

**SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION**

S.F. No. 1253

(SENATE AUTHORS: HOFFMAN)

DATE
02/14/2019

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OFFICIAL STATUS
Introduction and first reading
Referred to Judiciary and Public Safety Finance and Policy

1.1 A bill for an act
1.2 relating to civil actions; providing judgment debtors a standard exemption for
1.3 funds in bank or other deposit accounts; amending Minnesota Statutes 2018,
1.4 sections 550.135, subdivision 4; 550.143, subdivision 3c; 550.37, subdivision 20,
1.5 by adding a subdivision; 551.04, subdivision 3; 551.05, subdivision 1d; 571.912.

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

1.7 Section 1. Minnesota Statutes 2018, section 550.135, subdivision 4, is amended to read:

1.8 Subd. 4. **Property not attachable.** The following property is not subject to attachment
1.9 by a writ of execution served pursuant to this chapter:

1.10 (1) any indebtedness or money due to the judgment debtor, unless at the time of the
1.11 service of the writ of execution the same is due absolutely or does not depend upon any
1.12 contingency;

1.13 (2) any judgment owing by the third party to the judgment debtor, if the third party or
1.14 the third party's property is liable on an execution levy upon the judgment;

1.15 (3) any debt owing by the third party to the judgment debtor for which any negotiable
1.16 instrument has been issued or endorsed by the third party;

1.17 (4) any indebtedness or money due to the judgment debtor where the judgment debtor
1.18 is a bank, savings bank, trust company, credit union, savings association, or industrial loan
1.19 and thrift company with deposit liabilities;

1.20 (5) any indebtedness or money due to the judgment debtor with a cumulative value of
1.21 less than ~~\$10~~ \$25; and

2.1 (6) any disposable earnings, indebtedness, or money that is exempt under Minnesota or
2.2 federal law; and

2.3 (7) an exemption under section 550.37, subdivision 20, of \$..... total for bank or other
2.4 deposit accounts.

2.5 Sec. 2. Minnesota Statutes 2018, section 550.143, subdivision 3c, is amended to read:

2.6 Subd. 3c. ~~Form of Exemption form~~ claim. The exemption ~~form~~ claim required by this
2.7 subdivision must be sent as a separate ~~form~~ claim and must be ~~in~~ substantially ~~the following~~
2.8 ~~form~~ as follows:

2.9 STATE OF MINNESOTA DISTRICT COURT
2.10 COUNTY OF JUDICIAL DISTRICT
2.11(Creditor)
2.12(Debtor)
2.13(~~Financial~~ Bank or other deposit institution)

2.14 **BANK OR OTHER DEPOSIT ACCOUNT EXEMPTION FORM CLAIM**

2.15 A. ~~HOW MUCH MONEY IS PROTECTED~~

2.16 I claim ~~ALL~~ of the money being frozen by the in my bank is protected or other
2.17 deposit account is exempt because it is protected by the standard bank or other
2.18 deposit account exemption under Minnesota Statutes, section 550.37, subdivision
2.19 20.

2.20 ~~..... I claim SOME of the money is protected. The amount I claim is protected is \$.....~~

2.21 **Your Choice**

2.22 The standard exemption of \$..... will protect my account balance; or it is the only
2.23 exemption I am entitled to; or it is the only exemption I choose to claim. (If you
2.24 make this choice skip the rest of this form.)

2.25 In addition to the standard exemption, I am entitled to the exemptions indicated
2.26 below and I choose to claim them. (If you make this choice, mark below the
2.27 additional exemption or exemptions you claim.)

2.28 B: ~~WHY THE MONEY IS PROTECTED~~

2.29 B. In addition, some of my money is protected because I get it from one or more of the
2.30 following places: (Check all that apply)

2.31 Government benefits

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

2.33 MFIP - Minnesota family investment program,

2.34 MFIP Diversionary Work Program,

2.35 Work participation cash benefit,

2.36 GA - general assistance,

2.37 EA - emergency assistance,

2.38 MA - medical assistance,

- 3.1 **EGA** - emergency general assistance,
- 3.2 **MSA** - Minnesota supplemental aid,
- 3.3 **MSA-EA** - MSA emergency assistance,
- 3.4 **Food Support,**
- 3.5 **SSI - Supplemental Security Income,**
- 3.6 **MinnesotaCare,**
- 3.7 **Medicare Part B premium payments,**
- 3.8 **Medicare Part D extra help,**
- 3.9 **Energy or fuel assistance.**

