.A.4
- Forms
 - MAR purchase agreement: new construction, Appendix B following §17.6.A.3
 - Minnesota Association of Realtors Purchase Agreement, Appendix B following §26.14.G
 - MSBA residential purchase agreement and contract for new construction, Appendix A following §17.6.A.3
 - MSBA Standard Residential Purchase Agreement, Appendix A following §26.14.G
- Income tax
 - Capital gain/loss restrictions, §5.4.A
 - Conversion to/from rental property, §5.4.A.3
 - Foreclosure, §5.2.1
 - Home exclusion rule, §5.4.A.2
 - Home sale losses, §5.4.A.8
- Lakeshore property, §§19.1 to 19.7
- New construction, §17.5
 - Alternative dispute resolution, §17.5.C.1
 - Breach of warranty, §17.5.C.1
 - Builder licenses, §17.5.B
 - Chapter 515B warranty coverage, §17.5.C.2
 - Purchase agreement checklist, §17.5.D
 - Residential warranty statutes, §17.5.C
 - Statutory warranty waiver, §17.5.C.1
 - Warranties, §17.5.C
 - Warranty exclusions, §17.5.C.1
 - Warranty insurance programs, §17.5.C.3
- Option to purchase, when used, §16.2.B
- Purchase agreements, §3.8
 - MAR vs. MSBA forms, §3.8.D
 - Statutorily implied warranties, §3.8.B
- Qualification as principal residence, capital gain exclusions, §5.4.C
- Qualified residence, itemized deductions, §5.4.B.1
- Real Estate Settlement Procedures Act (RESPA), §12.5.A
- Seller disclosures, statutory provisions, §8.2.A.1
- Warranties, Chapter 327 warranty coverage, §17.5.C.1
- RESIDENTIAL WARRANTY STATUTES**
 - Residential real estate, new construction, §17.5.C
- RESOURCES**
 - Commercial real estate, §1.3
 - Minnesota uniform conveyancing forms, §1.4
- RESPA (REAL ESTATE SETTLEMENT PROCEDURES ACT)**
 - Closing documents, §12.5.A
 - Financing documents, residential real estate, §26.2.C
- RESPONSIBLE PARTIES**
 - Environmental concerns, federal liability for hazardous substance release, §24.3.A
- RESPONSIBLE PERSON**
 - Defined
 - Minnesota Petrofund, §24.4.B
 - Real estate companies, §2.1.B
- RESTRAINING ORDERS**
 - Cancellation of purchase agreements, injunctions against cancellation, §6.4.A
- RETAIL/OFFICE PROPERTY**
 - Generally, §§20.1 to 20.5
 - Development property purchases, §§21.1 to 21.9
 - Due diligence, §20.2
 - Assignment of leases, §20.3.D.3
 - Budgets, §20.2.B
 - CAM contributions, §20.2.B
 - Delinquent rent proration, §20.3.D.2
 - Estoppel certificates, §20.3.B
 - Examination of leases, §20.3.A
 - Fixed or minimum rent proration, §20.3.D.1
 - Lease agreements, §20.2.D
 - Leasing commissions, §20.2.E
 - New leases and lease amendments, §20.3.C
 - Office property, §20.5
 - Operating statements, §20.2.A
 - Prorations, §20.3.D
 - Rent rolls, §20.2.D
 - Retail property, §20.4
 - Service and management agreements, §20.2.C
 - Tenant improvement obligations, §20.2.F
 - Tenant operating expenses proration, §20.3.D.3
 - Tenants with net leases, §20.2.B
- RETAIL PROPERTY. See also RETAIL/OFFICE PROPERTY**
 - Due diligence, §20.4
 - Anchor tenants, §20.4.F
 - Continuous operations requirements, §20.4.B
 - Exclusivity of product category agreements, §20.4.C
 - Gross leased and occupied area (GLOA) rent calculation, §20.4.E
 - Market rate rent, §20.4.A.1
 - Percentage rent, §20.4.A
 - Radius clause in lease, §20.4.D
 - Required percentage for rent, §20.4.A.3
 - Sales breakpoints for percentage rent, §20.4.A.2
 - Sales subject to percentage rent, §20.4.A.4
 - Trade name operations, §20.4.G
 - Verification/audit of tenant sales reports, §20.4.A.5
- REVENUE DEPARTMENT FORM DT1**
 - Forms, Appendix A following §13.6.B

