

Collecting a Judgment

By Brandi Forstner

Step 1 – Docket the Judgment

After you win a judgment, you must then have the judgment docketed. This process is sometimes called “transcribing the judgment.”

You can docket a judgment by filing an [**Affidavit of Identification of Judgment Debtor**](#) form with court administration in the county where you were awarded the judgment. There may be a fee to docket the judgment, depending on the case type.

State of Minnesota

District Court

County of:	Judicial District: _____
	Court File Number: _____
	Case Type: _____

Plaintiff (first, middle, last)

vs.

Defendant (first, middle, last)

**Affidavit of Identification
of Judgment Debtor**
(Minn. Stat. § 548.09, subd. 2)

1. My name is: _____
2. I am the (choose one): Judgment Creditor.
 Attorney for Judgment Creditor.
 Agent for the Judgment Creditor.
3. The full name of the judgment debtor is (list only 1 debtor. If there are 2 or more debtors, you will need to fill out a form for each):

4. The judgment debtor is (choose a or b):
 - a. The judgment debtor is an individual person.
 - i. What is the persons' home address?

 - ii. Does the person have a mailing address different than where they live (for example, a P.O. Box): Yes No
The person's mailing address is:

 - iii. What is the person's employment or job?

iv. Does the person own a business? Yes No

Name and location of the business:

b. The judgment debtor is a business.

i. What is the business' street address?

ii. Does the business have a mailing address different than its street address (for example, a P.O. Box): Yes No

The mailing address is:

I declare under penalty of perjury that everything that I have stated in this document is true and correct. Minn. Stat. § 358.116.

Dated: _____

Signature: _____

Name: _____

County and State where signed: _____

Address: _____

City/State/Zip: _____

Telephone: _____

E-mail address: _____

Law Firm: _____

Attorney License No: _____

The next step depends on the following:

Do you where the judgment debtor works or banks or what kind of assets the judgment debtor has?

If the answer is YES – you want to begin the collections process
(go to Step 4)

If the answer is NO – you need to get that information
(go to Step 2)

Step 2 – Request an Order for Disclosure

If you need information about where the judgment debtor works and/or has a bank account, you can file a [Request for Order for Disclosure](#) with court administration. There will be a small fee for each Request for Order for Disclosure.

When you file the Request for Order for Disclosure, court administration will send the judgment debtor an Order for Disclosure and a [Financial Disclosure](#) form. They will also send you a copy of the Order for Disclosure for your records. The Order for Disclosure directs the judgment debtor to fill out and mail the completed Financial Disclosure form back to you. The judgment debtor must return the completed Financial Disclosure form to you within sixteen (16) days of the date the Order for Disclosure was sent to the judgment debtor.

- If the judgment debtor does not return the completed Financial Disclosure to you, or if the Financial Disclosure is incomplete, **go to Step 3.**
- If the judgment debtor returns the Financial Disclosure and you want to start the collection process, **go to Step 4.**
- If the judgment debtor returns the Financial Disclosure and you do not agree with the information on the completed Financial Disclosure form, you may file a motion using the **Civil Motion** packet to bring the issue in front of a judge for a hearing.

State of Minnesota

District Court

County of:
Judicial District:
Court File Number:
Case Type:

Plaintiff (first, middle, last)

VS.

Request for Order for Disclosure
(Minn. Stat. §491A.02, subd. 9 and §550.011)

Defendant (first, middle, last)

TO: The Court Administrator Concerning:
Judgment Debtor's Name:
Address:
City, State, Zip:

The Judgment Creditor states that:

- 1. The Judgment Creditor has won a Judgment in this lawsuit against the Judgment Debtor.
2. The case began in District Court and the Court Administrator docketed the judgment more than thirty (30) days ago OR the case began in Conciliation Court and the Court Administrator has docketed the judgment.
3. The Judgment Debtor has not paid all of the money which is owed to the Judgment Creditor, and
4. The Judgment Creditor and the Judgment Debtor have not agreed to some other way to settle the debt.

The Judgment Creditor requests that the Court order the Judgment Debtor to fill out a Financial Disclosure form, and mail it to the Judgment Creditor at the address shown below.

The statements made in this request are true and correct to the best of my knowledge.

