



WHAT DOES MINNESOTA RULE 220 REALLY MEAN?

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IS IT REALLY SAYING WHAT ALL THE GURUS SAY IT IS?

BY YUSEF EL

Ignorantia juris non excusator ignorantia legis neminem excusat

(Latin for “ignorance of the law excuses not” and “ignorance of law excuses no one” respectively) is a legal principle holding that a person who is unaware of a law may not escape liability for violating that law merely because he or she was unaware of its content.

Court Forms for all 50 States

There is a movement that has escalated among the redemption circles of a process involving birth certificate authentication in order to become the “registered owner” of one’s estate. This process is colloquially referred to as “Minnesota Rule 220” which incorporated portions of the UCC and Article IV Section 1 of the U.S. constitution which is the ‘Full Faith and Credit’ clause but also termed the “comity” clause.

comity- Comity is the courtesy one jurisdiction gives by enforcing the laws of another jurisdiction. Comity is granted out of respect, deference, or friendship, rather than as an obligation.

While I am not opposed to authenticating the birth certificate for additional layers of security as it relates to travel purposes, the sheer absurdity of locating an obscure “rule of practice” in a foreign jurisdiction and attempting to compel clerks in other states to “recognize” it was astounding to me.

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I took some time to research Minnesota Rules of Practice 220 regarding the Birth Certificate in order to determine if what the so called Gurus were saying was true or whether it was a misinterpretation that individuals took and ran with (mistake).

Mistakes are categorized as a *Mistake of Fact*, *Mistake of Law*, or mutual mistake. A mistake of fact occurs when a person believes that a condition or event exists when it does not. A mistake of law is made by a person who has knowledge of the correct facts but is wrong about the legal consequences of an act or event. A mutual mistake arises when two or more parties have a shared intention that has been induced by a common misbelief.

UCC§ 1-103. Construction of Uniform Commercial Code to Promote its Purposes and Policies: Applicability of Supplemental Principles of Law.

- The *Uniform Commercial Code* must be liberally construed and applied to promote its underlying purposes and policies, which are:
 - (1) to simplify, clarify, and modernize the law governing commercial transactions;
 - (2) to permit the continued expansion of commercial practices through custom, usage, and *agreement* of the parties; and
 - (3) to make uniform the law among the various jurisdictions.
- Unless displaced by the particular provisions of the Uniform Commercial Code, the principles of law and equity, including the law merchant and the law relative to capacity to *contract*, principal and agent, estoppel, fraud, misrepresentation, duress, coercion, mistake, bankruptcy, and other validating or invalidating cause supplement its provisions.

First let's look at what a Rule of Practice is. Using Bouviers 1856 dictionary we quickly come up with the definition:

The Definitions come from [Bouviers Law Dictionary](#)!

RULES OF PRACTICE. *Certain orders made by the courts for the purpose of regulating the practice of members of the bar and others. 2. Every court of record has an inherent power to make rules for the transaction of its business; which rules they may from time to time change, alter, rescind or repeal. While they are in force they must be applied to all cases which fall within them; they can use no discretion, unless such discretion is authorized by the rules themselves. Rules of court cannot, of course, contravene the constitution or the law of the land.*

From the above definition we can see that a [Rule of Practice](#) is an internal mechanism that each court adopts for the regulation of Bar Attorneys during proceedings. You will find that many of the Gurus will refer to this as a ***Rule of Court***. However, Judge Bouvier has clearly defined *Rule of Court* as something different than a [Rule of Practice](#):

RULE OF COURT. *An order made by a court having competent jurisdiction. 2. Rules of court are either general or special; the former are the laws by which the practice of the court is governed; the*

latter are special orders made in particular cases. 3. Disobedience to these is punished by giving judgment against the disobedient party, or by attachment for contempt.

Court rules can be divided into four categories: 1) rules of general application, like the Federal Rules of Civil Procedure and the Federal Rules of Evidence, which are applicable in all federal courts; 2) "local" rules for individual courts within the federal system; 3) statutory rules, rules that are part of the statutory compilation rather than a set of specific "court rules," the most common being statutes of limitations; and 4) state rules, which are applicable in the courts of the issuing state.

While we are at it we might as well define what Practice is:

PRACTICE. The form, manner and order of conducting and carrying on suits or prosecutions in the courts through their various stages, according to the principles of law, and the rules laid down by the respective courts. 2. By practice is also meant the business which an attorney or counsellor does; as, A B has a good practice. 3. The books on practice are very numerous; among the most popular are those Of Tidd, Chiity, Archbold, Sellon, Graham, Dunlap, Caines, Troubat and Haly, Blake, Impey

And for good measure I will throw in Rule of Law.