REVENUE DEPARTMENT FORM DT2

Forms, Appendix B following §13.6.B

REVENUE DEPARTMENT FORM MRT1

Forms, Appendix C following §13.6.B

REVERSE MORTGAGES

Mortgage registration tax, §13.4.E.7

REVOLVING LINE OF CREDIT

Mortgage registration tax, §13.4.E.5

RIGHT OF FIRST OFFER

Generally, §16.4

Defined, §16.4.A

Due diligence, office property rental, §20.5.B

Enforcement, §16.5

Executory contract status, §16.6

Language, drafting documents, §16.1

Railroad property, §16.4.C

Re-offer rights, §16.4.B.2

Rights granted, §16.4.A

Setting price, §16.4.B.1

Triggering events, §16.4.A

When to use, §16.4.A

RIGHT OF FIRST REFUSAL

Generally, §16.3

Acceptance of third party terms, §16.3.B.8

Agricultural property, acquisition by lender, §16.3.E.5

Bona fide offers, §16.3.B.5

Consideration, §16.3.B.3

Contracts for deed, §25.2.C.2

Contractual rights vs. interest in property, §16.3.B.1

Defined, §16.3.A

Due diligence, office property rental, §20.5.B

Enforcement, §16.5

Essential terms, §16.3.D

Executory contract status, §16.6

Exercise of right, §16.3.C

Terms of right, §16.3.C

Failed third-party sales, exercise of right, §16.3.B.2

Family transfers, nontriggering events, §16.3.B.6

Language, drafting documents, §16.1

Marketable Title Act, §16.3.E.1

Multiproperty transactions, §16.3.B.6

Nontriggering events, §16.3.B.6

Purchase price, §16.3.B.4

Recording documents, §16.3.E.2

Renewed offers, §16.3.B.5

Statute of frauds, §16.3.E.2

Subordination to mortgage financing, §16.3.E.3

Successors and assigns language, effect, §16.3.B.1

Termination of right, §16.3.D

Terms, §16.3.B

Third parties, financing contingencies, §16.3.B.7

Third party potential purchasers

Effect, §16.3.A

Information on offer, §16.3.B.5

Timing, exercise of right, §16.3.B.2, §16.3.C

Title insurance, §16.3.E.2

Tortious interference, §16.3.E.4

Triggering events, §16.3.B, §16.3.B.5

Exercise of right, §16.3.C

Waiver of right, §16.3.D

Who may use, §16.3.A

RIGHT-OF-WAY PLATS

Easements, surveys, §10.3.A.6

RIGHT TO POSSESSION

Delivery of possession, §14.11.A

Eviction, §14.11.B

Remedies, §14.11

Seller right to retain, §14.11.A

RIGHTS-OF-WAY

Surveys, access (public or private), §10.3.B.8

RIPARIAN RIGHTS

Generally, §19.5.F

Defined, §19.5.E

Lake bed vs. shoreline ownership, §19.5.F

Lakeshore property, §19.5

Docks, §19.5.I

Effect of public waters designation, §19.5.N

Meandered waters and lakes, §19.5.B

Nonmeandered waters, §19.5.C

Ordinary highwater mark, §19.5.D.4

Public waters, §19.5.J

Qualified right of homeowner, §19.5.D.5

Shoreline changes, §19.5.D.3

Shoreline peculiarities, §19.5.D.1

State right to regulate, §19.5.H

Water as boundary, §19.5.D.2

Work in public waters, §19.5.M

Legal descriptions, §10.1.1

Owner duties, §19.5.G

RISK OF LOSS

Purchase agreements, §3.6

RIVERS

ALTA survey requirements, §10.2.C

Government lots, §10.1.C

Riparian rights, lake bed vs. shoreline ownership, §19.5.F

ROADS

Surveys, access (public or private), §10.3.B.2, §10.3.B.3, §10.3.B.4, §10.3.B.8

ROYALTIES

Section 1031 exchanges, property qualifying, §23.2.E

RURAL PRESERVES PROGRAM

Real estate taxes, §11.6.B

S**SALE PROCESS**

Commencing, §1.4

Disclosure, unique knowledge of seller, §1.4

Real estate licensees, disclosures, lead-based paint, §8.3.H.4

SALESPERSONS. See REAL ESTATE LICENSEES**SAME-SEX MARRIAGES**

Spousal execution, closing documents, §12.3.A.1

SATISFACTION OF FINANCING

Closing documents, §12.3.A.6

Title clearance, §9.3.C

SCHOOLS

Mortgage registration tax, §13.4.E.8

SECOND CLASS CITIES

Defined, §21.4.A

SECOND HOMES

Itemized deductions, determination of second home, §5.4.D

SECRETARY OF STATE

Clerk of government surveys, §10.1.C.1

SECTION 1031 EXCHANGES

Generally, §§23.1 to 23.15

Allocation of basis in property, §23.4

Alternative and multiple properties, §23.6.B.2

Alternative reverse exchange structures, §23.7.B.1

Assumption of contingent liabilities, §23.3

Basis in property

Calculation, §23.3

Received property, §23.4

Boot, §23.3

Gain recognized, §23.1

Buyer financing of relinquished property

Acquiring buyer note from intermediary, §23.11.C.4

Loan to buyer of relinquished property, §23.11.C.3

Selling note on open market, §23.11.C.1

Transfer buyer note to seller of replacement property, §23.11.C.2

Calculation

Depreciation of acquired property, §23.4

Netting of liability, §23.3

Closing costs, §23.6.C.2

Closing documents, tax documents, §12.3.A.8

Constructive receipt and agency

Common law, §23.6.C.1

Deferred exchanges, §23.6.C

Regulations, §23.6.C.2

Conversion, non-depreciable property to depreciable property, §23.2.C

Debt

Buyer financing of relinquished property, §23.11.C

Post-exchange financing, §23.11.B

Pre-exchange financing, §23.11.A

Deed tax, §13.3.A.4

Deferred exchanges, §23.6

Option agreements, §23.6.D.4

Partnership property subject to debt, §23.6.D.3

Receipt of money or other property, §23.6.C

Receipt/payment of earnest money, §23.6.D.1

Replacing qualified intermediary, §23.6.D.2

Deferred tax status, §23.1

Delaware statutory trusts, §23.12

Disqualified persons, §23.6.C.2

Disregarded business entities, §23.12

Exchange accommodation titleholder (EAT), reverse exchanges safe harbor, §23.7.A

Foreign ownership, withholding of realized gain, §23.15.D

Four-corner/four-party exchanges, §23.5

Gain recognized vs. gain realized, §23.1

Growth factors, §23.6.C.2

Deferred exchanges, §23.6.C.2

“Held for” requirements, §23.2.C

Incidental property, §23.6.B.2

Interest, deferred exchanges, §23.6.C.2

Involuntary conversions, §23.15.A

Like-kind property, §23.2.D

Limited liability companies, single member LLCs, §23.12

Mixed-use property, §23.14.A

Structuring transaction for tax purposes, §23.2.G

Multiparty exchanges, §23.5

Netting of liability, property exchanges, §23.3

Non-simultaneous exchanges, §23.6.A

Date of transfers, §23.6.B.2

Identification requirements, §23.6.B.1

Receipt requirements, §23.6.B.1

Replacement property identification, §23.6.B.2

Option agreements, §23.6.D.4

“Parking transactions,” reverse exchanges, §23.7.B

Partnership interests, different vs. same partnerships, §23.2.B

Partnerships, §23.9

Deemed sale of property, §23.15.C

Distribution of undivided interests, §23.9.C

Purchase of partnership interest, §23.9.A

Special allocation, §23.9.B

Passive activity loss rules, §23.15.B

Property not qualifying, §23.2.F

Property qualifying, §23.2, §23.2.E

Purpose for holding property, §23.2.C

Qualified exchange accommodation agreement (QEAA), reverse exchanges safe harbor, §23.7.A

Qualified intermediaries, receipt of money or other property, §23.6.C.2

Real property, investment vs. held for sale, §23.2.C

Receipt of money or other property

Common law, §23.6.C.1

Deferred exchanges, §23.6.C

Regulations, §23.6.C.2

Related-party exchanges, §23.13

Replacement property identification, §23.6.B.2

Replacement property to be built, §23.8

Replacement property to be produced, §23.6.B.2

Reporting, tax return, §23.1

Reverse exchanges, §23.7

Private Letter Ruling 200111025, §23.7.B.3

Safe harbor, §23.7.A

Technical Advice Memorandum 200039005, §23.7.B.2

Single-purpose bankruptcy remote entities (SPBRE), §23.12

Special purpose entity (SPE), §23.12

Replacement property to be built, §23.8

Tenancy in common, conditions for exchange of interests, §23.10

Three-corner/three-party exchanges, §23.5

Timeshares, replacement property, §23.14.B

Vacation homes, replacement property, §23.14.B

SECTION 1250 GAIN

Recapture provisions, §5.2.E.3

SECTION 1231 PROPERTY

Income tax, §5.2.A

Short-term capital gain or loss, §5.2.A

SECTION 1031 TRANSFERS

Deed tax, §13.3.A.4

SECURITIES BROKERS

Real estate licensees, license exceptions, §2.1.J

SECURITIES LAWS

Real estate licensees, application of law, §14.14

SECURITY. See also GUARANTIES

- Cancellation of purchase agreements, injunctions against cancellation, §6.4.B
- Commercial real estate, security deposits review, §7.2.B.8
- Contracts for deed, cure requirements for reinstatement, §25.6.D.2
- Development property purchases
 - Special assessments, §21.5.A.5
 - Subdivision ordinances, §21.4.F.1
- Financing documents, §26.9
- Section 1031 exchanges, receipt of money or other property, §23.6.C.2

SECURITY AGREEMENTS

- Financing documents
 - Borrower representations and warranties, §26.9.C
 - Covered property, §26.9.B
 - Default, §26.9.E
 - Description and purpose of document, §26.9.A
 - Lock box requirements, §26.9.D
 - Remedies, §26.9.E
 - UCC document searches, §26.9.B