3.10 **LIST SOURCE(S) OF FUNDING IN YOUR ACCOUNT**

3.11

3.12 **LIST THE CASE NUMBER AND COUNTY**

3.13 Case Number:

3.14 County:

3.15 **Government benefits also include:**

3.16 **Social Security benefits**

3.17 **Unemployment benefits**

3.18 **Workers' compensation**

3.19 **Veterans benefits**

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

3.23 **Other assistance based on need**

3.24 You may have assistance based on need from another source that is not on the list. If you
3.25 do, check this box, and fill in the source of your money on the line below:

3.26 Source:.....

3.27 **Include copies of any documents you have that show the source of this money.**

3.28 C. **EARNINGS**

3.29 **ALL or SOME of your earnings (wages) may also be protected.**

3.30 **All of your earnings (wages) are protected if:**

3.31 You get government benefits (see list of government benefits)

3.32 You currently receive other assistance based on need

3.33 You have received government benefits in the last six months

3.34 You were in jail or prison in the last six months

3.35 **If you check one of these lines, your wages are only protected for 60 days after**
3.36 **they are deposited in your account so you MUST send the creditor a copy of**
3.37 **BANK OR OTHER DEPOSIT ACCOUNT STATEMENTS that show what was**

4.1 in your account **for the 60 days right before the bank or other deposit institution**
4.2 **froze your money.**

4.3 **Some of your earnings (wages) are protected.**

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

4.7 75 percent of your wages (after taxes are taken out); or

4.8 (~~insert the sum of the current~~ hourly federal minimum wage) multiplied by 40.

4.9 **D. OTHER EXEMPT FUNDS**

4.10 The money from the following are also completely protected after they are deposited
4.11 in your bank or other deposit account.

4.12 **An accident, disability, or retirement pension or annuity**

4.13 **Payments to you from a life insurance policy**

4.14 **Earnings of your child who is under 18 years of age**

4.15 **Child support**

4.16 **Money paid to you from a claim for damage or destruction of property** Property
4.17 includes household goods, farm tools or machinery, tools for your job, business
4.18 equipment, a mobile home, a car, a musical instrument, a pew or burial lot, clothes,
4.19 furniture, or appliances.

4.20 **Death benefits paid to you**

4.21 **E. PERMISSIONS**

4.22 I give permission to any agency that has given me cash benefits to give information
4.23 about my benefits to the above-named creditor, or its attorney. The information will **ONLY**
4.24 concern whether I get benefits or not, or whether I have gotten them in the past six months.

4.25 **F. JAILED OR IMPRISONED**

4.26 If I was an inmate in the last six months, I give ~~my~~ permission to the correctional
4.27 institution to tell the above-named creditor that I was an inmate there.

4.28 **G. SIGNATURES**

4.29 **YOU MUST SIGN AND SEND THIS ~~FORM~~ CLAIM BACK TO THE**
4.30 **CREDITOR'S ATTORNEY (OR TO THE CREDITOR, IF NO ATTORNEY) AND**
4.31 **TO THE BANK OR OTHER DEPOSIT INSTITUTION. REMEMBER TO INCLUDE**
4.32 **A COPY OF YOUR BANK OR OTHER DEPOSIT ACCOUNT STATEMENTS FOR**
4.33 **THE PAST 60 DAYS. FILL IN THE BLANKS BELOW AND GO BACK TO THE**
4.34 **INSTRUCTIONS TO MAKE SURE YOU DO IT CORRECTLY.**

4.35 I have mailed or delivered a copy of this ~~form~~ claim to:

4.36

4.37 (Insert name of creditor or creditor's attorney)

5.1

5.2 (Insert address of creditor or creditor's attorney)

5.3 I have also mailed or delivered a copy of this exemption ~~form~~ claim to my bank or other
5.4 deposit institution at the address listed in the instructions.

5.5 DATED:

5.6 DEBTOR

5.7

5.8 DEBTOR ADDRESS

5.9

5.10 DEBTOR TELEPHONE NUMBER

5.11 Sec. 3. Minnesota Statutes 2018, section 550.37, subdivision 20, is amended to read:

5.12 Subd. 20. **Traceable funds Bank or other deposit account exemptions.** A debtor's
5.13 deposits in bank or other deposit accounts, whether single or joint, up to \$....., are exempt
5.14 from the claims of creditors and are not subject to garnishment under section 571.74 or
5.15 execution or levy under section 550.143. The direct exemption under this subdivision shall
5.16 be applied by a bank or other deposit institution without being claimed by the debtor under
5.17 section 550.143, subdivision 3c, or 551.05, subdivision 1d.