Dated:

Judgment Creditor's Authorized Signature and title

Name:

County and State where signed

Address:

City/State/Zip:

Telephone:

E-mail address:

SEE THE SUMMARY OF EXEMPT PROPERTY FORM FOR IMPORTANT INFORMATION

The purpose of this Financial Disclosure Form is to tell the JUDGMENT CREDITOR what money and property you have which may be used to pay the judgment the creditor obtained against you in the lawsuit. It also allows you to tell the creditor that some or all of your property and money is "exempt," which means that it cannot be taken to pay the judgment. You must answer all questions on this form.

If you need more space, continue your answer on the back of the form or attach additional sheets if necessary. If you have questions about this form, you may contact your local court administrator, call the Statewide Self-Help Center at 651-435-6535, or contact an attorney.

PLEASE NOTE: Do not file this form with the court unless you are instructed or required to do so. If you must file this form with the court, please be aware that this is a public document. You must remove any account numbers from Question 20 on this form before filing it with the court. If you need to provide account numbers to the court, you must use Form 11.1 to list any account numbers. Your failure to use Form 11.1 may result in your account numbers being publicly available, being rejected by court staff, or stricken from the court record. Form 11.1 is found on the Court Forms website (www.mncourts.gov/forms) under the category of Confidential Information.

WARNING: If you claim an exemption in bad faith, or if the judgment creditor wrongly objects to an exemption in bad faith, the court may order the person who acted in bad faith to pay costs, actual damages, attorney fees, and an extra \$100.

- 1. JUDGMENT DEBTOR Name
2. Individual Partnership Other
3. Street Address
4. City State Zip
7. Date of Birth
8. If Married, Spouse's Full Name
9. Home Telephone Number
10. Employer or Business
11. Work Telephone Number

- 12. Street Address
13. City State Zip
14. What are your total wages, salary, or commissions per pay period?
17. How often are you paid? Daily Weekly Twice a month Monthly Other
18. Do you have income from any other source? Yes No
If yes, give the source and amount of the income:

19. By answering this question, you will be able to claim the exemptions you have for wages and income. The first exemption is already checked for you, check all others that apply:

- I claim that 75% of my disposable (after-tax) earnings or 40 times the federal minimum wage (now \$290 for 40-hour week) is exempt (whichever is greater), unless the judgment is for child support.
If the judgment is for child support, I claim that the following percentage of my after-tax earnings is exempt:
50% (I am supporting a spouse and/or dependent child, and the child support judgment is 12 weeks old or less.)
55% (I am supporting a spouse and/or dependent child, and the child support judgment is more than 12 weeks old.)
60% (I am not supporting a spouse and/or dependent child, and the child support judgment is 12 weeks old or less.)
65% (I am not supporting a spouse and/or dependent child, and the child support judgment is more than 12 weeks old.)
I am presently receiving or have received relief based on need in the past 6 months so all my wages are exempt.
Type of relief you receive:
I have been an inmate in a correctional institution within the past 6 months so all my wages are exempt.
Name of institution and release date:
My income is exempt because it is: Unemployment Comp. Worker's Comp. V.A. Benefits Social Security Accident or Disability Benefits

Table with 6 columns: Make, Model, Year, Lic. Plate No., Market Value, Amount Owed (if any). Row 1: 24. Do you own any motor vehicles, motorcycles, boats, snowmobiles, trailers, etc.? Yes No

One motor vehicle worth up to \$5,000 (or \$50,000 if the vehicle has been modified at a cost of at least \$3,750 to accommodate a physical disability making a disabled person eligible for a parking permit under Minn. Stat. § 169.345) after subtracting what you owe is exempt.