SECURITY DEPOSITS

- Possession, transfers, §12.6.B
- Settlement statements, proration of rents, operating expenses, and security deposits, §12.4.A.1

SECURITY INTERESTS

- Contracts for deed, loan secured on seller interest, §25.4.C

SELF-HELP

- Special covenants, remedies for breach, §4.2.C.1

SELLER DISCLOSURES

- Generally, §8.2
- “As is” provisions, written waiver by parties, §8.2.A.10
- Charts, required disclosures summary, Appendix A following §8.7.D
- Code compliance inspections, §8.2.A.6
- Common interest communities
 - Application of law, §8.2.D.1
 - Failure to disclose penalties, §8.2.D.4
 - Purchaser cancellation rights, §8.2.D.2
 - Waiver, §8.2.D.3
- Common law claims, §8.2.B
- Contamination, §8.2.E
 - Applicable transactions, §8.2.E.1
 - Disclosure content, §8.2.E.2
 - Liability for nondisclosure, §8.2.E.3
 - Necessary disclosures, §8.2.E.1
 - When to disclose, §8.2.E.4
- Excluded transactions, §8.2.A.2
- Failure to disclose
 - Damages, §8.2.C
 - Liability, §8.2.A.8
- Forms, valuation exclusion, §8.2.K.3
- Good faith, §8.2.A.4
- Hazardous substances, §8.2.E
- Lead-based paint, §8.2.G
 - Applicable transactions, §8.2.G.1
 - Impact on sale or lease, §8.2.G.5
 - Liability for nondisclosure, §8.2.G.3
 - Waiver, §8.2.G.4
 - What to disclose, §8.2.G.2

- Material facts, §8.2.A.4
 - Methamphetamine production, §8.2.I
 - Affidavits, §8.2.I.1
 - Content of disclosure, §8.2.I.3
 - Liability for nondisclosure, §8.2.I.4
 - Waiver, §8.2.I.5
 - Written disclosure, §8.2.I.2
 - Professional inspections, §8.2.A.6
 - Impact, §8.2.A.6
 - Seller knowledge of contradictions, §8.2.A.7
 - Radon, §8.2.A.11, §8.2.L
 - Applicable transactions, §8.2.L.1
 - Content of disclosure, §8.2.L.3
 - Exceptions, §8.2.L.2
 - Liability for nondisclosure, §8.2.L.4
 - Real estate licensees, §8.2.L.6
 - Waiver applicability, §8.2.L.5
 - Real estate licensee liability, §8.2.A.1
 - Seller liability, §8.2.A.4
 - Sewage treatment systems, §8.2.F
 - Applicable transactions, §8.2.F.1
 - Liability for nondisclosure, §8.2.F.3
 - Waiver, §8.2.F.4
 - What to disclose, §8.2.F.2
 - Statute of limitations, §8.2.A.9
 - Statutory provisions, §8.2.A
 - Application of law, §8.2.A.1
 - Statutory vs. common law claims, §8.2.B
 - Timing, §8.2.A.3
 - Underground storage tanks, §8.2.J
 - Affidavit to buyer, §8.2.J.3
 - Applicable transactions, §8.2.J.1
 - Exemptions, §8.2.J.4
 - Valuation exclusion, §8.2.K
 - Applicable transactions, §8.2.K.1
 - Forms, §8.2.K.3
 - What to disclose, §8.2.K.2
 - Wells, §8.2.H
 - Applicable transactions, §8.2.H.1
 - Certificate at closing, §8.2.H.4
 - Contract for deed, §8.2.H.6
 - Exceptions, §8.2.H.2
 - Liability for nondisclosure, §8.2.H.7
 - Before selling, §8.2.H.3
 - Statement of no changes, §8.2.H.5
 - Waiver, §8.2.H.8
 - Washington county, §8.2.H.9
 - What not necessary to disclose, §8.2.A.5
 - What to disclose, §8.2.A.4
 - When to disclose, §8.2.A.3
 - Written waiver by parties, §8.2.A.10
- SELLER LIENS**
- Damages, §14.5.C
- SELLERS**
- Duty to disclose, §4.3.D.2 (See also SELLER DISCLOSURES)
 - Representations
 - Buyer request considerations, §4.3.F
 - Duty to disclose, §4.3.D.2
 - Inquiry vs. constructive knowledge, §4.3.G

- Interest in buyer representations, §4.3.H
- SEPTIC SYSTEMS**
 - Disclosure, environmental concerns, §24.2.B
 - Failure to disclose
 - Remedies, §4.4.B.3
 - Waiver, §4.4.B.4
 - How to disclose, §4.4.B.2
 - Lakeshore property, subsurface sewage treatment systems, §19.3.A.4
 - Statutory disclosure requirements, §4.4.B
 - Case law, §4.4.B.6
 - Forms, §4.4.B.5
 - When to disclose, §4.4.B.1
- SERVICE AGREEMENTS**
 - Due diligence, retail/office property, §20.2.C
- SERVICE CONTRACTS**
 - Closing documents, operational documents, §12.3.A.9
 - Closing process, original documents for operation of property, §12.6.C
 - Commercial real estate, transfer of leases and rights, §3.9.C
- SERVICE OF PROCESS**
 - Cancellation of purchase agreements, statutory procedures under Minn. Stat. §559.217, §6.3.D.1
 - Contracts for deed, statutory cancellations, §25.6.B
- SETBACK REQUIREMENTS**
 - Lakeshore property, §19.2.C.1
- SETBACKS**
 - Lakeshore property
 - Boundary lines, §19.6
- SETTLEMENT COSTS**
 - Disclosure to buyer, §8.4.B
- SETTLEMENT STATEMENTS. See also CLOSING DOCUMENTS**
 - Commercial real estate, §12.4.A
 - Broker commissions, §12.4.A.12
 - Closing fees, §12.4.A.9
 - Closing instruction letters, §12.4.B.1
 - Closing letters, §12.4.B
 - Closing protection letters, §12.4.B.2
 - Conservation fee, §12.4.A.5
 - Costs, §12.4.A.13
 - Deed tax, §12.4.A.4
 - Earnest money, §12.4.A.2
 - Escrow account deposits, §12.4.A.11
 - Loan fees, §12.4.A.10
 - Mortgage registration tax, §12.4.A.6
 - Proration of rents, operating expenses, and security deposits, §12.4.A.1
 - Real estate taxes, §12.4.A.3
 - Recording fees, §12.4.A.7
 - Special assessments, §12.4.A.3
 - Title evidence/insurance, §12.4.A.8
 - HUD-1 settlement statement, residential real estate, §12.5.A.4
- SEWAGE TREATMENT SYSTEMS**
 - Disclosure, environmental concerns, §24.2.B
 - Residential real estate, individual sewage treatment system disclosure, §12.5.C.1
 - Seller disclosures, §8.2.F
 - Applicable transactions, §8.2.F.1
 - Liability for nondisclosure, §8.2.F.3
 - Waiver, §8.2.F.4
 - What to disclose, §8.2.F.2
- SEWER DISTRICTS**
 - Lakeshore property, regulation, §19.2.C.4
- SEX OFFENDERS**
 - Real estate licensee disclosures, §8.3.E.3
- SFIA (SUSTAINABLE FOREST INCENTIVE ACT)**
 - Real estate taxes, §11.6.B
- SHERIFF SALES**
 - Buyer options on foreclosed property, purchase sheriff's certificate and deficiency judgments, §22.6.C.3
 - Purchasing foreclosed property
 - Lender interest, §22.6.B
 - Seller interest, §22.6.A
 - Recording documents
 - Foreclosure by advertisement, §13.2.B.7
 - Sheriff's certificate of sale on execution or foreclosure, §13.2.B.4
- SHORELAND DESCRIPTIONS**
 - Lakeshore property
 - Access to property, §19.4.B.7
 - Area descriptions, §19.4.B.6
 - Government lots, §19.4.B.3
 - Leases, §19.4.B.8
 - Meander corners, §19.4.B.2
 - Meander lines, §19.4.B.4
 - Shoreline, §19.4.B.1
 - Surveys, §19.4.A
- SHORELAND DEVELOPMENT ACT**
 - Lakeshore property, §19.2.B.5
- SIGNAGE**
 - Development property purchases, project design requirements, §21.3.A
 - Due diligence, commercial real estate, §7.3.D.6
- SIGNATURES**
 - Post-closing issues, missing documents or signatures, §12.7.A
 - Purchase agreements, necessary signatures, §3.3.D
 - Recording documents
 - Common errors in documents, §13.6.A
 - County recorders, §13.2.A.1
 - Spousal execution, closing documents, §12.3.A.1
- SINGLE-FAMILY RESIDENCES**
 - Seller disclosures, statutory provisions, §8.2.A.1
- SINGLE-PURPOSE BANKRUPTCY REMOTE ENTITIES (SPBRE)**
 - Section 1031 exchanges, §23.12
- SITE ASSESSMENT**
 - Underground storage tanks, §24.2.C
- SITE RECONNAISSANCE**
 - Environmental concerns, commercial real estate, §7.3.C.1
- 60-DAY RESPONSE RULE**
 - Development property purchases, land use requests, §21.6
- SMALL PLANNED COMMUNITIES**
 - Application of law, common interest communities (CICs), §18.3.C
- SNDAs (SUBORDINATION, NONDISTURBANCE, AND ATTORNMENT AGREEMENTS)**
 - Financing documents, §26.11

