

HOUSE OF REPRESENTATIVES**EIGHTY-EIGHTH SESSION****H. F. No. 80**

01/14/2013 Authored by Hilstrom, Davnie, Nelson and Abeler
The bill was read for the first time and referred to the Committee on Judiciary Finance and Policy

01/31/2013 Adoption of Report: Pass and re-referred to the Committee on Commerce and Consumer Protection Finance and Policy

03/13/2013 Adoption of Report: Pass and re-referred to the Committee on Judiciary Finance and Policy

04/11/2013 Adoption of Report: Pass as Amended and re-referred to the Committee on Rules and Legislative Administration

04/17/2013 Adoption of Report: Pass and Read Second Time

1.1 A bill for an act

1.2 relating to judgments; regulating assigned consumer debt default judgments;

1.3 proposing coding for new law in Minnesota Statutes, chapter 548.

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

1.5 Section 1. **[548.101] ASSIGNED CONSUMER DEBT DEFAULT JUDGMENTS.**

1.6 A party entitled to a judgment by default in an action upon an assigned obligation

1.7 arising out of any consumer debt that is primarily for personal, family, or household

1.8 purposes and in default at the time of assignment shall apply to the court and submit, in

1.9 addition to the application for judgment:

1.10 (1) a copy of the written contract between the debtor and original creditor or, if there

1.11 was no written contract, other admissible evidence establishing the terms of the contract

1.12 between the debtor and the original creditor, including the moving party's entitlement to

1.13 the amounts described in clause (3);

1.14 (2) admissible evidence establishing that the defendant owes the debt;

1.15 (3) admissible evidence establishing that the amount claimed to be owed is accurate,

1.16 including a breakdown of the balance owed at the time the debt was first assigned to

1.17 another party by the original creditor and a breakdown of post-assignment fees, interest,

1.18 and interest rates;

1.19 (4) documentation establishing a valid and complete chain of assignment of the debt

1.20 from the original creditor to the moving party, including documentation or a bill of sale

1.21 evidencing the assignment with proof that the particular debt at issue was included in the

1.22 assignment referenced in the documentation or bill of sale;

2.1 (5) proof that a summons and complaint were properly served on the debtor and that
2.2 the debtor did not serve a timely answer in district court cases, or proof that a statement of
2.3 claim and summons were properly served on the debtor in conciliation court cases; and

2.4 (6) proof that the debtor was provided notice of the request, application, or motion
2.5 for default judgment in district court cases, or proof that the debtor was provided notice of
2.6 the trial date in conciliation court cases.

2.7 **EFFECTIVE DATE.** This section is effective August 1, 2013, and applies to
2.8 motions for default judgment filed on or after August 1, 2013.