RULE OF LAW . Rules of law are general maxims, formed by the courts, who having observed what is common to many particular cases, announce this conformity by a maxim, which is called a rule; because in doubtful and unforeseen cases, it is a rule for their decision; it embraces particular cases within general principles. Toull. Tit. prel. n. 17; 1 Bl. Com. 44; Domat, liv. prel. 1. 1, s. 1; Ram on Judgm. 30; 3 Barn. & Adol. 34; 2 Russ. R. 216, 580, 581; 4 Russ. R. 305; 10 Price's R. 218, 219, 228; 1 Barn. & Cr. 86; 7 Bing. R. 280; 1 Ld. Raym. 728; 5 T. R. 5; 4 M. & S. 348. See Maxim.

As we can see there is a clear distinction between a "Rule of Practice" and a "Rule of Court." A Rule of Practice actually is a subdivision of RULES OF COURT in many jurisdictions.

Next we take a look at "Minnesota Rule 220" to find out exactly what its purpose is. We can locate that at the Minnesota website under [GENERAL RULES OF PRACTICE](#).

"Minnesota Rule 220" is lodged under the heading TITLE III. REGISTRATION OF LAND TITLES- PART C. Miscellaneous Provisions

Rule 201 tells us expressly what all of the provisions in this section is for:

[GENERAL RULES OF PRACTICE Rule 201 .Applicability of Rules](#)

[Rules 201 through 222 of these rules apply to all actions and proceedings in the district court relating to registration of land titles, including proceedings subsequent to initial registration.](#)

So there is no mistake that "Minnesota rule 220" is talking about the registration of land titles.

Armed with this knowledge now we can go back and read “Minnesota Rule 220” with the proper understanding.

GENERAL RULES OF PRACTICE Rule 220. Birth Certificates

The Registrar of Titles is authorized to receive for registration of memorials upon any outstanding certificate of title an official birth certificate pertaining to a registered owner named in said certificate of title showing the date of birth of said registered owner, providing there is attached to said birth certificate an affidavit of an affiant who states that he/she is familiar with the facts recited, stating that the party named in said birth certificate is the same party as one of the owners named in said certificate of title; and that thereafter the Registrar of Titles shall treat said registered owner as having attained the age of the majority at a date 18 years after the date of birth shown by said certificate.

From what we have learned so far we can determine that the foregoing is speaking of a conveyance of land by a custodian to a potential minor.

So why all the concern?

An outstanding certificate of title is a title that has a lien against it. If it has a lien against it then that means there is a contract in existence. Minors are incapacitated due to their age and incapable of being responsible for the obligations which a contract entails. As such, the title is not fully merged with the proper owner but instead is being held by a custodian. In Minnesota you are not an adult until you reach the age of majority which is **Twenty-one (21)**. This is why it states that you will **TREATED AS AN ADULT**. You are still not an adult but the court will elect to treat a minor as such (fiction).

We can go to **2016 Minnesota Statutes 527.21 DEFINITIONS** located under the Uniform Transfer to Minors Act to find out what the definition of a “minor” is.

2016 Minnesota Statutes 527.21 DEFINITIONS.

(1) “Minor” means an individual who has not attained the age of 21 years, notwithstanding any law to the contrary.

What is interesting is that before the adoption of Uniform Transfer to Minors Act the Minnesota Legislator codified the age of Majority as eighteen(18). This law is still on the books under **Minnesota Statute 645.451 DEFINITIONS.**

- *Subd. 2.Minor. -“Minor” means an individual under the age of 18. This is a contradiction in law that you will find often in statutes if you study them enough. This is called an antinomy of law:*

Antinomy- *An expression in law and logic to indicate that two authorities, laws, or propositions are inconsistent with each other.*

Under the Uniform Minors Transfer Act an explanation is giving for the discrepancy:

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"The Act retains (or reverts to) 21 as the age of majority or, more accurately, the age at which the custodianship terminates and the property is distributed. Since tax law permits duration of Section 2503(c) trusts to 21, even though the statutory age of majority is 18 in most states, this age should be retained since most donors and other transferors wish to preserve a custodianship as long as possible."

In the State of Minnesota minors are allowed to hold property but only under a [custodian](#). This all falls under the [Uniform Minors Transfer Act](#) which has been adopted by all states except for Michigan. In order for a minor to verify that he has reached the age of majority (18) and legally capable of holding property he will have to prove his age. The Birth Certificate is the only admissible evidence in court and falls under the hearsay rule which is codified under the Minnesota Evidence Rules at 803 (9). Birth Certificate when introduced into evidence is hearsay and subject to objection by the opposing counsel even if there is a declarant present. This requires the Birth Certificate to be Authenticated! In [Backstrom v. New York Life Ins. Co., 236 N.W. 708 \(Minn. 1931\)](#) the court gives an overview on the right to cross-examine hearsay evidence and how such evidence needs to be solemnized (authenticated).