SOIL CONDITIONS DISTRICTS

Tax increment financing (TIF), §11.6.F.5

SOIL MANAGEMENT PLANS

Voluntary cleanups, technical assistance, §24.4.A.1

SOLE PROPRIETORSHIPS

Real estate licensees, licenses, §2.1.B

SOURCE OF TITLE

Defined, §9.2.C.4

SPECIAL ASSESSMENTS

Commercial real estate, settlement statements, §12.4.A.3

Common interest communities (CICs), purchase agreements, §18.5.E.2

Development property purchases

Development agreements, §21.5.A.4

Security for payment, §21.5.A.5

Purchase agreements, payment of outstanding assessments, §5.2.C.3

Title to property, buyer's title commitment review, §8.6.D.2

SPECIAL COVENANTS

Generally, §4.2

Defined, §4.2.B

Effect, §4.2.B

Remedies for breach, §4.2.C

Types of covenants, §4.2.B

SPECIAL PURPOSE ENTITY (SPE)

Section 1031 exchanges, replacement property to be built, §23.8

SPECIAL USE

Defined, §21.4.E.1

SPECIFIC PERFORMANCE

Buyer right to specific performance, §14.6.A

Contracts for deed

Purchaser remedies, §25.5.A.2

Seller remedies, §25.5.B.1

Costs and delays, practical considerations, §14.6.C

Factors considered, §14.6

Practical considerations, §14.6.C

Purchase agreements, purchaser assignment, §3.7.B

Remedies for default, §14.6

Seller right to specific performance, §14.6.B

Special covenants, remedies for breach, §4.2.C.1

SPLIT CLASS PROPERTIES

Homestead classification, §11.3.A.7

SPOT ZONING

Defined, §21.4.E.1

SPOUSAL EXECUTION

Closing documents, §12.3.A.1

SPOUSAL HOMESTEAD

Defined, §11.3.A.3

SPOUSES

Recording documents, common errors in documents, §13.6.A

Seller disclosures, excluded transactions, §8.2.A.2

Spousal execution, closing documents, §12.3.A.1

Spousal homestead, §11.3.A.3

Title clearance, clearing nonconveyed prior interests, §9.3.B

STANDING TIMBER

Deed tax, §13.3.A.4

STATE DEED TAX

Generally, §13.3

Deeds and conveyances, §13.2.B.2

STATEWIDE RECORDING FEES

Chart, Appendix F following §13.6.B

STATUTE OF FRAUDS

Letter of intent, §15.3.D

Option to purchase, §16.2.C.1

Enforceability concerns, §16.2.D.1

Purchase agreements, §3.3.C

Right of first refusal, §16.3.E.2

STATUTE OF LIMITATIONS

Common interest communities (CICs)

