

**HOW TO RECORD
A POSTPONEMENT OF MORTGAGE FORECLOSURE AFFIDAVIT
IN ST. LOUIS COUNTY**

(A Guide for Borrowers, Attorneys and Mortgage Counselors)

Chapter 78 of the 2009 Session Laws, Section, Section 21 provides new language in Minnesota Statutes Chapter 580.07, subd 2 and 3. See link: https://www.revisor.mn.gov/laws/?year=2009&type=0&keyword_type=all&keyword=foreclosure&doctype=chapter&id=78 .

The statute requires that, in not less than 15 days before the scheduled sale date, the borrower must do each of three things:

- Record a postponement affidavit with the County Recorder/Registrar of Titles.
- Provide a copy of the recorded document to the Sheriff's office.
- Provide a copy of the recorded document to the law firm conducting the sale.

Many people do not understand the steps involved and the time necessary to accomplish the postponement. It is highly recommended that parties filing these affidavits do so well before the 15-day deadline so that everyone has sufficient time to do their parts accurately. Here is a guide for borrowers and their counselors.

Step 1. Download and print the postponement affidavit form. The affidavit form may be downloaded from the Minnesota Home Ownership Center's website: <http://www.hocmn.org/en//foreclosurepostponement.cfm> or from the Dept. of Commerce site: <http://www.commerce.state.mn.us/UCB/60.8.1.pdf>

Step 2. Complete the required fields on the form. The property owner must sign the document before a notary, who will check identification and will fill in that part of the signature block.

Step 3. Attach the Notice of Sale as it appeared in the newspaper. If you use a clipping from the newspaper, affix it to a separate sheet of paper so that it does not tear or become damaged in handling.

Step 4. Make two photocopies of the entire multiple-page document.

Step 5. Bring the original document and the photocopies to the office of the County Recorder/Registrar of Titles in Room 101 in the Courthouse in **DULUTH**. Also, bring sufficient funds for the recording fee: \$46.00 for the recording fee and \$2.00 each for the copies. If the property is registered in the Torrens system, \$20.00 will be charged for memorializing the document on each additional certificate of title after the first one. Cash or checks are accepted. Credit or debit cards are not.

Step 6. Wait for the postponement to be recorded. You will receive the two copies which will display the recording data that was assigned to the original. The Recorder/Registrar's office will hold the original for about a week for further processing, after which it will be returned to you.

Step 7. Bring one of the copies to the Sheriff's office and transmit the other to the attorney who has scheduled the sale.