

INSTRUCTIONS

Summary Real Estate Disposition Judgment Form

Things you will need for this process:

- *Summary Real Estate Disposition Judgment*, form number **80.1.2** found on the Minnesota Department of Commerce's website at <http://mn.gov/commerce-stat/pdfs/uniform-conveyancing-blanks.pdf>
- Copy of your final divorce Judgment and Decree

Overview of Steps

1. Complete the *Summary Real Estate Disposition Judgment* (SREDJ) form following all of the steps in these instructions.
2. File the completed SREDJ form with the court for the judge to sign.
3. Request a certified copy of the SREDJ form after the judge signs it (copy fee is required).
4. File a certified copy of the SREDJ form with the County Recorder.

Important Notices and Resources

The court has forms and instructions, for some types of cases, as a general guide to the court process. These instructions explain the steps in more detail and answer common questions, but are not a full guide to the law. Court employees may be able to give general information on court rules and procedures, but they cannot give legal advice.

Have a question about court forms or instructions?

- Visit www.MNCourts.gov/SelfHelp
- Call the MN Courts Self Help Center at (651) 435-6535

Not sure what to do about a legal issue or need advice?

- Talk with a lawyer
- Visit www.MNCourts.gov/Find-a-Lawyer.aspx

Helpful materials may be found at your public county law library. For a directory, see <http://mn.gov/law-library/research-links/county-law-libraries.jsp> . For more information, contact your court administrator or call the Minnesota State Law Library at 651-297-7651.

General Information About The *Summary Real Estate Disposition Judgment Form*

The information contained in this document is not intended as legal advice but as a general guide to you to explain the legal process. **If you do not understand** any of these procedures, talk to an attorney. **Court staff cannot give legal advice.**

Under Minnesota law, both spouses have an interest in real estate, even if only one spouse's name is on the deed or title of the property.

Proof of divorce and proof of who was awarded interests in the real estate is usually recorded in the real estate records before selling or mortgaging the property after the divorce.

To give that proof, the complete divorce decree can be filed in the real estate records. Or, a short version of the divorce decree can be filed, called *Summary Real Estate Disposition Judgment Form* (SREDJ). The SREDJ only includes information needed for real estate title purposes. If you file the SREDJ, information about your children, work, and other personal matters is not available in the county real estate records.

Step 1

Get the *Summary Real Estate Disposition Judgment Form* and a Copy of your divorce Judgment and Decree

1. To get the *Summary Real Estate Disposition Judgment Form*:
 - a. Visit the Minnesota Department of Commerce's website at <http://mn.gov/commerce-stat/pdfs/uniform-conveyancing-blanks.pdf> .
 - b. Scroll down until you see form number **80.1.2** and **click on the blue link**.

Uniform Conveyancing Blanks			
Number/Link	Description	Form Series	Form Type
80.1.1	(Divorce) Judgment and Decree	Marriage-Divorce - 80 Series	80.1 Marriage/Divorce
80.1.2	Summary Real Estate Disposition Judgment	Marriage-Divorce - 80 Series	80.1 Marriage/Divorce
90.1.1	Certificate of Trust by Individual	Trusts - 90 Series	90.1 Certificate of Trust

- c. You can either print the form and fill it out by hand, or, type in your answers following this packet of instructions.
2. You will also need a copy of your final divorce Judgment and Decree. Depending on the kind of divorce you had, your Judgment and Decree may be called:
- *Findings of Fact, Conclusions of Law, Order for Judgment, Judgment and Decree; **or***
 - *Stipulated Findings of Fact, Conclusions of Law, Order for Judgment, Judgment and Decree; **or***
 - *Joint Petition, Agreement, and Judgment and Decree*

If you do not have a copy of your Judgment and Decree, you can request a copy from court administration in the county where your divorce was finalized. Generally, copy requests need to be made in writing or in person. There will be a copy fee for the copy. Contact information for court administration in each county can be found at <http://www.mncourts.gov/Find-Courts.aspx> . For more instructions about requesting a copy from court administration, go to Step 4.