Agreement to reduce warranty statute of limitations, §18.8.A

New construction warranties, §17.5.C.2

Land use requests, 60-day response rule, §21.6

Mediation, suspending, §14.9.B.2

Methamphetamine production, liability for nondisclosure, §8.2.I.4

Purchase agreements, common interest communities (CICs), §18.5.J

Remedies, default, §14.12

Seller disclosures, §8.2.A.9

Statutory vs. common law claims, §8.2.B

Title clearance, §9.3.F

Title examination, 40-year source of title, §9.2.C.4

STATUTORY CANCELLATION

Contracts for deed, §14.3.B

STATUTORY CITIES

Defined, §21.4.A

STATUTORY REGULATION

Residential real estate, new construction, §17.5.A

STATUTORY WARRANTIES

New construction, breach of warranty, §17.5.C.1

STOCKS

Section 1031 exchanges, property not qualifying, §23.2.A

STORAGE TANKS

Failure to disclose, remedies, §4.4.E.3

How to disclose, §4.4.E.2

Statutory disclosure requirements, §4.4.E

Case law, §4.4.E.5

Purchase agreement language, §4.4.E.4

Waiver, §4.4.E.4

When to disclose, §4.4.E.1

STREETS

Surveys, access (public or private), §10.3.B.8

STRICT LIABILITY

Hazardous substances, damages, §4.4.D.4

STRIP DESCRIPTIONS

Easements, surveys, §10.3.A.11

STRUCTURALLY SUBSTANDARD

Defined, redevelopment districts, §11.6.F.1

SUBCONTRACTORS

New construction

Purchase agreement checklist, §17.5.D.8

Subcontractor pre-lien notice, §17.6.A.2

SUBDIVISION PLATS

Deed tax, exemptions, §13.3.B.3

SUBDIVISIONS

Generally, §10.4

Chapter 505 plats, §10.4.A

Conveyance of part of tax parcel, §10.4.C

Defined, §10.4.C

- Tax parcel split/subdivision, §13.2.B.5
- Development property purchases
 - Dedicated use and fees in lieu of, §21.4.F.5
 - Disclosure of platting necessity, §21.4.F.6
 - Subdivision approval process, §21.4.F.3
 - Subdivision ordinances, §21.4.E.1, §21.4.F
 - Written agreements with local government, §21.5
- Land use requests, 60-day response rule, §21.6
- Legal descriptions
 - Auditor's subdivision plats, §10.1.G
 - Control between conflicting monuments, §10.1.H.2
 - Doctrine of apportionment, §10.1.J
- New construction, commercial real estate, §17.3.B.1
- Registered land surveys, §10.4.B
- Survey rules, §10.1.C
- “SUBJECT TO”**
 - Easements, surveys, §10.3.A.10
- SUBLETTING**
 - Commercial real estate, subletting rights review, §7.2.B.7
- SUBORDINATION, NONDISTURBANCE, AND ATTORMENT AGREEMENTS (SNDAs)**
 - Financing documents, §26.11
 - Description and purpose of document, §26.11.A
 - Lender liability, §26.11.C
 - Notice and extended cure period, §26.11.B
 - Pledge and assignment of lease payments, §26.11.E
 - Representations, §26.11.D
 - Warranties, §26.11.D
- SUBORDINATION AGREEMENTS**
 - Defined, financing documents, §26.11.A
- SUPPLEMENTAL MORTGAGES**
 - Mortgage registration tax, §13.4.E.2
- SURVEY LINE**
 - Defined, §10.1.D
- SURVEY MONUMENTS**
 - Destruction, §10.1.D.6
 - Legal descriptions, control between conflicting monuments, §10.1.H.2
 - Optional survey responsibilities and specifications, ALTA surveys, §10.2.C
 - Survey requirements, §10.2.A
- SURVEYS**
 - Generally, §§10.2 to 10.3
 - Access (public or private), §10.3.B
 - Cartways, §10.3.B.5
 - Dedication of roads, §10.3.B.2
 - Hennepin county highway maps, §10.3.B.7
 - Plats, §10.3.B.1
 - Proposed acquisitions by local authorities, §10.3.B.9
 - Proposed state/county road authority acquisitions, §10.3.B.3
 - Recorded town road map, §10.3.B.6
 - Streets, roads, rights-of-way, §10.3.B.8
 - Town road establishment, §10.3.B.4
 - Acreage, land near water, §10.3.E
 - ALTA survey requirements, §10.2.C
 - ALTA vs. as-built surveys, §10.2.B
 - As-built surveys, §10.2.B
 - Boundary line surveys, §10.2.A
 - Bring-down certificates, closing documents, §12.3.A.4
 - Commercial real estate
 - New construction, §17.3.C
 - Survey review, §7.2.D
 - County surveyors, §10.1.C.2
 - Development property purchases, project design requirements, §21.3
 - Easements, §10.3.A
 - Error correction, plats, §10.1.D.7
 - Forms, MSBA residential purchase agreement and contract for new construction, Appendix A following §17.6.A.3
 - Lakeshore property, shoreland descriptions, §19.4.A
 - Legal descriptions
 - Directions on antiwompus lot, §10.3.D
 - Entry on land, §10.1.D.5
 - Examination process, §9.2.C.1
 - Gaps and overlaps, §10.3.D
 - Government survey, §10.1.C
 - Optional survey responsibilities and specifications, ALTA surveys, §10.2.C
 - Plats, recording documents, §10.1.D.7
 - Requirements, §10.2
 - Research, §10.2.A
 - Subdivisions, §10.4
 - Registered land surveys, §10.4.B
 - Rules, §10.1.C
 - Torrens property, registered land surveys, §13.1.A.5
 - Water boundary, §10.3.F
 - Wetlands, §10.3.C
 - Flood fringe, §10.3.C.1
 - Floodplain, §10.3.C.2
 - Floodway, §10.3.C.3
 - Local planning and approval, §10.3.C.6
 - 100-year flood elevation, §10.3.C.4
 - Wetland preservation areas, §10.3.C.5
- SUSTAINABLE FOREST INCENTIVE ACT (SFIA)**
 - Real estate taxes, §11.6.B
- SWORN CONSTRUCTION STATEMENT**
 - Defined, construction loan agreements, §17.4.A.3
- T**
- TANGIBLE PERSONAL PROPERTY**
 - Income tax, §5.2.A
- TARGET HOUSING**
 - Lead-based paint, statutory disclosure requirements, §4.4.F
- TAX INCREMENT FINANCING (TIF)**
 - Economic development districts, §11.6.F.4
 - Hazardous substances subdistricts, §11.6.F.6
 - Housing districts, §11.6.F.3
 - Real estate taxes, §11.6.F
 - Redevelopment districts, §11.6.F.1
 - Renewal and renovation districts, §11.6.F.2
 - Soil conditions districts, §11.6.F.5
- TAX LIENS**
 - Title clearance, satisfaction of financing, §9.3.C
 - Title insurance, exclusions from coverage, §9.4.C.5
- TAXES**
 - Deed tax (See DEED TAX)
 - Deferred taxes (See DEFERRED TAXES)
 - Income tax (See INCOME TAX)
 - Real property (See REAL ESTATE TAXES)