5.18 In addition, the exemption of funds from creditors' claims, provided by subdivisions 9,
5.19 10, 11, 15, and 24, shall not be affected by the subsequent deposit of the funds in a bank or
5.20 any other ~~financial~~ deposit institution, whether in a single or joint account, if the funds are
5.21 traceable to their exempt source. In tracing the funds, the first-in first-out method of
5.22 accounting shall be used. The burden of establishing that traced funds are exempt rests upon
5.23 the debtor. No bank or other ~~financial~~ deposit institution shall be liable for damages for
5.24 complying with process duly issued out of any court for the collection of a debt even if the
5.25 funds affected by the process are subsequently determined to have been exempt.

5.26 If the amount of the direct exemption applicable to a bank or other deposit account
5.27 exceeds the balance in the account, the institution shall notify the debtor that there has been
5.28 a garnishment or levy, of the fact that no funds have been frozen for the creditor or creditors,
5.29 and of the account balance remaining.

6.1 Sec. 4. Minnesota Statutes 2018, section 550.37, is amended by adding a subdivision to
6.2 read:

6.3 Subd. 20a. **Multiple bank or other deposit accounts.** If, within a seven-day period, a
6.4 creditor garnishes or levies on more than one bank or other deposit institution to collect an
6.5 individual's debts, the creditor may direct all the garnished or levied-on institutions not to
6.6 apply the standard exemption, but rather to freeze all of the funds in the accounts of the
6.7 debtor. The bank or other deposit institution that freezes the funds shall notify the debtor
6.8 that the debtor's funds have been frozen and that the debtor may, within 14 days of receipt
6.9 of the notice, direct institutions how to apply the exemption. If the debtor fails to specify
6.10 how to apply the exemption to the accounts, the bank and other deposit institutions shall
6.11 notify the creditor, and the creditor may direct how the exemption is to be applied to the
6.12 accounts.

6.13 Sec. 5. Minnesota Statutes 2018, section 551.04, subdivision 3, is amended to read:

6.14 Subd. 3. **Property not attachable.** The following property is not subject to attachment
6.15 by a writ of execution served pursuant to this chapter:

6.16 (1) any indebtedness or money due to the judgment debtor, unless at the time of the
6.17 service of the writ of execution the same is due absolutely or does not depend upon any
6.18 contingency;

6.19 (2) any judgment owing by the third party to the judgment debtor, if the third party or
6.20 the third party's property is liable on an execution levy upon the judgment;

6.21 (3) any debt owing by the third party to the judgment debtor for which any negotiable
6.22 instrument has been issued or endorsed by the third party;

6.23 (4) any indebtedness or money due to the judgment debtor where the judgment debtor
6.24 is a bank, savings bank, trust company, credit union, savings association, or industrial loan
6.25 and thrift company with deposit liabilities;

6.26 (5) any indebtedness or money due to the judgment debtor with a cumulative value of
6.27 less than ~~\$10~~ \$25; ~~and~~

6.28 (6) any disposable earnings, indebtedness, or money that is exempt under Minnesota or
6.29 federal law; and

6.30 (7) one standard bank or other deposit account exemption that totals \$....., regardless
6.31 of the number of existing separate bank or other deposit accounts.

7.1 Sec. 6. Minnesota Statutes 2018, section 551.05, subdivision 1d, is amended to read:

7.2 Subd. 1d. ~~Form of Exemption form claim.~~ The exemption form claim required by this
7.3 subdivision must be a separate form claim and must be ~~in~~ substantially ~~the following form~~
7.4 as follows:

7.5 STATE OF MINNESOTA DISTRICT COURT
7.6 COUNTY OF JUDICIAL DISTRICT
7.7(Creditor)
7.8(Debtor)
7.9(~~Financial~~ Bank or other deposit institution)

7.10 ACCOUNT EXEMPTION ~~FORM~~ CLAIM

7.11 A. ~~HOW MUCH MONEY IS PROTECTED~~

7.12 I claim ~~ALL~~ of the money being frozen by the in my bank is protected or other deposit
7.13 account is exempt because it is protected by the standard bank or other deposit account
7.14 exemption under Minnesota Statutes, section 550.37, subdivision 20.