- Which vehicle do you want to claim as exempt?
25. Do you own any of the following property?
Cash or travelers checks
Household goods, furnishings, and personal effects that are worth more than \$11,250 total
Jewelry
Coins or stamp collections
Firearms/Guns
Life insurance policy with a cash (surrender) value more than \$10,000
Any property that you are selling on a contract for deed
Are you the owner or partner in any business not already listed?
Farm supplies, implements, livestock, grain worth more than \$13,000
Business equipment, tools, machinery worth more than \$12,500 total
Inventory
Accounts receivable/claims
Health Savings Account not exceeding a present value of \$25,000
Medical Savings Account not exceeding a present value of \$25,000
Any other property (specify)

Table with 4 columns: Description and location of property (if not at residence), Estimated Value, Amount Owed (if any), To Whom. Row 1: If you answered yes to any item in question 25, provide the following information:

Retirement Benefits
Other (specify)

20. Do you have a checking or savings account? (This includes any account whether you have it by yourself or with someone else, or whether it is in your name or any other name) Yes No

Table with 3 columns: Name and address of bank, Credit Union, or Financial Institution, Type of Account, Account Number

21. If you claimed an exemption for your wages or income, you may claim an exemption when your money is deposited in a bank. Claim your exemptions by checking the boxes that apply to you:

- The money in my account is from exempt wages, income, or benefits
The money in my account is from the exempt sale of my homestead within the past year.
The money in my account is from exempt life insurance received on the death of a spouse or parent.
The money in my account is from other exempt property (specify)

22. Do you have any stocks, bonds, securities, certificates of deposit, mutual funds, money market account, etc.? (This includes any, whether owned by you alone or with any other person, or whether it is in your name or any other name.) Yes No
If yes, itemize these and the location of each.

23. Do you own your home? Yes No Your homestead (house owned and occupied by you) is exempt up to a value of \$450,000 or if used primarily for agricultural purposes, \$1,125,000.

Do you own any other houses, land, or real estate? Yes No

Table with 4 columns: Location, Estimated Value, Amount Owed (if any), To Whom

If you need additional space to answer the questions, continue your answers here. Indicate the question number you are answering. Attach additional sheets if necessary.

The above information is true and correct to the best of my knowledge.

Dated: Signature

NOTICE: FAILURE TO COMPLETE, SIGN, AND RETURN THIS FORM TO THE JUDGMENT CREDITOR WITHIN 10 DAYS MAY RESULT IN A CITATION FOR CIVIL CONTEMPT OF COURT.

Step 3 – Request an Order to Show Cause

If the judgment debtor does not return the Financial Disclosure form to you within sixteen (16) days of the date it was mailed by court administration OR the Financial Disclosure was not fully completed, you can file an [Affidavit in Support of Order to Show Cause](#). There will be a small fee to file the *Affidavit in Support of Order to Show Cause*.

If the judge decides that a hearing is needed, they will issue an Order to Show Cause requiring the judgment debtor to appear for a hearing and explain why they did not return the completed Financial Disclosure form to you. You will also likely need to attend the hearing. If the judgment debtor does not appear for the hearing, the judge may issue a bench warrant.

County of: _____	Judicial District: _____
	Court File Number: _____
	Case Type: <u>Civil</u>

 Plaintiff (first, middle, last)

vs.

**Affidavit in Support of
 Order to Show Cause**

(Minn. Stat. §588.04)

 Defendant (first, middle, last)

Statement of Facts

1. My name is _____ and

I am the Judgment Creditor Judgment Creditor's Attorney in this matter.

2. Regarding the following Judgment Debtor:

Check one box:

The Judgment Creditor filed a *Request for Order for Disclosure* and the Court issued an

Order for Disclosure was issued on _____.

OR

The Judgment Creditor's Attorney mailed a *Demand for Disclosure* to the Judgment Debtor as follows:

Date: _____

Address: _____

City, State, Zip: _____

3. More than 10 days have gone by, plus time allowed for mailing, and if a *Demand for Disclosure* was mailed, it has not been returned as undeliverable.

4. The Judgment Debtor has not provided the information requested by the *Order or Demand for Disclosure*.

5. The judgment has not been satisfied.

Request

I ask the Court for an Order directing _____ the Judgment Debtor to appear and show cause, if any, why the Court should not find the Judgment Debtor in civil contempt for intentionally failing to obey the *Order / Demand for Disclosure*.

I declare under penalty of perjury that everything that I have stated in this document is true and correct. Minn. Stat. § 358.116.

Dated: _____

Signature _____

Name: _____

County and State where signed _____

Address: _____

City/State/Zip: _____

Telephone: _____

E-mail address: _____

For Attorneys Only:

Attorney Reg. # _____

Firm Name: _____

Step 4 – Option 1: Collecting from Earnings (Wages)

If you are trying to collect from the judgment debtor's earnings (wages): You must first give written notice to the judgment debtor of your intent to collect from their earnings. To give written notice, you need to complete the [Execution Exemption Notice and Notice of Intent to Levy on Earnings](#) which provides information on whether the debtor may be exempt from the levy.

