

MAY 30 2007

Case Type: 14
DISTRICT COURT

STATE OF MINNESOTA

COUNTY OF SHERBURNE

PATRICIA A. KUKA
COURT ADMINISTRATOR
By *Kimberly Mueller* Deputy

TENTH JUDICIAL DISTRICT

In the Matter of the Application of:

Bruce ~~XXXX~~ and Julie ~~XXXX~~, husband and wife, as joint tenants,

to Register Title to the following described real estate situated in Sherburne County, Minnesota, namely:

See attached Exhibit A ("Property"),

Applicants,

vs.

Walter ~~XXXX~~, Arlene ~~XXXX~~, Metropolitan Federal Bank, fsb, Leona L. ~~XXXX~~ a/k/a Leon L. ~~XXXX~~, Janet ~~XXXX~~, Carl E. ~~XXXX~~, William C. ~~XXXX~~, Karen ~~XXXX~~, Bonnie ~~XXXX~~ f/k/a Bonnie Kay ~~XXXX~~, Mark ~~XXXX~~, Sandra L. ~~XXXX~~, Wayne ~~XXXX~~, ~~XXXX~~ Properties of St. Cloud, LLC, The ~~XXXX~~ Living Trust dated December 13, 1993, U.S. Bank, National Association, as Trustee for the John ~~XXXX~~ Revocable Trust dated December 19, 1997, Jana ~~XXXX~~, Minnesota Department of Natural Resources, Haven Township, and all other parties unknown claiming any right, title, interest, or estate in or to the land described herein., XYZ Corporation, ABC Partnership, John Doe and Mary Roe, all whose true names are unknown, also all heirs and devisees of any of the above named persons who are deceased; and all other persons or parties unknown, claiming any right, title, estate, lien or interest in the real estate described in the application or amendments therein,

Defendants.

**ORDER AND DECREE OF
REGISTRATION AND AN
ORDER ESTABLISHING AND
FIXING BOUNDARIES AND
ESTABLISHMENT OF JUDICIAL
LANDMARKS**

Case No: C1-06-2103

Office of the Registrar of Titles
Sherburne County, MN

Doc. No. 40484

Certified filed and/or recorded on
06-11-2007 at 09:00

Cert.: 8566

Michelle Ashe, Registrar of Titles

By *MA* Deputy Fee: \$ 46.00



40484

Office of the County Recorder
Sherburne County, MN

Doc. No. 652082

Certified filed and/or recorded on
06-11-2007 at 09:00

Michelle Ashe, County Recorder

By *MA* Deputy Fee: \$ 46.00



652082

TORRENS

Example 4

The above-entitled matter came before this Court at the request of ~~Walter~~
Applicants' Attorney, without a Hearing at the Sherburne County Courthouse, Elk River,
Minnesota on Applicants' Motion for Entry of an Order and Decree of Registration.

The Court, having duly considered the application, the reports of the Examiner, and the
evidence produce by the Applicants, and being fully advised in the premises, finds:

1. That the estimated market value of the premises hereafter described, exclusive of
improvements, according to the last official assessment thereof is \$184,800.00.
2. That all requirements of the law in respect to the application and any amendment
thereto have been complied with and that all of the Defendants in this proceeding have been duly
served with process as required by law or they have consented to the registration herein and it
further appears that no answer or notice of appearance has been filed in this proceeding.
3. That except as hereafter provided, none of the Defendants named in the Summons
and any amendments or supplements thereto have any right, title, estate, lien or interest in the
real estate hereinafter described.
4. That the premises hereinafter described are now occupied by the Applicants.
5. That at the time of filing the application herein, there was a mortgage in favor of
Chevy Chase Bank, fsb, dated October 20, 1996, recorded November 6, 1998, as Document No.
376404, encumbering the Property.
6. The property abuts Round Lake, a navigable body of water.
7. The Court finds that the Applicants property is:
 - (a) Subject to the proprietary and sovereign rights of the State of Minnesota in all that
portion of the land lying below the natural ordinary high water mark of Round
Lake; not intending, however, to deprive the fee owners of the usual riparian

rights that attach to land riparian to navigable body of water incident to the ownership thereof.

- (b) Benefitted by the March 16, 2007 Access Easement, a copy of which is on file with this Court. The original Access Easement shall be filed with the Registrar of Titles at the time this Order is filed and the Easement shall become a Memorial on the Certificate of Title created as a result of this Order.

6. Wayne ██████████ was recommended as a Defendant because of the belief that he was married to an adjacent property owner, Sandra ██████████. The couple is no longer married and it was not necessary to serve Wayne Longwell.

7. That Judicial Landmarks have been placed pursuant to the March 15, 2007, Interlocutory Order of this Court, and that the placement of those Judicial Landmarks is shown on the attached July 20, 2006 (last revised May 7, 2006) surveys by Bogart, Pederson and Associates, Inc. for Bruce and Julie ██████████, and for Haven Township in the Court file and made a part hereof.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED
as follows:

1. That a default as to each Defendant named in the Summons and any amendments or supplements thereto and all heirs and devisees of any of the persons named therein who are deceased and "all other persons or parties unknown claiming any right, title, estate, lien or interest in the real estate hereinafter described" is hereby entered in the above-entitled action.