7.15 ~~..... I claim SOME of the money is protected. The amount I claim is protected is \$.....~~

7.16 Your Choice

7.17 The standard exemption of \$..... will protect my account balance; or it is the
7.18 only exemption I am entitled to; or it is the only exemption I choose to claim.
7.19 (If you make this choice skip the rest of this form.)

7.20 In addition to the standard exemption, I am entitled to the exemptions indicated
7.21 below and I choose to claim them. (If you make this choice, mark below the
7.22 additional exemption or exemptions you claim.

7.23 B. ~~WHY THE MONEY IS PROTECTED~~

7.24 B. In addition, some of my money is protected because I get it from one or more of the
7.25 following places: (Check all that apply)

7.26 Government benefits

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

7.28 **MFIP** - Minnesota family investment program,

7.29 **MFIP Diversionary Work Program,**

7.30 **Work participation cash benefit,**

7.31 **GA** - general assistance,

7.32 **EA** - emergency assistance,

7.33 **MA** - medical assistance,

7.34 **EGA** - emergency general assistance,

7.35 **MSA** - Minnesota supplemental aid,

7.36 **MSA-EA** - MSA emergency assistance,

7.37 **Food Support,**

7.38 **SSI - Supplemental Security Income,**

7.39 **MinnesotaCare,**

- 8.1 Medicare Part B premium payments,
- 8.2 Medicare Part D extra help,
- 8.3 Energy or fuel assistance.

8.4 LIST SOURCE(S) OF FUNDING IN YOUR ACCOUNT

8.5

8.6 LIST THE CASE NUMBER AND COUNTY

8.7 Case Number:

8.8 County:

8.9 Government benefits also include:

8.10 Social Security benefits

8.11 Unemployment benefits

8.12 Workers' compensation

8.13 Veterans benefits

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

8.17 Other assistance based on need

8.18 You may have assistance based on need from another source that is not on the list. If you
8.19 do, check this box, and fill in the source of your money on the line below:

8.20 Source:.....

8.21 Include copies of any documents you have that show the source of this money.

8.22 C. EARNINGS

8.23 ~~ALL or SOME of your earnings (wages) may also be protected.~~

8.24 All of your earnings (wages) are protected if:

8.25 You get government benefits (see list of government benefits)

8.26 You currently receive other assistance based on need

8.27 You have received government benefits in the last six months

8.28 You were in jail or prison in the last six months

8.29 If you check one of these lines, your wages are only protected for 60 days after they
8.30 are deposited in your account so you MUST send the creditor a copy of BANK
8.31 OR OTHER DEPOSIT ACCOUNT STATEMENTS that show what was in your
8.32 account for the 60 days right before the bank or other deposit account froze your
8.33 money.

8.34 Some of your earnings (wages) are protected.

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

8.38 75 percent of your wages (after taxes are taken out); or

8.39 ~~(insert the sum of the current~~ hourly federal minimum wage) multiplied by 40.

9.1 **D. OTHER EXEMPT FUNDS**

9.2 The money from the following are also completely protected after they are deposited
9.3 in your account.

9.4 **An accident, disability, or retirement pension or annuity**

9.5 **Payments to you from a life insurance policy**

9.6 **Earnings of your child who is under 18 years of age**

9.7 **Child support**

9.8 **Money paid to you from a claim for damage or destruction of property** Property
9.9 includes household goods, farm tools or machinery, tools for your job, business
9.10 equipment, a mobile home, a car, a musical instrument, a pew or burial lot, clothes,
9.11 furniture, or appliances.

9.12 **Death benefits paid to you**

9.13 **E. PERMISSIONS**

9.14 I give permission to any agency that has given me cash benefits to give information
9.15 about my benefits to the above-named creditor, or its attorney. The information will **ONLY**
9.16 concern whether I get benefits or not, or whether I have gotten them in the past six months.

9.17 **F. JAILED OR IMPRISONED**

9.18 If I was an inmate in the last six months, I give ~~my~~ permission to the correctional
9.19 institution to tell the above-named creditor that I was an inmate there.