TEMPORARY INJUNCTIONS

Cancellation of purchase agreements, injunctions against cancellation, §6.4.A

1031 EXCHANGES. See SECTION 1031 EXCHANGES**TENANCY IN COMMON**

Section 1031 exchanges, conditions for exchange of interests, §23.10

TENANT ESTOPPEL

Commercial real estate, lease agreements review, §7.2.B.9

TENANT ESTOPPEL CERTIFICATE

Forms, Appendix A following §20.5.B

TENANT PURCHASE RIGHTS

Commercial real estate, lease agreements review, §7.2.B.6

TENANTS IN POSSESSION OF PROPERTY

Attornment agreements, §26.11.A

Closing documents

Loan documents, §12.3.A.6

Operational documents, §12.3.A.9

Commercial real estate, tenant estoppel certificates, §3.9.A

Contracts for deed, landlord cancellation or foreclosure, §25.7.B

Nondisturbance agreements, §26.11.A

Possession, transfers, §12.6.B

Recognizing distressed property, §22.3

Retail/office property, tenants with net leases, §20.2.B

Withholding rent to use security deposit, contracts for deed, §25.7.C

TERMINATION OF AGREEMENT

Contracts for deed, judicial termination, §25.5.B.3

Option to purchase, §16.2.F

Enforceable agreement terms, §16.2.C.2

Remedies

Breach of special covenants, §4.2.C.1

Misrepresentation, §4.3.E.2

Right of first refusal, waiver of right, §16.3.D

THIRD CLASS CITIES

Defined, §21.4.A

THIRD PARTIES

Commercial real estate, new construction contingency checklists, §17.3.A.2

Financing contingencies, right of first refusal, §16.3.B.7

Indemnification, §4.6.B

Purchase agreements

Purchaser assignment, §3.7.B

Seller assignment, §3.7.A

Right of first refusal

Third party potential purchasers effect, §16.3.A

Tortious interference, §16.3.E.4

Section 1031 exchanges, three-corner/three-party exchanges, §23.5

Title defects, common law remedies, §14.10.A.5

TIMBERLAND

Section 1031 exchanges, §23.2.F

Property qualifying, §23.2.E

TIMESHARES

Income tax, real estate professionals, §5.3.D

Section 1031 exchanges, replacement property, §23.14.B

TITLE CLEARANCE

Generally, §9.3

Affidavits, §9.3.A

Affidavits of identity/nonidentity, §9.3.A

Corrective instruments, §9.3.D

Court orders, §9.3.G

Curative acts, §9.3.E

Deeds, clearing nonconveyed prior interests, §9.3.B

Insuring over defects, §9.3.H

Releases and satisfactions, §9.3.C

Role of lawyer, practical solutions, §9.3.H

Statute of limitations, §9.3.F

TITLE DEFECTS

Common law remedies, §14.10.A

Determining marketable title, §14.10.A.3

Examples of defective title, §14.10.A.4

Examples of nondefective title, §14.10.A.5

Failure to deliver clear title, §14.10.A.6

Perfect vs. marketable title, §14.10.A.2

Seller to ensure marketable title, §14.10.A.1

Remedies, §14.10

Title insurance, §14.10.B

Torrens property, §14.10.C

TITLE DOCUMENTS

Closing documents, §12.3.A.5

Commercial real estate, title review, §7.2.D

Purchase agreements, common interest communities (CICs), §18.5.D.2, §18.5.D.3

TITLE EXAMINATION

Generally, §9.2

Abstract property system, developing system, §9.2.C.4

Abstractor's certification, §9.2.C.4

Access to property, §9.2.A

Common interest communities (CICs), §9.2.C.5

Development property purchases, project design requirements, §21.3

Distressed property, due diligence, §22.4.B

Examination process, §9.2.C

Abstract property, §9.2.C.4

Aids to examination, §9.2.C.2

Legal descriptions, §9.2.C.1

Plat books, §9.2.C.2

Title to registered property, §9.2.C.3

Torrens vs. abstract property, §9.2.C.3

40-year source of title, §9.2.C.4

How to Examine Title to Real Property--the Basics, §9.2.C.4

Insurable title, defined, §9.2.A

Legal descriptions, measurement accuracy, §9.2.C.1

Marketable title, defined, §9.2.A

Marketable Title Act, §9.2.C.4

Marketable title vs. insurable title, §9.2.A

Purchase agreement drafting considerations, distressed properties, Appendix A following §22.10.F

Title opinions, §9.2.D

Title standards, §9.2.B

TITLE EXAMINER. See EXAMINER OF TITLES**TITLE INSURANCE**

Generally, §9.4

American Land Title Association (ALTA)

Conditions, §9.4.C.6

Endorsements, §9.4.C.7

Exclusions from coverage, §9.4.C.5

- Homeowner's policy, §9.4.C.3
- Homeowner's vs. owner's policy, §9.4.C.3
- Loan policy, §9.4.C.4
- Owner's policy, §9.4.C.2
- Standard exceptions, §9.4.C.1
- Standard policies, §9.4.C
- Title commitment details, §9.4.C.1
- Characteristics and function, §9.4.A.2
- Closing documents, §12.3.A.5
 - Residential real estate, §12.5.A.3
- Commercial real estate, settlement statements, §12.4.A.8
- Common interest communities (CICs), endorsements, §9.4.C.7
- Construction loan agreements, disbursement process, §17.4.A.3
- Development property purchases, project design requirements, §21.3.B
- Distressed properties, §22.9
 - Purchase of property in bankruptcy, §22.10.F
- Endorsements, policy holder special needs, §9.4.C.7
- Exclusions from coverage, §9.4.C.5
- History of insurance, §9.4.A.1
- Homeowner's policy, natural person coverage, §9.4.C.3
- Limitations of guarantees, §9.4.A
- Loan policy, covered risks, §9.4.C.4
- New construction, commercial real estate, §17.3.B.1
- Option to purchase, enforceability concerns, §16.2.D.4
- Owner's policy, coverage, §9.4.C.2
- Prior recourse for defects in title, §9.4.A.1
- Pro forma policy, §12.3.A.5
- Purchase agreements, common interest communities (CICs), §18.5.D.2, §18.5.D.3
- Purpose and scope, §9.4.A
- Right of first refusal, §16.3.E.2
- Risk preventative vs. risk assumptive, §9.4.A.2
- Simultaneous issue, commercial real estate, §12.4.A.8
- Standard coverage vs. extended coverage, §9.4.C.1
- Surveys, ALTA vs. as-built surveys, §10.2.B
- Title defect remedies, §14.10.B
- Title insurance vs. title opinion, §9.4.B
- Title opinion vs. title insurance, §9.4.B
- Zoning, endorsements, §9.4.C.7
- TITLE OPINIONS**
 - Title insurance vs. title opinion, §9.4.B
 - Title to property, §9.2.D
- TITLE REGISTRATION**
 - Title clearance, court orders, §9.3.G
- TITLE STANDARDS**
 - Closing process, checklist tracking documents, §12.2.A
 - Commercial real estate, §1.3
 - Legal descriptions, §10.1.F
 - Auditor's subdivision plats, §10.1.G
 - Legal status, §9.2.B
 - Minnesota Standards for Title Examination, §9.2.B
 - Title examination, §9.2.B
- TITLE TO ESTATE OR INTEREST**
 - Title insurance, owner's policy coverage, §9.4.C.2
- TITLE TO PROPERTY**
 - Generally, §§9.1 to 9.4
 - Abstract property system vs. Torrens property system, §13.1.A.2
 - Bona fide purchasers, title examination, §9.2.C.4
 - Buyer options on foreclosed property, purchase fee title, §22.6.C.5
 - Buyer's title commitment review, §8.6.D.2
 - Closing documents, deeds, §12.3.A.1
 - Common interest communities (CICs), purchase agreements, §18.5.D
 - Contracts for deed, following cancellation, §25.6.G
 - Due diligence, §8.6
 - Buyer's title commitment review, §8.6.D.2
 - Closing protection letter, §8.7.C
 - Evidence of title, §8.6.B
 - Form of title commitment, §8.6.C
 - Form/substance of objections, §8.6.D.2
 - Making title objections, §8.6.D
 - When to make objections, §8.6.D.1
 - Examination of title, §9.2
 - Insurable title, defined, §9.2.A
 - Insurance, §9.4
 - Lakeshore property
 - Boundary lines, §19.6
 - Separate names for adjoining lots, §19.2.C.1
 - Legal descriptions, examination process, §9.2.C.1
 - Marketable title vs. insurable title, §9.2.A
 - Mortgages, warranties of title, §26.6.E
 - New construction, purchase agreement checklist, §17.5.D.9
 - Option to purchase, enforceable agreement terms, §16.2.C.2
 - Purchase agreements, common interest communities (CICs), §18.5.D.3
 - Remedies, title defects, §14.10
 - Residential vs. commercial real estate, §9.1
 - Surveys, ALTA vs. as-built surveys, §10.2.B
 - Title clearance, §9.3
 - Title insurance vs. title opinion, §9.4.B
 - Title opinions, §9.2.D
 - Torrens property, acts constituting registration, §13.1.A.4
- "TOGETHER WITH"**
 - Easements, surveys, §10.3.A.10
- TORRENS PROPERTY**
 - Abstract system compared, §13.1.A.2
 - Certificate of title, records and recording documents, §13.1.A.4
 - Certification for land conveyances, closing documents, §12.3.A.1
 - Corporations, name changes, §13.1.A.2
 - Examiner of titles, recording involuntary instruments, §13.1.A.4
 - Legal descriptions, research and verification, §10.1.E
 - Minnesota Registration Act, §13.1.A.1
 - Registered land surveys, §13.1.A.5
 - Registered land system purpose, §13.1.A.1
 - Registering title, §13.1.A.3
 - Registrar of titles, §13.1
 - Registration, acts constituting, §13.1.A.4
 - Subsequent proceedings after registration, §13.1.A.5
 - Title defects, remedies, §14.10.C
 - Title examination process, title to registered property, §9.2.C.3
- TORTIOUS INTERFERENCE**
 - Letter of intent, §15.4.B
- TOTAL PROJECT COST STATEMENT**
 - Defined, construction loan agreements, §17.4.A.3
- TOWN ROAD MAPS**
 - Easements, surveys, §10.3.A.5

