



Just Deeds Discharge Process for Attorneys





Welcome to the Just Deeds Coalition!

Thank you for volunteering your professional services to help property owners discharge restrictive covenants from their property title. We appreciate your time and dedication to this important work!

This guide should help you as you work through this process with your clients. If you have any issues or questions along the way, please feel free to reach out to the Just Deeds team for help by email (info@justdeeds.org) or phone (Maria Cisneros: 763.593.8096). All of the materials you need to complete this work are available through the links in this document and in the [Just Deeds Attorney Volunteer Google Drive](#).

Our participating cities will refer clients to you. Before the clients reach your inbox, city staff (with the help of Mapping Prejudice and other volunteers) will verify that the property has or had a restrictive covenant. Just Deeds will assign you to one of our participating cities so that you and the city can manage workload and workflow together. All volunteers are eligible for free access to Hennepin County RecordEASE for this work through their city partner. If you would like free RecordEASE access, you will be asked to sign an agreement with the city.

Before you accept your first client, you may also wish to download the Just Deeds attorney partner materials from the [Just Deeds Attorney Volunteer Google Drive](#), which include:

- Just Deeds sample Engagement Letter
- Reckoning with Racism Handout
- RecordEASE Agreement, Indemnification, and Release
- Just Deeds Tracking Template for Attorneys

These are the links you will need to complete this work:

- [Just Deeds Attorney Volunteer Google Drive](#)
- [Hennepin County Racial Covenants Table.csv](#)
- [Hennepin County RecordEASE](#)
- [Discharge Form](#)
- [Hennepin County Recording Instructions](#)
- [RecordEASE Training video](#)
- [Client Tracking List Template](#)
- [Hennepin County Property Information Search](#)

Once you're ready to get started with the discharge process, follow the steps below.





Step 1: Getting Started

Once Just Deeds refers participating city clients to you, please contact clients within 48 hours and update the city periodically as the work progresses. While each city manages the referral process independently, most cities make referrals in batches. Attorneys and cities should communicate regularly about volume and capacity.

Additional notes on this step:

- Follow your own internal conflict and engagement processes. If you have a conflict with one of the referrals you receive, notify the city partner and the city will reassign the homeowner to another attorney.
- You may wish to enter into a representation agreement with the client. (See sample [here](#).)
- Volunteer Lawyers are individually responsible for securing malpractice insurance to cover this work. Lawyers may also volunteer through the [Volunteer Lawyers Network](#).

Step 2: Getting a Copy of the Covenant

To obtain a copy of the covenant:

- Find the covenant document number on the [Hennepin County Racial Covenants Table.csv](#). Using Ctrl + F, search the spreadsheet by property legal description or address to locate the document number.
- Download a copy of the document from [Hennepin County RecordEASE](#). (See the RecordEASE training video [here](#) for additional help.)
- Once you find the covenant, proceed to step 3.

If the property is not on the [Hennepin County Racial Covenants Table.csv](#):

- Volunteer lawyer confirms that there is no covenant by either:
 - Conducting title review (See the RecordEASE training video [here](#) for additional help.); or
 - Contacting Just Deeds for assistance. Email info@justdeeds.org to be connected with a volunteer who will help you with the title review.
- If title review shows no covenant, send wrap up email—no covenant confirmed (**Exhibit C**).

Step 3: Discharging the Covenant

Help client discharge the covenant as follows:

- **Abstract Property**
 - Prepare the [Discharge Form](#) and send it to the client with execution instructions. (See **Exhibit A** for template email to clients.)
 - Participant signs/notarizes form and returns original to attorney.
 - Record the discharge form through eRecording or by mail.
 - Additional recording instructions are available from the county (see [Hennepin County instructions](#)). Edina Realty Title is also available to help





with recording. Email info@justdeeds.org if you would like to be connected with ERT.

- As of October, 2020, there is no county recording fee to record a discharge form in Hennepin County. There may be an e-filing fee for e-recording. Volunteer lawyers should discuss fees with clients prior to incurring any costs.
- **Torrens Property**
 - Email the Examiner of Titles to request examiner's directive discharging the covenant. (See **Exhibit B** for sample email to examiner.) You will need to obtain and review a copy of the certificate of title from [Hennepin County RecordEASE](#).
 - In some cases, the Examiner may respond that the covenant has already been removed from the certificate of title. (See **Exhibit C** for applicable wrap up email templates.)
 - This process is free.

