

# Title Insurance Request for RIM Conservation Easement

RIM Easement Number: \_\_\_\_\_

1/1/2026 (RIM Refresh Pilot Process)

\_\_\_\_\_ Soil and Water Conservation District (SWCD) is requesting a title insurance commitment for a proposed conservation easement to be situated within the below listed parcel(s) of land. This land is being enrolled in the Reinvest in Minnesota (RIM) Reserve program through the State of Minnesota, Board of Water and Soil Resources (BWSR). A title insurance policy will also be required if the proposed conservation easement is accepted and recorded.

## Property Information

Township: \_\_\_\_\_ Range: \_\_\_\_\_ Section: \_\_\_\_\_ | County: \_\_\_\_\_

County Parcel ID No.(s): \_\_\_\_\_

Notes: \_\_\_\_\_

*See attached annotated deed(s) and legal description(s) containing the preliminary proposed easement area.*

## Primary Landowner Contact Information

Name: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

## Requestor's Contact Information

This request will require coordination with both the SWCD and BWSR contacts listed below. Invoices shall be routed through the SWCD, but future correspondence should occur via email & include the below listed parties.

### SWCD Contact

Name: \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

### BWSR Contact

Name: \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

## Title Commitment Requirements

The title commitment and exception documents must be emailed to the BWSR and SWCD contacts listed above.

- Insured party: State of Minnesota, Board of Water and Soil Resources
- Search period: The title search for abstract properties must go back to land patent (**a standard 40-year search is not adequate**). When needed, the title company must reach out to the landowner listed above directly to obtain the property abstract. If the title company requires an abstract update to perform the search, the landowner will be responsible for that cost. If an abstract is required but unavailable, contact BWSR to discuss alternatives.
- Legal description: The title commitment will involve two phases, a search *before* the easement boundary is surveyed (Preliminary) and an update *after* the boundary is surveyed (Final).

**Preliminary Legal Description:** The general area of the proposed easement as currently defined within the annotated deed/legal description provided (if deed conveys additional land, the general easement area will be identified).

**Final Legal Description:** The surveyed legal description and associated certificate of survey will be provided after the easement area is finalized. An updated title commitment and/or pro forma policy will be requested for the refined area.

- Estimated Policy value: \_\_\_\_\_ (Final value to be provided after survey is completed)

- Exception documents: Full copies of any recorded documents listed as **exceptions** on Schedule B-II must be included with the title commitment for BWSR review. Please reach out if document is over 50 pages.
- Access: If the property is not directly adjacent to a road right-of-way, the title commitment shall confirm legal access and identify any existing ingress/egress easements leading to the insured parcel. When applicable, the title of the access property must also be searched and insured as a part of the commitment and policy.
- Mineral Rights: Severed mineral interests or reservations must be identified and reflected on the commitment.
- Seller's Affidavit: Provide the completed Seller's Affidavit(s) required to delete standard exceptions with the title commitment so that BWSR may coordinate signature(s) at the same time as the easement.

### Landowner Coordination

BWSR and the SWCD will coordinate directly with the landowner and title company to ensure title requirements are met and objectionable encumbrances are cleared to the satisfaction of the State Attorney General's Office.

If the landowner requires legal/title assistance to meet title requirements or clear encumbrances, the landowner will be responsible for those costs. They may choose to acquire those services through the title insurance company (if available) or other legal counsel. If acquired through the title insurance company, those services must be billed directly to the landowner on a separate invoice.

Following BWSR approval of the title commitment, the SWCD shall be responsible for obtaining landowner notarized signature(s) on the easement document, seller's affidavit, and anything else required by the title insurance company.

If the landowner wishes to satisfy a lien at closing or split the easement payment between multiple owners, relevant details will be provided to the title company in advance of closing.

### Title Invoice/Billing

The cost of the title exam/commitment(s), recording fees, the policy premium, and any other standard closing fees shall be invoiced to the SWCD contact listed above and paid in advance of closing.

Any additional costs incurred, such as document drafting fees for certificates of trust/affidavits of trustee or other miscellaneous legal/title fees are generally the responsibility of the landowner. If there are questions regarding how to split out a title invoice, please email them to [bwsr@state.mn.us](mailto:bwsr@state.mn.us) and include the county, landowner name, and RIM easement number from the top of this form.

### Easement Closing Process

BWSR will mail the fully executed original easement and associated documents to the title company in coordination with a wire for the full easement payment amount, to be dispersed by the title company upon receiving the fully executed document(s). Closing activities shall occur in the following order upon receipt of the documents and wired payment:

- Pre-close search: Confirm no changes to the title since pro forma policy was drafted.
- Easement payment dispersal: Disperse payment to the easement grantor(s) and/or lien holders as previously determined.
- Document recording: Record the easement and any other required documents with the county (i.e. mortgage subordination agreement, certificate/affidavit of trust, etc.)
- Title policy preparation: Prepare a title insurance policy for the State's easement interest in the property (see detailed policy requirements below).

- Final document distribution: Email copies of the recorded documents and title policy to BWSR and the SWCD as soon as available and *mail* the original (wet ink) recorded document(s) to BWSR.
- 1099-S reporting: The title company shall be responsible for meeting IRS 1099-S reporting requirements.

## Title Insurance Policy Requirements

Title policy form: The final policy issued shall be a long form ALTA Owner's Policy

Schedule A of policy: See Schedule A Requirements summary at end of page. **Items to note:**

- Date of policy must match exact date and time of easement recording
- Amount of insurance must equal the easement payment amount (stated in easement)
- Name of insured must be State of Minnesota, Board of Water and Soil Resources
- The insured easement's recording information must be listed under number 2
- The vested estate or interest referred to on Schedule A must include both the easement interest and the fee simple interest
- The legal description of the insured area must match the legal description attached to the recorded easement. BWSR will provide a word processing document containing the easement's legal description.

Schedule B of policy:

- Standard exceptions must be deleted
- The policy must affirmatively insure that there are no delinquent taxes through the policy date
- If there is a mortgage or other lien on the property which has been subordinated, the following language must precede the exception(s) listed on Schedule B:

*"In addition to the foregoing, the title to the estate or interest in the land described in Schedule A is subject to the following matters, if any be shown, but the Company insures that such matters are subordinate to the easement interest insured herein:"*

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### **SCHEDULE A REQUIREMENTS (ALTA Owner's Policy):**

Amount of Insurance: (Must match easement payment amount)

Date of Policy: (Must match easement recording date and time)

1. Name of Insured: State of Minnesota, Board of Water and Soil Resources

2. The estate or interest in the land insured by the policy is:

A conservation easement recorded on \_\_\_\_\_ as Document No. \_\_\_\_\_ in the office of the County Recorder of \_\_\_\_\_ County.

3. The estate or interest referred to herein is at the date of policy vested in:

a. **Conservation easement in the name of the insured above.**

b. Fee simple title in the name of \_\_\_\_\_.

*If contract for deed, list names of contract vendor(s) and vendees, together with recording info*

4. The land referred to in this policy is situated in the County of \_\_\_\_\_, State of Minnesota, and is described as follows:

**(Insert or attach the easement's surveyed legal description from the recorded easement. The certificate of survey does not need to be attached to the policy.)**