Before a Writ of Execution can be served by the sheriff's office (see step 5 below), the judgment debtor must be given at least 10-days notice, if the form is hand-delivered, or 13-days notice, if mailed.

***NOTE:** You cannot hand-deliver or mail the Execution Exemption Notice and Notice of Intent to Levy on Earnings to the judgment debtor yourself; you must have someone else over the age of 18 do it for you.*

Exemptions to levy earnings/wages

A debtor's earnings are completely exempt from execution levy (collection by the employer to be paid to the creditor) if the debtor currently receive assistance based on need, if they have received any assistance based on need within the last six months, or if they have been an inmate of a correctional institution in the last six months.

Assistance Based Programs Include:

MFIP – Minnesota Family Investment Program

MFIP Diversionary Work Program

GA – General Assistance

EGA – Emergency General Assistance

MSA- EA – MSA Emergency Assistance

MinnesotaCare Food Support

Medicare Part D - Extra help

Work Participation Cash Benefit

EA – Emergency Assistance

MA – Medical Assistance

MSA – Minnesota Supplemental Aid

SSI – Supplemental Security Income

Medicare Part B - Premium Payments

Energy or Fuel Assistance

If the court finds that the judgment creditor ignored your claims of exemption in bad faith, the debtor will be entitled to costs, reasonable attorney fees, actual damages, and an amount not to exceed \$100.

Step 4 – Option 2: Collecting from Bank Acct

If you are trying to collect from the debtor's bank account(s): You do not need to send the judgment debtor any advance notice if you are trying to collect from their bank account(s) or other financial institution. Instead, you will need to do the following:

1. Complete the **caption information** on the *Notice of Levied Funds* (JGM602) and the *Exemption Form* (JGM401), and **fill in the contact information** on the *Exemption Form Instructions* (JGM406).
2. Make copies of the *Notice of Levied Funds*, the *Exemption Form Instructions*, and the *Exemption Form* after you've completed the limited information noted in step 1.
3. Ask for a Writ of Execution from court administration for the sheriff's office to serve on the debtor's financial institution.
4. Deliver the completed forms to the sheriff's office for service on the debtor's financial institution.

State of Minnesota		District Court	
County of:	Judicial District: _____		
	Court File Number: _____		
	Case Type: Civil		

Name of Creditor (first, middle, last)

and

Notice of Levied Funds
(Minn. Stat. § 550.143, subd. 3a)

Name of Debtor (first, middle, last)

Name of Third Party (Debtor's Financial Institution)

**IMPORTANT NOTICE:
YOUR FUNDS HAVE BEEN LEVIED**

The Creditor has frozen money in your account at your financial institution.

Your account balance is _____

The amount being held is _____

The amount being held will be frozen for 14 days from the date of this notice.

Some of your money in your account may be protected. You may be able to get it sooner than 14 days if you act in accordance with the *Exemption Form Instructions* (JGM406).

The attached *Exemption Form* (JGM401) lists some account that may be protected. If your money is from one or more of the sources on the form next to the sources of your money, the Creditor cannot take it.

BUT, you must follow the instructions and return your bank statements from the last 60 days to have the do not follow the instructions, your financial institution will that happens and it is protected, you can still get it back for easier to fill out these forms now.

See the attached *Exemption Form Instructions* (JGM401) for your next steps.

EXEMPTION FORM INSTRUCTIONS
(Minn. Stat. § 550.143, subd. 3b)

Note: The creditor is who you owe the money to. You are the debtor.

1. Fill out both copies of the attached *Exemption Form* (JGM401) in this packet.

If you check one of the boxes, you should also give proof that shows that some or all of the money in your account is from one or more of the protected sources. Creditors may ask for a hearing if they question your exemptions. To avoid a hearing:

Case numbers should be added to the form. Copies of documents should be sent with the form.