9.20 **G. SIGNATURE**

9.21 **YOU MUST SIGN AND SEND THIS ~~FORM~~ CLAIM BACK TO THE**
9.22 **CREDITOR'S ATTORNEY (OR TO THE CREDITOR, IF NO ATTORNEY) AND**
9.23 **TO THE BANK OR OTHER DEPOSIT INSTITUTION. REMEMBER TO INCLUDE**
9.24 **A COPY OF YOUR BANK OR OTHER DEPOSIT ACCOUNT STATEMENTS FOR**
9.25 **THE PAST 60 DAYS. FILL IN THE BLANKS BELOW AND GO BACK TO THE**
9.26 **INSTRUCTIONS TO MAKE SURE YOU DO IT CORRECTLY.**

9.27 I have mailed or delivered a copy of this ~~form~~ claim to:

9.28

9.29 (Insert name of creditor or creditor's attorney)

9.30

9.31 (Insert address of creditor or creditor's attorney)

9.32 I have also mailed or delivered a copy of this exemption ~~form~~ claim to my bank or other
9.33 deposit institution at the address listed in the instructions.

9.34 DATED:

9.35 DEBTOR

10.1
 10.2 DEBTOR ADDRESS
 10.3
 10.4 DEBTOR TELEPHONE NUMBER

10.5 Sec. 7. Minnesota Statutes 2018, section 571.912, is amended to read:

10.6 **571.912 ~~FORM OF~~ NOTICE, INSTRUCTIONS, AND EXEMPTION NOTICE.**

10.7 Subdivision 1. ~~Form of Notice.~~ The notice, instructions, and exemption notice informing
 10.8 a debtor that a garnishment summons has been used to attach funds of the debtor to satisfy
 10.9 a claim must be a separate notice and must be substantially ~~in the following form~~ as follows:

10.10 STATE OF MINNESOTA DISTRICT COURT
 10.11 COUNTY OF JUDICIAL DISTRICT
 10.12(Creditor)
 10.13(Debtor)
 10.14(~~Financial~~ Bank or other deposit institution)

10.15 **IMPORTANT NOTICE**

10.16 **YOUR FUNDS HAVE BEEN GARNISHED**

10.17 The Creditor has frozen money in your ~~account at your financial institution~~ bank or other
 10.18 deposit account.

10.19 **Your account balance is \$.....**

10.20 **The amount being held is \$.....**

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

10.22 **Some of your money in your account may be protected (the legal word is exempt).**

10.23 **You may be able to get it sooner than 14 days if you act quickly and follow the**
 10.24 **instructions on the next page.**

10.25 The attached exemption ~~form~~ claim lists some different sources of money in your account
 10.26 that may be protected. If your money is from one or more of these sources, place a check
 10.27 on the line on the form next to the sources of your money. If it is from one of these sources,
 10.28 the Creditor cannot take it.

10.29 **BUT, you must follow the instructions and return the exemption ~~form~~ claim and**
 10.30 **copies of your bank or other deposit account statements from the last 60 days** to have
 10.31 the bank or other deposit institution unfreeze your money. If you do not follow the
 10.32 instructions or your Creditor gets an order from the court or writ of execution, the money

11.1 ~~in your financial institution~~ bank or other deposit account will ~~give the money~~ be given to
 11.2 your Creditor. If that happens and it is protected, you can still get it back from the Creditor
 11.3 later, but that is not as easy to do as filling in the ~~form~~ exemption claim now.

11.4 See next pages for instructions and the exemption ~~form~~ claim.

11.5 Subd. 2. **Form of Instructions.** The instructions ~~required~~ must be in a separate form
 11.6 and must be substantially ~~in the following form~~ as follows:

11.7 **INSTRUCTIONS**

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

11.9 1. Fill out **both** of the attached exemption ~~forms~~ claims in this packet.

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

11.13 **To avoid a hearing:**

11.14 **Case numbers should be added to the form.**

11.15 **Copies of documents should be sent with the form.**

11.16 **NOTICE: YOU MUST SEND TO THE CREDITOR'S ATTORNEY (OR TO THE**
 11.17 **CREDITOR, IF NO ATTORNEY) COPIES OF YOUR BANK OR OTHER DEPOSIT**
 11.18 **ACCOUNT STATEMENTS FOR THE PAST 60 DAYS BEFORE THE**
 11.19 **GARNISHMENT. Keep a copy of your bank or other deposit account statements in**
 11.20 **case there are questions about your claim. If you do not send to the creditor's attorney**
 11.21 **(or to the creditor, if no attorney) bank or other deposit account statements with your**
 11.22 **exemption claim, the ~~financial~~ bank or other deposit institution may release your**
 11.23 **money to the creditor once the creditor gives the ~~financial~~ bank or other deposit**
 11.24 **institution a court order directing it to turn over the funds.**

11.25 2. **Sign** the exemption ~~forms~~ claims. **Make one copy to keep for yourself.**

11.26 3. **Mail or deliver** the other copies of the ~~form~~ claim by (insert date).