2. That Bruce ██████████ and Julie ██████████, husband and wife, whose address is 4690 - 64th Street SE, St. Cloud, MN 56304, County of Sherburne, State of Minnesota, are the owners of an estate in fee simple as Joint Tenants in land in the County of Sherburne, State of Minnesota, described as follows:

See attached **Exhibit A.**

3. That said interest and land be brought under the provisions and operations of Chapter 508, Minnesota Statutes, and all acts amendatory thereof, and that the title there to be confirmed and registered as provided in and by said act; subject, however, to the following memorials:

- (a) to any rights or encumbrances which may be subsisting, specified in Section 508.25, Chapter 508, Minnesota Statutes and all acts amendatory thereof;
- (b) to a mortgage in favor of Chevy Chase Bank, fsb, dated October 20, 1996, and filed for record in the office of the Sherburne County Recorder on November 6, 1998, as Document No. 376404.
- (c) The March 16, 2007 Access Easement to be filed with this Order.

4. That the boundaries of the land described herein have been determined by placement of Judicial Monuments as described in the attached July 20, 2006 (last revised May 7, 2007), Certificates of Survey filed in this matter by Bogart, Pederson and Associates, Inc. for Bruce and Julie ~~2142~~, and for Haven Township, which surveys are made a part of the Findings and Decree hereof. The Certificates of Survey shall also be filed with the Registrar of Titles, at the time of the filing of this Order, and the Certificate of Title shall state: "That the boundaries are registered and Judicial Monuments set per the survey filed in the office of the Registrar of Titles, and with the District Court.

Dated: 5-30, 2007

BY THE COURT:


Judge of District Court

KARLA F. HANCOCK
JUDGE OF DISTRICT COURT

THE ABOVE CONSTITUTES THE JUDGMENT AND DECREE OF THIS COURT
ENTERED ON May 30, 2007.

Dated: May 30, 2007


PATRICIA A KUKA

DISTRICT COURT ADMINISTRATOR

By Kimberly Mueller
Deputy Court Administrator

APPROVED AS TO FORM:

SHERBURNE COUNTY
EXAMINER OF TITLES

By 
David J. Meyers, Examiner

Dated: May 23, 2007

State of Minnesota, County of Sherburne
Certified to be a true and correct copy of the
original on file and of record in my office.

Dated: June 8, 2007

Patricia A. Kuka, Court Administrator
By Kimberly Mueller Deputy

EXHIBIT A

That part of Government Lot 1, Section 34, Township 35, Range 30, Sherburne County, Minnesota, described as follows:

Commencing at a Sherburne County cast iron monument at the northwest corner of said Government Lot 1, also being the west quarter corner of said Section 34 per Document No. 276499; thence South 04 degrees 16 minutes 56 seconds West along the west line of said Government Lot 1 as established by the Sherburne County surveyor in 1992 a distance of 7.37 feet; thence South 88 degrees 48 minutes 52 seconds East a distance of 616.07 feet; thence South 1 degree 39 minutes 41 seconds West a distance of 684.77 feet to a point to be known as "Point A" for the purposes of this description; thence South 84 degrees 47 minutes 46 seconds East a distance of 68.92 feet to the Point of Beginning of the property to be described; return thence North 84 degree 47 minutes 46 seconds West a distance of 68.92 feet to said "Point A"; thence North 84 degree 49 minutes 21 seconds West a distance of 321.53 feet to the northeast corner of Document No. 161677; thence South 1 degree 37 minutes 44 seconds West along the east line of said Doc. No. 161677 to intersect a line 66.00 feet northeasterly of, measured at a right angle to and parallel with the northeasterly line of Lots 1-10, LONG LAKE PARK according to the recorded plat thereof, said Sherburne county; thence South 62 degree 08 minutes 28 seconds East along said parallel line a distance of 290.11 feet to intersect the northeasterly extension of the easterly line of Lot 10 said LONG LAKE PARK; thence South 17 degree 51 minutes 32 seconds West along said Northeasterly extension a distance of 36.00 feet; thence South 62 degree 08 minutes 28 seconds East, a distance of 148.63 feet to intersect with a line bearing South 02 degree 21 minutes 49 seconds West from the point of beginning to a point to be known as "Point B"; thence North 02 degree 21 minutes 49 seconds East a distance of 146.67 feet to a point to be known as "Point C"; thence continue North 02 degree 21 minutes 49 seconds East a distance of 336.14 feet to the point of beginning. For the purposes of this survey, the west line of said Government Lot 1 bears North 04 degrees 16 minutes 56 seconds East per the Sherburne County Coordinate System NAD 83 (1986), as noted in an affidavit filed as Document No. 276499 by Daniel G. Nickols, the Sherburne County surveyor in 1992.

Together with an appurtenant Lake Access Easement over that part of Government Lot 1, Section 34, Township 35, Range 30, Sherburne County, Minnesota, lying easterly of a line between the said "Point C" and said "Point B"; lying westerly of the West line of the East 1640 feet of Government Lot 1; lying southerly of a line that bears South 62 degree 08 minutes 28 seconds East from said "Point C"; lying northerly of a line that bears South 62 degree 08 minutes 28 seconds East from said "Point B".

Containing 3.28 acres (includes 0.26 acres of hatched area), more or less.