[Backstrom v. New York Life Ins. Co., 236 N.W. 708 \(Minn. 1931\)](#)

*"Primarily, under our system of jurisprudence, evidence in order to be admitted as trustworthy must be solemnized by an oath and be subjected to cross-examination by the opposing party; and we do not look with favor upon hearsay or opinion upon such matters as are here involved. Certain exceptions to the hearsay and opinion *Page 387 rules are recognized from necessity, but we are traditionally reluctant to add to those exceptions in relation to matters which have been consistently left for courts or juries to decide without that class of evidence. That very reluctance makes it improbable that the legislature intended to depart from established rules in a statute of this kind. Certainly it should not be held that it so intended, in the absence of language clearly indicating such a purpose." Thompson v. Thompson, 218 U.S. 611, 31 S.Ct. 111, 54 L. ed. 1180, 30 L.R.A.(N.S.) 1153, 21 Ann. Cas. 921.*

Now let's look at the definition of authenticate:

What is AUTHENTICATION?

In the law of evidence. The act or mode of giving authority or legal authenticity to a statute, record, or other written instrument, or a certified copy thereof, so as to render it legally admissible in evidence. Mayfield v. Sears, 133 Ind. 86, 32 N. E. 816; Hartley v. Ferrell, 9 Fla. 380; In re Fowler (C. C.) 4 Fed. 303. An attestation made by a proper officer by which he certifies that a record is in due form of law, and that the person who certifies it is the officer appointed so to do.

Committee Comment – 1977

Rule 901(a)

Authentication is simply a more specialized application of the principles of relevancy. Before probative value can be attached to an offer of evidence it must be established that the evidence, be it a chattel, a writing, or a conversation is precisely what the proponent claims it to be. The concept is frequently easy in application but most difficult to define. As a consequence the rule consists of a general statement followed by a number of illustrations setting forth possible applications of the general rule. The illustrations are not intended to limit the general rule in other areas, but are to serve only as examples of how the rule might be applied.

The general rule treats authentication in terms of a condition precedent to admissibility. To satisfy the condition precedent the proponent must present evidence "sufficient to support a finding" by the trier of fact that the offered evidence is what it is claimed to be. Authentication is governed by Rule *104(b)* which leaves the order of proof subject to the discretion of the court. Rule *901* does not distinguish between the authentication of writings and chattels, and applies equally to both. So from the above we see that we authenticate a document so it can be admissible as **EVIDENCE!** We can also find in Minnesota WHY something has to be authenticated before it is admissible as evidence here:

Rule 901. Requirement of Authentication or Identification

(a) General provisions. The requirement of authentication or identification as a condition precedent to admissibility is satisfied by evidence sufficient to support a finding that the matter in question is what its proponent claims.

So once again we can see that if you re brought into court and make a claim, such as a declarant stating that a minor identified on a birth certificate is the same person on the certificate of title, the authentication is sufficient to support a finding that ""the matter in question is what its proponent claims."

So it would be logical to look at the [evidence rules](#) in the state of Minnesota and see what we can find.

Rules of Evidence Hearsay Rules

Minnesota has adopted the *Uniform Vital Statistics Act, Minnesota Statutes 1974, sections 144.151 to 144.204, and 144.49*, which requires certain individuals to make reports to the State Board of Health concerning births, deaths, etc. Similarly Minnesota Statutes 1974, section *517.10*, requires the filing of marriage certificates. Minnesota Statutes 1974, sections *144.167* and *600.20*. However, not all statements included in such certificates are admissible. See *Backstrom v. New York Life Ins. Co., 183 Minn. 384, 236 N.W. 708 (1931)*. This rule should not change existing Minnesota practice. So as we can see from the above that "Minnesota Rule 220" is a codification made for situations where a minor (under the age of 18) may receive a conveyance of property from a custodian. This has nothing to do with the Uniform Commercial Code or any of the things that you are being told.

As a matter of fact, Minnesota provides you with a copy of the certificate of title they are referencing. You can find it at Minnesota Statute 508.35 FORM OF CERTIFICATE under [CHAPTER 508. REGISTRATION OF LAND](#)

[CHAPTER 508. REGISTRATION OF LAND](#)

[Minnesota Certificate of Title](#)

All states, including Minnesota, have a recording system for establishing title to real estate, frequently called the abstract system. The primary functions of the recording system are to provide a public record of land ownership and notice of the existence of certain outstanding interests, encumbrances, and claims. Interests in land are not transferred by recording a deed, but rather by delivering the deed or other instrument to the grantee. To constitute public notice of such transfers, the instruments are delivered to the county recorder in the county where the land is located for entering into public indexes. The county recorder accepts the documents for recording if they appear to be properly executed and then copies and indexes them, generally by the names of the parties to the instrument in the grantor/grantee index and by the land description in the tract index.

Hopefully this short essay will help dispel any confusion about the purpose of “Minnesota Rule 220” and prevent anyone from looking foolish by going down to their local clerk of court attempting to file a copy of their Birth Certificate citing a “rule” from a foreign jurisdiction that was codified for the conveyance of property within that state.

Peace to the Gods!

Yusef El