TOWNS

- Development property purchases, land use controls, §21.4
- Land use requests, 60-day response rule, §21.6

TOWNSHIPS

- Development property purchases, land use controls, §21.4
- Lakeshore property
 - Ordinances, §19.2.C.2
 - Regulation, §19.2.C.2

TRACT INDEX

- Abstract property system, §13.1.B.1
- Legal descriptions, research and verification, §10.1.E
- Requirements, title examination, §9.2.C.4

TRADE LOGOS

- Development property purchases, project design requirements, §21.3.A

TRADE NAMES

- Due diligence, retail property, §20.4.G

TRANSFER ON DEATH DEEDS

- Deed tax, exemptions, §13.3.B.12
- Uniform Conveyancing Blanks (UCBs), list of forms available, Appendix E following §13.6.B

TRANSFERS

- Designated transfers, §13.3.C.2
- Minimum deed tax situations, designated transfers, §13.3.C.2
- Right to possession, delivery of possession, §14.11.A
- Title examination, §9.2.C.4

TREE GROWTH

- Real estate taxes, separately taxed property categories, §11.3

TRUST ACCOUNTS

- Commingling personal funds, §2.10.D
- Defined, real estate licensee, §2.10.A
- Disbursements, §2.10.G
- Interest, §2.10.F
- Notice of change of account, §2.10.H
- Real estate licensee, §2.10
- Recordkeeping, §2.10.E

TRUST CERTIFICATES

- Section 1031 exchanges, property not qualifying, §23.2.A

TRUSTED SUBMITTERS

- Electronic recording, §13.5

TRUSTEE DEEDS

- Closing documents, §12.3.A.1

TRUSTS AND TRUSTEES

- Deeds and conveyances, recording documents, §13.2.B.8
- Natural person, homeowner's title insurance, §9.4.C.3
- Title examination, §9.2.C.4
- Uniform Conveyancing Blanks (UCBs), list of forms available, Appendix E following §13.6.B

TRUTH IN HOUSING

- Code compliance inspections, §8.2.A.6
- Real estate licensee disclosures, §8.3.E.6

TRUTH IN LENDING ACT (TILA)

- Financing documents, kinds of documents, §26.2.C

TRUTH IN LENDING DISCLOSURE

- Closing documents, residential real estate, §12.5.B

TURN KEY TRANSACTIONS

- New construction, §17.2

U**UNAUTHORIZED PRACTICE OF LAW**

- Real estate licensees, §2.2.M

UNDERGROUND STORAGE TANKS

- Aboveground/underground storage tank affidavit form, Appendix B following §24.4.C
- Closing documents, affidavits, §12.3.A.3
- Closing tanks, §24.4.B
- Disclosure, environmental concerns, §24.2.C
- Due diligence, Minnesota Petrofund, §24.4.B
- Forms, MPCA change of UST ownership notice, Appendix C following §24.4.C
- Minnesota Petrofund, §24.4.B
- Owner notification requirements, Minn. Stat. §116.48, Appendix A following §24.4.C
- Seller disclosures, §8.2.J
 - Affidavit to buyer, §8.2.J.3
 - Applicable transactions, §8.2.J.1
 - Exemptions, §8.2.J.4
 - Recording affidavits, §8.2.J.2
- Site assessment, §24.2.C

UNFORESEEN CIRCUMSTANCES

- Defined, §5.4.A.6
- Home sale tax gains, §5.4.A.6

UNIFORM CONDOMINIUM ACT

- Common interest communities (CICs), §18.3.D

UNIFORM CONVEYANCING BLANKS (UCBs)

- Contracts for deed, §25.2.B
- List of forms available, Appendix E following §13.6.B
- Recording documents, standard form use, §13.6.B

UNIFORM ENVIRONMENTAL RESTRICTIVE COVENANTS ACT (UECA)

- Contamination, §24.4.C

UNIFORM VENDOR AND PURCHASER RISK ACT

- Risk of loss, purchase agreements, §3.6

UNIT

- Defined, §18.2.B

UNJUST ENRICHMENT

- Contracts for deed, post-cancellation issues, §25.6.F.1
- Seller disclosures, statutory vs. common law claims, §8.2.B

UNLICENSED PRACTICE

- Real estate licensees, §2.14.D.1, §2.14.D.4

UNMARKETABLE TITLE

- Title insurance, owner's policy coverage, §9.4.C.2

URBAN TOWNS

- Defined, §21.4.A

U.S. ARMY CORPS OF ENGINEERS

- Land use controls, §21.8

U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA)

- Land use controls, §21.8

USABLE SQUARE FEET

- Defined, office property, §20.5.A

USURY

- Financing documents, promissory note, §26.5.G

UTILITIES

- Due diligence, commercial real estate, §7.3.D.4
- Easements, surveys, §10.3.A.3
- Optional survey responsibilities and specifications, ALTA surveys, §10.2.C

UTILITY EASEMENT

Defined, §10.1.D

V**VACANT LAND**

Income tax, home sale tax exclusions, §5.4.A.7

Septic systems, disclosure, §4.4.B.6

VACATION HOMES

Section 1031 exchanges, replacement property, §23.14.B

VALUATION

Certificates of real estate value (CRVs), §11.4.C

Closing documents, tax documents, §12.3.A.8

Forms, MSBA residential purchase agreement and contract for new construction, Appendix A following §17.6.A.3