Step 2

Fill Out the *Summary Real Estate Disposition Judgment Form*

NOTE:

- All information on the SREDJ form is required; this means each blank should have an answer, unless the instructions say otherwise.
- Each answer you write **must exactly match** the information in your Judgment and Decree.

SUMMARY REAL ESTATE DISPOSITION JUDGMENT Minn. Stat. 518.191	Minnesota Uniform Conveyancing Blanks Form 80.1.2 (2019)
State of Minnesota County of _____	DISTRICT COURT _____ Judicial District
In Re the Marriage of:	Court File Number: _____
_____ <div style="text-align: right; margin-right: 20px;">1</div> Petitioner	SUMMARY REAL ESTATE DISPOSITION JUDGMENT
and _____ Respondent/Co-Petitioner	

1. Fill out the caption (the County, Judicial District, Court File Number, and first, middle, and last names of Petitioner and Respondent/Co-Petitioner) exactly like it is written on your Judgment and Decree.

1. Petitioner and Respondent/Co-Petitioner (collectively the "Parties") were married on 2 _____
[month/day/year]
 and the Judgment and Decree of Dissolution terminating that marriage (the "Judgment") was entered on _____
[month/day/year] 3

2. Write the date you were married.
3. If your divorce is not final yet, leave the next line blank. If your divorce is final, write in the **date of entry** of the Judgment and Decree. The date of entry is the date the court administrator "entered" your decree and signed it. **This may be different from the date the Judge signed the decree. Look for the date of entry on the last page of your decree.**

2. The Parties were represented as follows:

4 Petitioner [check applicable box and complete the blank if applicable]
 was not represented by an attorney
 was represented by the following attorney:
 Name of Petitioner's Attorney: _____

5 Respondent/Co-Petitioner [check applicable box and complete the blank if applicable]
 was not represented by an attorney
 was represented by the following attorney:
 Name of Respondent/Co-Petitioner's Attorney: _____

4. If the Petitioner (the first person listed in your caption on the top of the page) represented themselves in the divorce case and did not have an attorney, check the box "was not represented by an attorney." If the Petitioner did have an attorney, check the box "was represented by the following attorney" and write the name of the attorney.
5. If the Respondent/Co-Petitioner (the second person listed in your caption on the top of the page) represented themselves in the divorce case and did not have an attorney, check the box "was not represented by an attorney." If the Respondent/Co-Petitioner did have an attorney, check the box "was represented by the following attorney" and write the name of the attorney.

3. The Summons and Petition were served on Respondent/Co-Petitioner:

6 joint petition for dissolution, no summons required under Minn. Stat. 518.09
 personally, pursuant to Minn. R. Civ. P. 4.03(a) or Minn. Stat. 543.19
 by publication, as follows:

Legal newspaper(s)	County(ies)	Dates of publication
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

6. Check the box that matches the way the divorce *Summons* and *Petition* was served (the paperwork that started your divorce case) on the other party:

- Check “joint petition for dissolution, no summons required” if you filed your divorce together because you agreed on all issues when you first filed for divorce.
- Check “personally” if the spouse who started the divorce served the other spouse by having someone else hand-deliver the divorce papers OR if your spouse signed an *Admission of Service* or a *Waiver of Service*.
- Check “by publication” if the spouse who started the divorce served the other spouse by publishing notice of the divorce in a legal newspaper AND write in the information about:
 - The name of the legal newspaper*,
 - The county the legal newspaper was circulated* in, and
 - The three dates the notice was published.*

*This information is on the *Affidavit of Publication* and attached newspaper clipping the newspaper sent you after publication was finished. Please read it carefully.