NOTICE: YOU MUST SEND COPIES OF YOUR BANK STATEMENTS FOR THE PAST 60 DAYS BEFORE THE LEVY TO THE CREDITOR'S ATTORNEY (OR TO THE CREDITOR, IF NO ATTORNEY). Keep a copy of your bank statements in case there are questions about your claim. If you do not send bank statements with your exemption claim to the creditor's attorney (or to the creditor, if no attorney), the financial institution may release your money to the Sheriff.

2. Sign each of the two copies of the *Exemption Form*. Make one copy to keep for yourself.

3. Mail or hand-deliver the other copies of the form within 14 days of the date postmarked on the front of this correspondence.

BOTH COPIES MUST BE MAILED OR HAND-DELIVERED THE SAME DAY.

One copy of the form and the copies of your bank statements go to:

(Insert name of creditor or creditor's attorney)

(Insert address of creditor or creditor's attorney)

ONE COPY GOES TO:

(Insert name of bank)

(Insert address of bank)

State of Minnesota		District Court	
County of:	Judicial District: _____		
	Court File Number: _____		
	Case Type: Civil		

Creditor (first, middle, last)

vs. _____

Debtor (first, middle, last)

Financial Institution

Exemption Form
(Minn. Stat. §§ 550.143, subd. 3c;
551.05, subd. 1d; and 571.912, subd. 3)

A. How Much Money is Protected

- I claim ALL of the money is being frozen by the bank is protected.
 I claim SOME of the money is being protected. The amount I claim is protected is _____

B. Why The Money is Protected

My money is protected because I get it from one or more of the following places:
(Check all that apply)

Government Benefits

Government benefits include, but are not limited to, the following:

- MFIP - Minnesota Family Investment Program
 MFIP Diversionary Work Program
 Work participation cash benefit
 GA - General Assistance
 EA - Emergency Assistance
 MA - Medical Assistance
 GAMC - General Assistance Medical Care
 EGA - Emergency General Assistance
 MSA - Minnesota Supplemental Aid
 MSA-EA - MSA Emergency Assistance
 Food Support
 SSI - Supplemental Security Income
 MinnesotaCare
 Medicare Part B premium payments

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- Medicare Part D extra help
 Energy or fuel assistance

The source(s) of funding my account is the following:

If the source is a type of relief based on need, list the case number and county:

Case Number: _____ County: _____

Government benefits also include:

- Social Security benefits
 Unemployment benefits
 Workers' compensation
 Veterans benefits

If you receive any of these government benefits, include copies of any documents you have that show you receive Social Security, unemployment, workers' compensation, or veterans benefits.

I receive other assistance based on need from another source that is not on the list.
(Include copies of any documents that show the source of this money.) The source of funding in my account is the following:

C. Earnings

ALL or SOME of my earnings (wages) may also be protected. All of your earnings (wages) are protected because:

- I get government benefits (see list of government benefits)
 I currently receive other assistance based on need
 I have received government benefits in the last six months
 I was in jail or prison in the last six months

If you check one of these boxes above, your wages are only protected for 60 days after they are deposited in your account so you **MUST send the creditor a copy of BANK STATEMENTS** that show what was in your account for the **60 days right before the bank froze your money.**

If all of your earnings are not exempt, then some of your earnings are still protected for 20 days after they were deposited in your account. The amount protected is the larger amount of:

- 75% of your wages (after taxes are taken out); or
- \$290 (this amount represents the sum of the current federal minimum wage multiplied by 40)

D. Other Exempt Funds

The money from the following are also completely protected after they are deposited in my account.

- An accident, disability, or retirement pension or annuity
 Payments to me from a life insurance policy
 Earnings of my child who is under 18 years of age
 Child support
 Money paid to me from a claim for damage or destruction of property (property includes household goods, farm tools or machinery, tools for my job, business equipment, a mobile home, a car, a musical instrument, a pew or burial lot, clothes, furniture, or appliances)
 Death benefits paid to me

I give my permission to any agency that has given me cash benefits to give information about my benefits to the above-named creditor, or its attorney. The information will **ONLY** concern whether I get benefits or not, or whether I have gotten them in the past six months. If I was an inmate in the last six months, I give my permission to the correctional institution to tell the above-named creditor that I was an inmate there.

