

but not exceeding the net proceeds of the auction. If the auctioneer consists of several persons their liability is joint and several.

Sec. 4. Minnesota Statutes 1978, Section 336.6-109, is amended to read:

**336.6-109 WHAT CREDITORS PROTECTED.** (1) *The creditors of the transferor mentioned in this article are those holding claims based on transactions or events occurring before the bulk transfer, but creditors who become such after notice to creditors is given (sections 336.6-105 and 336.6-107) are not entitled to notice.*

(2) Against the aggregate obligation imposed by the provisions of this article concerning the application of the proceeds (section 336.6-106 and subsection (3)(c) of 336.6-108) the transferee or auctioneer is entitled to credit for sums paid to particular creditors of the transferor, not exceeding the sums believed in good faith at the time of the payment to be properly payable to the creditors.

Approved April 30, 1979.

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**CHAPTER 53—S.F.No.63**

*An act relating to civil actions; providing for the issuance of process in proceedings supplementary to execution; amending Minnesota Statutes 1978, Section 575.02.*

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:**

Section 1. Minnesota Statutes 1978, Section 575.02, is amended to read:

**575.02 ORDER FOR EXAMINATION OF DEBTOR.** When an execution against property of the judgment debtor, or of any one of several debtors in the same judgment, is issued to the sheriff of the county where he resides, or, if he does not reside in the state, to the sheriff of a county where the judgment roll, or a transcript of a judgment, is filed, is returned unsatisfied, in whole or in part, the judgment creditor is entitled to an order from the judge of the district court of the district where the debtor resides judgment was originally docketed or is subsequently filed, ~~or, if the debtor be not a resident of the state, then from the district where such judgment roll or transcript of the justice's judgment is filed~~, requiring the judgment debtor, or, if a corporation, any officer thereof, to appear and answer concerning his or its property, at a time and place specified in the order, before ~~such a~~ judge or a referee therein named. If the person required to answer is, at the time of the service of the order, a resident of the state, or has an office in the state for the regular transaction of his business in person, he cannot be compelled to attend, pursuant to the order or to any adjournment, at a place without the county where his residence or place of business is situated.

Approved April 30, 1979.

Changes or additions indicated by underline deletions by ~~strikeout~~