

January 1956

## Rules and Instructions to Registrars

Dicta Editorial Board

Follow this and additional works at: <https://digitalcommons.du.edu/dlr>

---

### Recommended Citation

Rules and Instructions to Registrars, 33 Dicta 196 (1956).

This Article is brought to you for free and open access by the Denver Law Review at Digital Commons @ DU. It has been accepted for inclusion in Denver Law Review by an authorized editor of Digital Commons @ DU. For more information, please contact [jennifer.cox@du.edu](mailto:jennifer.cox@du.edu), [dig-commons@du.edu](mailto:dig-commons@du.edu).

considered as interpleading in the original action, in which event the proper fee would be \$5.00.

So far as Registrars are concerned, it was felt that the provisions of 118-10-86, C.R.S., should be called to their attention. This section provides for the assessment of a fee for the Indemnity Fund on subsequent transfers of the property to heirs and devisees. It is doubted if this fee is now regularly being collected by all of the Registrars.

#### 9. PLACE FOR RESERVATIONS AND EXCEPTIONS:

It was felt that reservations or exceptions or conditions in any conveyance should appear in or following the description of the property on the original and duplicate certificates, and that the Registrars should show there the document number of the instruments wherein the reservation or exception is set up.

#### 10. CERTIFICATE OF PAID UP TAXES:

It was generally felt that no good purpose was served by requiring a Certificate of Paid Up Taxes more than once in any one year. This is a matter that will have to be taken care of by legislation.

---

## RULES AND INSTRUCTIONS TO REGISTRARS

STATE OF COLORADO }  
 COUNTY OF LOGAN } ss.

### RULES AND INSTRUCTIONS TO REGISTRARS OF TITLE AND CLERKS OF COURT OF THE THIRTEENTH JUDICIAL DISTRICT.

Pursuant to the terms and provisions of 118-10-9, C.R.S.—'53, IT IS HEREBY ORDERED AND DIRECTED by the Judges of the Thirteenth Judicial District of the State of Colorado, sitting en banc at Sterling, Colorado, that the following rules and instructions shall be applicable in the offices of the Registrars of Title and in the District Courts within the Thirteenth Judicial District, from and after this date and until the further order of the Court:

1. Upon presentation to the Registrar of Titles of an instrument conveying or reserving a mineral interest for a definite period of years and as long thereafter as oil and gas may be produced from the premises, the Registrar shall issue to the grantee of such an interest, or the person reserving such an interest, an Owner's Duplicate Certificate of Title, and such an interest shall be considered a fee interest. The original Certificate of Title and copies thereof shall specifically note thereon the date of expiration of the primary term. During the primary term, subsequent conveyances shall be registered and certificates issued as in the case of other fee interests. After such date, conveyances shall be registered and certificates issued only upon order of Court, and Certificates of Title shall be cancelled upon the failure of the condition in the conveyance only upon order of Court.

2. Upon discovery of a mistake in a Certificate of Title, the Registrar of Titles shall call the same to the attention of the Examiner of Titles, and in cases where the mistake shall be attributable to the fault of the Registrar, the expense of such proceeding as may

be necessary to correct the same shall be borne by the County.

3. Upon presentation to the Registrar of Titles of an oil and gas lease, the Registrar of Titles shall require the presentation of the Owner's Duplicate Certificate of Title and the lease shall be noted thereon as a memorial. Thereafter, upon the presentation to the Registrar of any conveyance or assignment of the lessee's interest under the terms and provisions of such lease, the Registrar shall require the presentation of a Lessee's Duplicate Certificate of Title, and that all such conveyances of lessee's interest shall appear as memorials on the Lessee's Duplicate Certificate of Title and upon the original Certificate of Title, and it shall not be necessary to require the production of the Owner's Duplicate Certificate of Title for the registration of said subsequent conveyances of lessee's interest.

4. In their discretion, Registrars of Title are authorized and empowered to refuse to register instruments submitted to them which involve unduly complicated descriptions of property or mathematical computations of mineral interest until such time as the person submitting such an instrument shall either simplify the description or submit an accounting of the computation of mineral interest, as the case may require.

5. Attention of the Registrars of Title is called to the fact that the law makes no provision for the holding for registration of instruments presented without being accompanied by either an Owner's Duplicate or a Lessee's Duplicate Certificate of Title.

6. Attention of the Registrars of Title is called to the provisions of 118-10-86, C.R.S.—'53, which section provides for the assessment of a fee for the use of the Indemnity Fund on subsequent transfers of property to heirs and devisees.

7. Exceptions or reservations or conditions contained in instruments conveying or assigning mineral interests shall appear on the Certificates of Title, either in the description of the property or immediately following the description, and there shall be noted therein the document number of the instrument wherein the exception, reservation or condition is established.

8. From and after this date, in subsequent proceedings under the Torrens Act, unless otherwise ordered by the Court, publication of notice shall not be required in applications for the issuance of lost certificates of title or the issuance of a new certificate of title under a joint tenancy certificate. In other subsequent proceedings where publication is necessary, either by statute or order of Court, two publications shall be sufficient; that is to say, said notice shall be published once in each of two succeeding weeks.

9. In all subsequent proceedings before the District Court, there shall be an attorney of record and in cases where an application is filed without the appearance of an attorney, the Court shall appoint an attorney at the expense of the petitioner.

10. In all subsequent proceedings in the District Court, the Clerks of the District Courts within the Thirteenth Judicial District shall charge a docket fee of Five (\$5.00) Dollars for each party appearing.

Done at Sterling, Colorado, this 1st day of June, A. D. 1956.

*For Every Colorado Lawyer*

**COLORADO  
PRACTICE  
METHODS**

**The step by step "HOW" book in Colorado  
Law Practice**

**WHAT TO DO — HOW TO PROCEED  
in matters confronting the  
Colorado lawyer**

*Complete in Two Volumes*

*Ask for full details including  
attractive price*

**WEST PUBLISHING CO. ST. PAUL 2, MINN.**