You must sign and send this form back to the creditor's attorney (or to the creditor, if no attorney) and the bank. Remember to include a copy of your bank statements for the past 60 days. Fill in the blanks below and go back to the instructions to make sure you do it correctly.

I have mailed or delivered a copy of this form to the creditor or creditor's attorney if represented at the address listed below.

Name of creditor or creditor's attorney

Address of creditor or creditor's attorney

I have also mailed or delivered a copy of this exemption form to my bank at the address listed below:

Address of Bank/Financial Institution

Dated: _____

Signature

Debtor's Name:

Address:

City/State/Zip:

Telephone:

Protected/Exempt Money

Some or all of a debtor's money may be protected/exempt if the debtor currently receive assistance based on need, if they have received any assistance based on need within the last six months, or if they have been an inmate of a correctional institution in the last six months.

MFIP – Minnesota Family Investment Program

MFIP Diversionary Work Program

GA – General Assistance

EGA – Emergency General Assistance

MSA- EA – MSA Emergency Assistance

MinnesotaCare Food Support

Medicare Part D - Extra help

Unemployment Benefits

Veterans Benefits

Work Participation Cash Benefit

EA – Emergency Assistance

MA – Medical Assistance

MSA – Minnesota Supplemental Aid

SSI – Supplemental Security Income

Medicare Part B - Premium Payments

Energy or Fuel Assistance

Worker's Compensation

Other exempt funds:

Accident, disability, or retirement pension or annuity Payments from life insurance

Earnings of a child under 18 years old Child Support Death Benefit

HOW THE PROCESS WORKS

If You Do Not Send in the Exemption Form and Bank Statements:

14 days after the date of this letter some or all of your money may be turned over to the creditor or to the sheriff.

If You Send in the Exemption Form and Bank Statements:

Any money that is NOT protected can be turned over to the sheriff.

If the Creditor Does Not Object:

The financial institution will unfreeze your money six business days after the institution gets your completed form.

If the Creditor Objects:

The money you have said is protected on the form will be held by the bank. The creditor has six business days to object (disagree) and ask the court to hold a hearing. You will receive a *Notice of Objection* and a *Notice of Hearing*.

The financial institution will hold the money until a court decides whether your money is protected or not. Some reasons a creditor may object are because you did not send copies of your bank statements or other proof of the benefits you received. Be sure to include these when you send your exemption form.

You may want to talk to a lawyer for advice about this process. If you are low income you can call Legal Aid.

PENALTIES:

If you claim that your money is protected and a court decides you made that claim in bad faith, the court can order you to pay costs, actual damages, attorney fees, and an additional amount of up to \$100. For example, it may be bad faith if you claim you receive government benefits that you do not receive.

If the creditor made a bad faith objection to your claim that your money is protected, the court can order them to pay costs, actual damages, attorney fees, and an additional amount of up to \$100.

Step 5 – Request a Writ of Execution

Writs of Execution are orders issued by District Court directing the Sheriff to satisfy a judgment. They must be directed to the Sheriff of the county in which the assets to satisfy the judgment are located and they may be for personal or real property.

You can ask court administration for a Writ of Execution by writing a letter with your court file number and the county where the judgment debtor's bank or employer is located. Be sure to explain that you want a Writ of Execution. File this with court administration and pay the fee, which can be added to the amount of the judgment owed.

Be aware that a Writ of Execution expires after 180 days or when the judgment expires, whichever is sooner. The Writ of Execution will list the date it expires.

Step 6 – Take docs to Sheriff Dept (Wage Levy)

If a Judgment Creditor wants the Sheriff's Office to conduct a wage levy, the Creditor MUST:

- Provide a Writ of Execution directed to the Sheriff of the county in which the Judgment Debtor is employed.
 - The Judgment Creditor or the creditor's attorney must endorse the Writ.
- The creditor must provide the Sheriff's Office with a deposit that will be applied to the cost of executing the Writ. These amount varies by county – check with the County.
- By law the creditor must also issue a check for \$15.00 made payable to the debtor's employer. The check will be given to the debtor's employer when the wage levy is served.
- The creditor is required to send the debtor an exemption notice at least 13 days prior to commencing the levy, or 10 days if it is personally delivered. The Deputy receiving the Writ of Execution from the creditor will ask the creditor to sign an affidavit (see link) that the

Wage levies are conducted for a 70- 90 day period, after which the employer will send a check to the Sheriff's Office. If the check is insufficient to satisfy the judgment a second levy for an additional 70-90 day period will be made. After the second levy all money collected will be processed and a check issued to the judgment creditor.