11.27 **BOTH COPIES MUST BE MAILED OR DELIVERED THE SAME DAY.**

11.28 One copy of the ~~form~~ claim and the copies of your bank or other deposit account
 11.29 statements go to:

11.30
 11.31 (Insert name of creditor or creditor's attorney)

12.1

12.2 (Insert address of creditor or creditor's attorney)

12.3 One copy goes to:

12.4

12.5 (Insert name of bank or other deposit institution)

12.6

12.7 (Insert address of bank or other deposit institution)

12.8 **HOW THE PROCESS WORKS**

12.9 **If You Do Not Send in the Exemption ~~Form~~ Claim and Bank or Other Deposit**

12.10 **Account Statements:**

12.11 14 days after the date of this letter some or all of your money may be turned over to the
12.12 creditor once they get an order from the court telling the ~~financial~~ bank or other deposit
12.13 institution to do this.

12.14 **If You Send in the Exemption ~~Form~~ Claim and Bank or Other Deposit Account**

12.15 **Statements:**

12.16 Any money that is NOT protected ~~can~~ may be turned over to the creditor once they get
12.17 an order from the court.

12.18 **If the Creditor Does Not Object:**

12.19 The ~~financial~~ bank or other deposit institution will unfreeze your money six business
12.20 days after the bank or other deposit institution gets your completed ~~form~~ exemption claim.

12.21 **If the Creditor Objects:**

12.22 The money that you have said is protected on the ~~form~~ exemption claim will be held ~~by~~
12.23 ~~the~~ in your bank or other deposit account. The creditor has six business days to object
12.24 (disagree) and ask the court to hold a hearing. You will receive a Notice of Objection and
12.25 a Notice of Hearing.

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

12.31 You may want to ~~talk to~~ contact a lawyer for advice about this process. If ~~you are low~~
12.32 your income is low, you can ~~call~~ contact Legal Aid.

13.1 **PENALTIES:**

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

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

13.9 Subd. 3. **Exemption ~~notice~~ claim.** The exemption ~~notice~~ claim must be a separate form
13.10 and must be in substantially ~~the following form~~ as follows:

13.11 STATE OF MINNESOTA DISTRICT COURT
13.12 COUNTY OF JUDICIAL DISTRICT
13.13(Creditor)
13.14(Debtor)
13.15(Financial Bank or other deposit institution)

13.16 **BANK OR OTHER DEPOSIT ACCOUNT EXEMPTION FORM CLAIM**

13.17 A. **~~HOW MUCH MONEY IS PROTECTED~~**

13.18 I claim ~~ALL~~ of the money being frozen by the bank in my deposit account is
13.19 ~~protected~~ exempt because it is protected by the standard bank or other deposit account
13.20 exemption under Minnesota Statutes, section 550.37, subdivision 20.

13.21 ~~I claim SOME of the money is protected. The amount I claim is protected is \$.....~~

13.22 **Your Choice**

13.23 The standard exemption of \$..... will protect my account balance; or it is the only
13.24 exemption I am entitled to; or it is the only exemption I choose to claim. (If you
13.25 make this choice skip the rest of this form.)

13.26 In addition to the standard exemption, I am entitled to the exemptions indicated
13.27 below and I choose to claim them. (If you make this choice, mark below the
13.28 additional exemption or exemptions you claim.)