Note: If you don’t know how service was done, you can check your divorce case record to see if an *Affidavit of Service*, *Admission of Service*, *Waiver of Service*, or an *Affidavit of Publication* was filed. You can access some case records on the court’s website at <http://www.mncourts.gov/Access-Case-Records.aspx> . You could also go to a courthouse or try contacting court administration in the county where your divorce case was filed. Contact information for each court can be found at <http://www.mncourts.gov/Find-Courts.aspx> .

4. The Judge (and referee, if any) who signed the Order for Judgment was _____	7	
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7. Write the name of the judge who signed your Judgment and Decree. If a judge has not signed your Judgment and Decree yet, leave this line blank.

a	b	c	5. The Judgment resulted from a: [check the applicable box and complete the applicable blanks] <input type="checkbox"/> Stipulation or Joint Petition for Dissolution Was the real property described by a legal description? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Default Did the Petition contain a legal description of the property? <input type="checkbox"/> Yes <input type="checkbox"/> No Was the disposition made in accordance with the request for relief? <input type="checkbox"/> Yes <input type="checkbox"/> No Appearances made on behalf of Petitioner: _____ on behalf of Respondent/Co-Petitioner: _____ <input type="checkbox"/> Trial Appearances made on behalf of Petitioner: _____ on behalf of Respondent/Co-Petitioner: _____	8
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8. Check the boxes that match the way your case moved forward after your divorce case was started, shown above as **a**, **b**, **OR c**:

Note: For **a** or **b**, the legal description is not the street address. If you cannot check “yes” because the legal description is not included, or if you’re not sure if the legal description is complete or correct, then **STOP** and get legal advice from an attorney before continuing.

a. Check “**Stipulation or Joint Petition for Dissolution**” if your case was started with a Joint Petition (you filed your divorce case together with your ex-spouse because you agreed on all issues when you first filed for divorce) **OR** if you and your spouse didn’t file your case together but later came to an agreement and filed a Stipulation telling the court what your agreement was.

- Then check “yes” if the legal description for the real estate is written in the Joint Petition or Stipulation.

b. Check “**Default**” if one spouse started the divorce by serving the *Summons* and *Petition* and the other spouse did not file an *Answer*, did not sign a Stipulation, and did not attend a court hearing.

- Then check “yes” if the legal description for the real estate is written in the *Petition*.
- Then check “yes” if the *Petition* says who should get the real estate AND the Judgment and Decree matches what was asked for in the *Petition*.

Note: if you cannot check “yes”, then **STOP** and get legal advice from a lawyer before continuing.

- If there was a court hearing in your case, write in the names of the people who appeared in court. If you or your spouse were not represented by a lawyer in court, you can write in your name(s). If you, or your spouse had a lawyer represent you in court, you can write the lawyers name(s). If there was not a hearing in your case you may leave it blank or write “no hearing was held.”

c. Check “**Trial**” if one spouse started the divorce by serving the *Summons and Petition* and you had a trial.

- Then write in the names of the people who appeared in court. If you or your spouse were not represented by a lawyer in court, you can write in your name(s). If you, or your spouse had a lawyer represent you in court, you can write the lawyers name(s).

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6. The Judgment changed the name of: **[check the applicable box and complete the applicable blanks]**

Petitioner
 To: _____
(insert Petitioner's new name)

Respondent/Co-Petitioner
 To: _____
(insert Respondent/Co-Petitioner's new name)

Neither party

9. If your Judgment and Decree changed your and/or your spouse's name, check the box next to which party's name was changed and write the new name exactly as it appears in your Judgment and Decree. If neither party's name was changed, check the box next to "neither party."

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7. The Judgment listed the following former names of: **[check the applicable box and complete the applicable blanks]**

Petitioner

(insert Petitioner's former name(s))

Respondent/Co-Petitioner

(insert Respondent/Co-Petitioner's former name(s))

Neither party

10. If your Judgment and Decree listed former names (names you've been known as in the past) for you or your spouse, check the box next to which party has former names listed in the Judgment and Decree and write the former names exactly as it appears in your Judgment and Decree. If neither party had former names listed in the Judgment and Decree, check the box next to "neither party."