Home improvements, exclusions from assessed value, §11.6.G

Market value

Comparable sales, §11.4.A

Cost approach, §11.4.C

Income approach, §11.4.B

Sales ratio, §11.4.D

Real estate taxes

Contamination tax, §11.6.H

Value for tax purposes, §11.4

Section 1031 exchanges, calculation, §23.3

VALUATION EXCLUSION

Seller disclosures, §8.2.K

Applicable transactions, §8.2.K.1

Forms, §8.2.K.3

What to disclose, §8.2.K.2

VANILLA SHELL INTERIORS

Development property purchases, §21.3

VARIANCES

Defined, §21.4.E.1

Development property purchases, development agreements, §21.5.A.9

Forms, zoning letter, Appendix C following §21.9.E

Lakeshore property, §19.2.D

Land use requests, 60-day response rule, §21.6

Undue hardship test, §21.4.E.5

Undue hardship test vs. practical difficulties, §21.4.E.5

VENDEES

Defined, Chapter 327 warranty coverage, §17.5.C.1

VENDORS

Defined, Chapter 327 warranty coverage, §17.5.C.1

W**WAIVER**

Due diligence, condition of property, waiver of disclosure, §8.5.A.1

Financing documents, waiver of defenses and rights, §26.8.E

Seller disclosures

Common interest communities, §8.2.D.3

Lead-based paint, §8.2.G.4

Methamphetamine production, §8.2.I.5

Radon, §8.2.L.5

Sewage treatment systems, §8.2.F.4

Wells, §8.2.H.8

Written waiver by parties, §8.2.A.10

WARRANTIES

Closing documents, operational documents, §12.3.A.9

Common interest communities (CICs), warranty insurance programs, §17.5.C.3

Duration, survival of closing, §4.5.B

Financing documents

Environmental indemnity, §26.12.A

Subordination, nondisturbance, and attornment agreements (SNDAs), §26.11.D

Indemnification, §4.6.A

Mortgages, warranties of title, §26.6.E

Negotiations, §4.1

New construction

Commercial real estate, §17.3.E

Statute of limitations, §17.5.C.1

Option to purchase, enforceable agreement terms, §16.2.C.2

Purchase agreement drafting considerations, distressed properties, Appendix A following §22.10.F

Purchase agreements, §3.4, §4.5

Common interest communities (CICs), §18.5.J

Damages for breach, §4.5.A

Merger doctrine, §3.5

Representations vs. warranties, §4.5.C

Residential real estate, new construction, §17.5.C

Security agreements, borrower representations and warranties, §26.9.C

Seller disclosures, statutory vs. common law claims, §8.2.B

Specific warranties, purchase agreements, §4.5.A

WARRANTY

Defined, §4.5.A

WARRANTY DATE

Defined

Chapter 327 warranty coverage, §17.5.C.1

WARRANTY DEEDS

Closing documents, §12.3.A.1

WASHINGTON COUNTY

Well disclosure

Requirements, §4.4.A.9

Sellers, §8.2.H.9

WATER BOUNDARY

ALTA survey requirements, §10.2.C

Chapter 505 plats, §10.4.A

Defined, §10.1.D

Surveys, §10.3.F

WATER COMPANIES

Real estate taxes, separately taxed property categories, §11.3

WATERSHED DISTRICTS

Lakeshore property, regulation, §19.2.C.3

WATERSHED LAW

Lakeshore property, §19.2.B.6

WELLS

Disclosure

Case law, §4.4.A.7

Environmental concerns, §24.2.A

Recording documents, §13.2.B.6

Washington county requirements, §4.4.A.9

Failure to disclose

Remedies, §4.4.A.3

Waiver, §4.4.A.4

Forms, well disclosure certificates, §4.4.A.6

How to disclose, §4.4.A.2

- Lakeshore property, §19.3.B
 - Disclosure, §19.3.B.1
 - Replacement, §19.3.B.2
 - Use and maintenance, §19.3.B.4
 - Water tests, §19.3.B.3
- Private water wells, lakeshore property, §19.2.B.8
- Seller disclosures, §8.2.H
 - Applicable transactions, §8.2.H.1
 - Certificate at closing, §8.2.H.4
 - Contract for deed, §8.2.H.6
 - Exceptions, §8.2.H.2
 - Liability for nondisclosure, §8.2.H.7
 - Before selling, §8.2.H.3
 - Statement of no changes, §8.2.H.5
 - Waiver, §8.2.H.8
 - Washington county, §8.2.H.9
- Statutory disclosure requirements, §4.4.A
 - Case law, §4.4.A.7
 - Certificates and deed statements, §4.4.A.5
 - Failure to comply effect, §4.4.A.8
- Well disclosure statements, closing documents, §12.3.A.1
- When to disclose, §4.4.A.1
- WET LAND**
 - Defined, §10.1.D
- WETLAND CONSERVATION ACT**
 - Lakeshore property, §19.2.B.4
- WETLAND PRESERVATION AREAS**
 - Surveys, §10.3.C.5
- WETLANDS**
 - Commercial real estate, new construction, §17.3.A.2
 - Defined, §10.3.C
 - Surveys, §10.3.C
 - Flood fringe, §10.3.C.1
 - Floodplain, §10.3.C.2
 - Floodway, §10.3.C.3
 - Local planning and approval, §10.3.C.6
 - 100-year flood elevation, §10.3.C.4
 - Wetland preservation areas, §10.3.C.5
- WILD AND SCENIC RIVERS ACT**
 - Lakeshore property, §19.2.A.2
- WIND ENERGY PRODUCTION FACILITIES**
 - Real estate taxes, separately taxed property categories, §11.3
- WITNESS MONUMENT**
 - Defined, §10.1.D
- WRAPPED MORTGAGES**
 - Income tax, §5.3.C
- WRIT OF RECOVERY OF PREMISES**
 - Seller remedies, §14.11.B.1
- WRITTEN DOCUMENTS**
 - Attorney review for closing, §12.1
 - Boundary line surveys, §10.2.A
 - Broker price opinions, §2.9
 - Closing documents (See CLOSING DOCUMENTS)
 - Closing process
 - Checklist tracking documents, §12.2.A
 - Seller's/buyer's instructions, §8.7.B
 - Due diligence, closing documents review, §8.7.D
 - Electronic recording, §13.5
 - Letter of intent, §15.3.D
 - Option to purchase, statute of frauds, §16.2.C.1
 - Post-closing issues, missing documents or signatures, §12.7.A
 - Purchase agreements
 - Definiteness, §3.3.C
 - Enforceability, §3.3
 - Real estate licensees, negotiations, §2.14.A.4
 - Recording checklist, Appendix D following §13.6.B
 - Recording documents
 - Drafter identification, §13.2.A.4
 - Legibility, §13.2.A.5
 - Seller disclosures, methamphetamine production, §8.2.I.2
 - Torrens property, approval for recording documents, §13.1.A.5
- X**
- Y**
- Z**
- ZONING**
 - Development property purchases, project design requirements, §21.3
 - Forms, zoning letter, Appendix C following §21.9.E
 - Lakeshore property, county/municipal shoreland and zoning ordinances, §19.2.C.1
 - Land use requests, 60-day response rule, §21.6
 - Title insurance, endorsements, §9.4.C.7
- ZONING ENDORSEMENTS**
 - Development property purchases, project design requirements, §21.3.B
- ZONING MAPS**
 - Development property purchases, §21.4.E.1
- ZONING ORDINANCES**
 - Administrative or judicial review of decisions, §21.4.E.3
 - Changing or adopting process, §21.4.E.2
 - Conditional use permits, §21.4.E.4
 - Development property purchases, §21.4.E.1
 - Land use controls, §21.4.E
 - Practical difficulties, §21.4.E.5
 - Role of attorney, changing or adopting process, §21.4.E.2
 - Scope of regulatory authority, §21.4.E.1
 - Undue hardship test, §21.4.E.5
 - Variances, §21.4.E.5
- ZONING USE DISTRICTS**
 - Development property purchases, §21.4.E.1
- ZONING VARIANCES**
 - Closing documents, government approvals and assurances, §12.3.A.10
 - Development property purchases, development agreements, §21.5.A.9
 - Forms, zoning letter, Appendix C following §21.9.E
 - Land use requests, 60-day response rule, §21.6