If it is not enough money to satisfy the judgment, the creditor will have to obtain a new Writ of Execution from the District Court and request the Sheriff to continue the levy. If the judgment is totally satisfied, the creditor will receive the judgment amount plus interest, additional cost, the \$15.00 employer's fee and the deposit. If the judgment is partially satisfied, the Sheriff's commission on the amount collected and the service fees will be deducted from the amount collected. If for some reason no money is collected, the service fees will be deducted from the deposit.

In computing the amount to be collected, the Sheriff's Office will include the amount of the judgment, the interest accruing at the rate indicated on the writ, and any additional costs that have been added by the Court Administrator. The Sheriff's Office will also add their approved commission on the above total, plus Sheriff's Office service fees.

Step 6 – Take Docs to Sheriff Dept (Institution Levy)

If a Judgment Creditor wants the Sheriff's Office to conduct a financial institution levy, the Creditor MUST:

- Provide a Writ of Execution directed to the Sheriff of the county where the financial institution is located.
 - The Judgment Creditor or the creditor's attorney must endorse the Writ.
- The creditor must provide the Sheriff's Office with a deposit that will be applied to the cost of executing the Writ. These amount varies by county – check with the County.
- By law the creditor must also issue a check for \$15.00 made payable to the debtor's financial institution. The check will be given to the debtor's employer when the age levy is served.
- Provide the sheriff with one copy of the Notice of Levied Funds, one copy of the Exemption Form Instructions, and two copies of the Exemption Form

The name on the account must be the same as the name of the judgment debtor on the Writ of Execution or the financial institution will not honor it. It is possible to levy on a joint account.

Money in the debtor's bank account is frozen the day the sheriff serves the Writ of Execution and the other paperwork on the financial institution. The financial institution will serve the *Notice of Levied Funds*, *Exemption Form Instructions*, and two copies of the *Exemption Form* on the debtor by sending them in the mail to their last known address within two business days of being served by the sheriff. The debtor then has 14 days from the date of mailing to complete the *Exemption Form*, attach bank statements for the prior 60 days, and send one copy of these documents to the creditor (you) or the creditor's attorney and one copy to the financial institution.

If the debtor properly completes the *Exemption Form* and delivers copies within 14 days, all money that the debtor claims is exempt will be unfrozen and released by the financial institution back to the debtor unless you file an objection to the exemption.

Step 7 (OPTIONAL) Aff of Increased Cost

When following the steps listed above, you may have to pay certain fees to the court and the sheriff's office. It is possible to have the cost of these fees added to the amount of your judgment by filling out and filing an [Affidavit of Increased Costs](#). Some counties may require proof of your expenses, so it is a good idea to keep your receipts. You can file more than one Affidavit of Increased Costs if needed.

NOTE: Some fees you pay to the sheriff's office or court are automatically added to your judgment by court administration. Check with court administration to see if the costs you want to add have already been added.

County of: _____	Judicial District: _____
	Court File Number: _____
	Case Type: _____

 Plaintiff (first, middle, last)

Affidavit of Increased Costs

vs.

 Defendant (first, middle, last)

My name is _____ and I am the

creditor attorney for the creditor agent for the creditor, in the above entitled action.

The following is a true statement of the increased costs incurred in the enforcement of the judgment in this matter. The increased costs do do not contain any additional attorney's fees.

	Date Cost Incurred:	Amount:
Writ of Execution Fee	_____	\$ _____
Service Fee	_____	\$ _____
Other Increased Costs (Please specify)		
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

TOTAL:

I declare under penalty of perjury that everything that I have stated in this document is true and correct. Minn. Stat. § 358.116.

Dated: _____

County and State where signed

Signature

Name:

Address:

City/State/Zip:

Telephone:

E-mail address:

<https://kohlmeyerhagen.sharepoint.com/:f:/s/FamilyLawDivision/EIRs8D0WVb1Ajb9zpzfsXykBqjSk39bpQONJ2yeqGu8UOw?e=c2gPvf>