Note: The next section of the form, **section 8**, has 7 parts (a-g) for each parcel (piece) of real estate. If you have more than one parcel of real estate, you will need to give this information for each parcel. You can put the information for "Parcel 1" here. There is space for additional parcels on the pages after the signature line on a page marked "Exhibit A". If only have one parcel of real estate you do not need to write on or file the "Exhibit A" pages after the signature line.

Also note: For section 8, you can either:

- Write in your answers to section 8 on this form following the instructions starting with number 9 below, or
- Write "See Exhibit A attached" in section 8 and then attach:
 - If you filed a *Joint Petition*: A copy of the **Real Estate Attachment**

OR

- If you did NOT file a *Joint Petition*: A copy of **the pages or paragraphs** in your Judgment and Decree (court order) that describe and award the real estate, including paragraphs describing liens, mortgages, or other interest or conditions affecting the property. Do not attach a copy of your whole Judgment and Decree.

If you decide to write “See Exhibit A attached” and attach one of the things listed above, you can write “Exhibit A” on the top of the copy you attach. You do not need write anything or file the need to write on or file the “Exhibit A” pages after the signature line of this form.

Section 8

8. The Judgment affects the following parcel of real estate: *(if additional parcels, see Exhibit A attached)*

Parcel 1:

a) Address: 11

b) Legal description:
[insert full legal description from the Judgment or subsequent Order correcting the description in the Judgment]

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c) If the parcel is Torrens, what is the Certificate of Title number? 13 _____

11. Write the street address exactly as it is written in your Judgment and Decree.
12. Write the legal description exactly as it is written in your Judgment and Decree. (For example: Lot 1, Block 2, Mims Addition to Minneapolis)
13. Write the certificate number for your parcel if your parcel is Torrens property.

NOTE: There are two different recording systems for land in Minnesota. The Torrens system and the abstract system. If you’re not sure if your property is Torrens property, you can contact the office of the County Recorder for the county where the property is located.

d) The Judgment awards an interest in the above-described real estate to the following persons:

<p><u>Person(s) awarded an interest</u></p> <p>_____ 14 _____</p> <p>_____</p>	<p><u>Property interest awarded</u></p> <p>_____ 15 _____</p> <p>_____</p>
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e) The Judgment creates the following marital liens, if any: [if none, so state]

<p><u>Person(s) awarded an interest</u></p> <p>_____ 16 _____</p> <p>_____</p>	<p><u>Property interest awarded</u></p> <p>_____ 17 _____</p> <p>_____</p>
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14. Write the names of the person(s) who were awarded an interest in the real estate. Write their name exactly as it is written in the Judgment and Decree.
15. Write what kind of property interest the person was awarded. Write the interest exactly as it is written in the Judgment and Decree. (For example: All right, title and interest of the parties).
16. Your Judgment and Decree may have a section in it where a “marital lien” is awarded. If one was awarded, write the name of the person who was awarded the lien. If no martial lien was created then write “NONE.”
17. Write the interest exactly as it is written in the Judgment and Decree. (For example: [Pary] is awarded a marital lien in the amount of [X].) If no martial lien was created then write “NONE.”

f) The Judgment describes the following existing liens, mortgages, encumbrances, or other interests in the above-described real estate: [if none, so state]

<p><u>Person(s) with described interest</u></p> <p>_____ 18 _____</p> <p>_____</p>	<p><u>Nature of described interest</u></p> <p>_____ 19 _____</p> <p>_____</p>
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g) The Judgment sets forth the following triggering or contingent events affecting the disposition of the above-described real estate: [if none, so state]

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18. Write the information about the person (or entity, like the bank) who has a lien, mortgage, or other interest in the property. Write it exactly as it is written in the Judgment and Decree. (For example: ABC Bank of Minnesota or John Smith). If there are no liens on the property, write “NONE.”
19. Write the kind of interest the entity or person you listed has. Write it exactly as it is written in the Judgment and Decree. (For example: Mortgage, or “a lien in the amount of \$50,000 to be paid to John Smith when the property is sold or when John Smith remarries.”) If there are no liens on the property, write “NONE.”