Step 4: Wrapping Up

- **Abstract Property**
 - Send the recorded discharge form to homeowner along with wrap up email. (See **Exhibit C** for wrap up email templates.)
 - Report the completed discharge to the city.
 - If you are volunteering through VLN, email the completed Client Data Sheet to Megan.McKinney@vlmn.org.
- **Torrens Property**
 - Once you receive confirmation from the examiner of the discharge (or that the covenant no longer appears on the certificate of title), send a wrap up email to the client. (See **Exhibit C** for wrap up email templates.)
 - Report the completed discharge to the city.
 - If you are volunteering through VLN, email the completed Client Data Sheet to Megan.McKinney@vlmn.org.





Exhibit A: Confirmation Email to Client (Request to Sign Discharge Form)

Dear _____,

Enclosed please find a copy of the discriminatory covenant filed against your property. The next step in this process is to sign (in front of a notary) the attached discharge form. Please make sure that all owners of the property sign the form **in front of a notary**. The notary will complete the bottom part of the signature block.

If you have questions about this process or have trouble locating a notary, please feel free to call or email me. Once you have signed the form, please mail the original back to me and I will arrange to record it in the County records.

Sincerely,

Volunteer Name

Volunteer Organization





Exhibit B: Template Email to Examiner of Titles (ex.titles@hennepin.us)

Hello:

I am writing on behalf of _____ to request an examiner's directive removing the racially restrictive covenant contained in document number _____ because the covenant is no longer enforceable under Minnesota Statutes, section 507.18, the Minnesota Constitution, and the United States Constitution. The property information is as follows:

Torrens Certificate No.:

Parcel ID:

Address:

Owners:

Thank you for your help. I look forward to hearing from you soon.





Exhibit C: Wrap Up Letters

Covenant Discharged

Dear _____,

Congratulations! Our work on your real estate title documents is now complete. The following racially restrictive covenant language has been officially and permanently renounced in your chain of title:

[quote covenant language]

While covenants like this one have not been legally enforceable since 1948, and their inclusion was banned in 1968, they remain in many older official documents where they are a painful reminder of the power and pervasiveness of racial discrimination. Removing racially restrictive covenants is an important step forward. The effects of racial discrimination in housing remain to this day and more work is required to repair the deficit caused by the coordination of government and private actors to systemically prevent black individuals and other persons of color from accessing stable housing and economic advancement.

We invite and encourage you to continue your work on systemic racism in our communities. With the help of property owners like you, our communities can work to eliminate these and other systemic barriers to equity and equality in home ownership. Much work remains, but positive change can happen—deed by deed, block by block, and neighborhood by neighborhood.

Thank you for your participation in the Just Deeds Project.

Sincerely,

Volunteer Name

Volunteer Organization

****Attach Reckoning with Racism Handout****





Confirmed Covenant, No Discharge Required

Dear _____,

We have completed the title research on your property and am pleased to report that your home does not currently have any discriminatory covenants. While the covenant quoted below did exist previously, as your property is now registered property, or Torrens, the old covenants have been dropped from title. This is what the covenant on your title said:

[quote covenant]

Even though there is no covenant on your property, that does not mean your property has not been affected by racially restrictive covenants. These covenants are an example of how racist policies were used to shape our community. They can help us understand how current racial disparities were created through the practices of private companies and government policies during the last century.

I invite and encourage you to continue your work on systemic racism in our communities. With the help of property owners like you, our communities can work to eliminate these and other systemic barriers to equity and equality in home ownership. Much work remains, but positive change can happen—deed by deed, block by block, and neighborhood by neighborhood.

Sincerely,

Volunteer Name

Volunteer Organization

****Attach Reckoning with Racism Handout****





Confirmed No Covenant

Dear _____,

We have completed the title research on your property and we are pleased to report that your home does not have any discriminatory covenants. Even though there is no covenant on your property, that does not mean your property has not been affected by racially restrictive covenants. These covenants are an example of how racist policies were used to shape our community. They can help us understand how current racial disparities were created through the practices of private companies and government policies during the last century.

We invite and encourage you to continue your work on systemic racism in our communities. With the help of property owners like you, our communities can work to eliminate these and other systemic barriers to equity and equality in home ownership. Much work remains, but positive change can happen—deed by deed, block by block, and neighborhood by neighborhood.

Sincerely,

Volunteer Name

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