13.29 **~~WHY THE MONEY IS PROTECTED~~**

13.30 B. In addition, some of my money is protected because I get it from one or more of the
13.31 following places: (Check all that apply)

13.32 **Government benefits**

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

13.34 **MFIP** - Minnesota family investment program,

13.35 **MFIP Diversionary Work Program,**

13.36 **Work participation cash benefit,**

13.37 **GA** - general assistance,

13.38 **EA** - emergency assistance,

- 14.1 **MA** - medical assistance,
- 14.2 **EGA** - emergency general assistance,
- 14.3 **MSA** - Minnesota supplemental aid,
- 14.4 **MSA-EA** - MSA emergency assistance,
- 14.5 **Food Support,**
- 14.6 **SSI - Supplemental Security Income,**
- 14.7 **MinnesotaCare,**
- 14.8 **Medicare Part B premium payments,**
- 14.9 **Medicare Part D extra help,**
- 14.10 **Energy or fuel assistance.**

14.11 **LIST SOURCE(S) OF FUNDING IN YOUR ACCOUNT**

14.12

14.13 **LIST THE CASE NUMBER AND COUNTY**

14.14 Case Number:

14.15 County:

14.16 **Government benefits also include:**

14.17 **Social Security benefits**

14.18 **Unemployment benefits**

14.19 **Workers' compensation**

14.20 **Veterans benefits**

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

14.24 **Other assistance based on need**

14.25 You may have assistance based on need from another source that is not on the list. If you
14.26 do, check this box, and fill in the source of your money on the line below:

14.27 Source:.....

14.28 **Include copies of any documents you have that show the source of this money.**

14.29 **C. EARNINGS**

14.30 **ALL or SOME of your earnings (wages) may also be protected.**

14.31 **All of your earnings (wages) are protected if:**

14.32 You get government benefits (see list of government benefits)

14.33 You currently receive other assistance based on need

14.34 You have received government benefits in the last six months

14.35 You were in jail or prison in the last six months

14.36 **If you check one of these lines, your wages are only protected for 60 days after**
14.37 **they are deposited in your account so you MUST send the creditor a copy of**
14.38 **BANK OR OTHER DEPOSIT ACCOUNT STATEMENTS that show what was**

15.1 in your account **for the 60 days right before the bank or other deposit institution**
15.2 **froze your money.**

15.3 **Some of your earnings (wages) are protected.**

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

15.7 75 percent of your wages (after taxes are taken out); or

15.8 (~~insert the sum of the current~~ hourly federal minimum wage) multiplied by 40.

15.9 **D. OTHER EXEMPT FUNDS**

15.10 The money from the following are also completely protected after they are deposited
15.11 in your bank or other deposit account.

15.12 **An accident, disability, or retirement pension or annuity**

15.13 **Payments to you from a life insurance policy**

15.14 **Earnings of your child who is under 18 years of age**

15.15 **Child support**

15.16 **Money paid to you from a claim for damage or destruction of property** Property
15.17 includes household goods, farm tools or machinery, tools for your job, business
15.18 equipment, a mobile home, a car, a musical instrument, a pew or burial lot, clothes,
15.19 furniture, or appliances.

15.20 **Death benefits paid to you**

15.21 **E. PERMISSION**

15.22 I give permission to any agency that has given me cash benefits to give information
15.23 about my benefits to the above-named creditor, or its attorney. The information will **ONLY**
15.24 concern whether I get benefits or not, or whether I have gotten them in the past six months.

15.25 **F. JAILED OR IMPRISONED**

15.26 If I was an inmate in the last six months, I give ~~my~~ permission to the correctional
15.27 institution to tell the above-named creditor that I was an inmate there.

15.28 **G. SIGNATURE**

15.29 **YOU MUST SIGN AND SEND THIS FORM BACK TO THE CREDITOR'S**
15.30 **ATTORNEY (OR TO THE CREDITOR, IF NO ATTORNEY) AND TO THE BANK**
15.31 **OR OTHER DEPOSIT INSTITUTION. REMEMBER TO INCLUDE A COPY OF**
15.32 **YOUR BANK OR OTHER DEPOSIT ACCOUNT STATEMENTS FOR THE PAST**
15.33 **60 DAYS. FILL IN THE BLANKS BELOW AND GO BACK TO THE**
15.34 **INSTRUCTIONS TO MAKE SURE YOU DO IT CORRECTLY.**

15.35 I have mailed or delivered a copy of this ~~form~~ claim to:

15.36

15.37 (Insert name of creditor or creditor's attorney)

16.1

16.2 (Insert address of creditor or creditor's attorney)

16.3 I have also mailed or delivered a copy of this exemption ~~form~~ claim to my bank or other
16.4 deposit institution at the address listed in the instructions.

16.5 DATED:

16.6 DEBTOR

16.7

16.8 DEBTOR ADDRESS

16.9

16.10 DEBTOR TELEPHONE NUMBER