20. Write any events that affect the property interest. Write it exactly as it is written in the Judgment and Decree. (For example, John Smith must refinance the mortgage and pay Jess Smith within 1 year of John Smith remarrying or list the property for sale.”). If there are no triggering events, write “NONE.”

This Summary Real Estate Disposition Judgment, or a certified copy hereof, may be recorded in place of the original Judgment in the office of any county recorder or registrar of titles in which any parcel of real estate described herein is located, with the same effect as the recording of the full Judgment would have had. An amended summary real estate disposition judgment may not be used to add omitted property to a Judgment, unless the Court determines in the Order authorizing the issuance of the amended summary real estate disposition judgment that the omitted property is an integral or appurtenant part of real property already properly included in the Judgment.

Approval of Summary Real Estate Disposition Judgment:

Dated: _____

By the Court: _____
 Judge _____
 Court Administrator _____
 Deputy _____

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21. DO NOT SIGN. This is where the court will sign.

EXHIBIT A

Parcel 2:

a) Address: _____

b) Legal description:
 [insert full legal description from the Judgment or subsequent Order correcting the description in the Judgment]

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22. You may or may not need this Exhibit A.

If you are writing your information for section 8 on the form and have a second parcel or property, write the information for the second parcel of property on Exhibit A. The form has space for up to three parcels of property. If you have more parcels than that you can make copies of Exhibit A and write “parcel 4,” etc., to include the information about your other parcels. If you do not have a second parcel of property you do not need to fill out or file this Exhibit A.

If you did not write your information for section 8 on the form and instead wrote “See Exhibit A” and attached copies of the sections of your divorce papers that talk about your real estate (as explained above) you do not need to complete and file this Exhibit A.

Step 3

File the *Summary Real Estate Disposition Judgment Form* with the court in the county where your divorce case is

1. If you file the SREDJ form with your divorce papers before the judge has signed the Judgment and Decree, the judge will sign the SREDJ and your Judgment and Decree at the same time.
2. If you are already divorced (the judge signed your Judgment and Decree and the judgment has been entered) you can still file the SREDJ form with the court and the judge will sign it. It may take some time before the judge signs the form.

Step 4

Get a Copy of the Signed *Summary Real Estate Disposition Judgment Form*

Once the judge signs the SREDJ form, the signed form will be in your court file. You may request a copy from court administration in the county your divorce case is in. You can request a plain copy for your records, but you will need a certified copy if you plan on filing it with the County Recorder. There will be a copy fee for each copy you ask for.

1. Gather information for your copy request to give to court administration. It will be helpful if you can give court administration:
 - Your name and your spouse's name;
 - Court file number of your divorce case;
 - Name of the document: signed Summary Real Estate Disposition Judgment;
 - Approximate date the document was filed in the case;
 - Number of plain copies you are requesting; and
 - Number of certified copies you are requesting.

Reminder: If you are planning to record the SREDJ with the County Recorder, you will need a **certified copy**.

2. Contact court administration to request a copy of the signed Summary Real Estate Disposition Judgment (SREDJ). To find contact information for court administration in the county your divorce case is in you can visit the court's website at <http://www.mncourts.gov/Find-Courts.aspx>

You can request a certified copy of your SREDJ from court administration by:

- Going to the courthouse in person and asking for a copy;
- Calling and asking if they can accept a copy request over the phone; or
- Mailing a letter to court administration asking for a copy.

Reminder, there is a copy fee for each copy you request. To find out what the copy fee is for your request, you can contact court administration.