

Rule 67. Deposit in Court**67.01 In an Action**

In an action in which any part of the relief sought is a judgment for a sum of money or the disposition of a sum of money or the disposition of any other thing capable of delivery, a party, upon notice to every other party, and by leave of court, may deposit with the court all or any part of such money or thing.

67.02 When No Action is Brought

When money or other personal property in the possession of any person, as bailee or otherwise, is claimed adversely by two or more other persons, and the right thereto as between such claimants is in doubt, the person in possession, though no action is commenced against that person by any of the claimants, may place the property in the custody of the court. The person in possession shall apply to the court of the county in which the property is situated, setting forth by petition the facts which bring the case within the provisions of this rule, and the names and places of residence of all known claimants of such property. If satisfied of the truth of such showing, the court, by order, shall accept custody of the money or other property, and direct that, upon delivery and upon giving notice thereof to all persons interested, personally or by certified mail as prescribed in such order, the petitioner is relieved from further liability on account thereof. This rule shall apply to cases where property held under like conditions is garnished in the hands of the possessor; but in such cases the application shall be made to the court in which the garnishment proceedings are pending.

Advisory Committee Comment - 2020 Amendments

Rule 67.02 is amended to remove the requirement that notice by mail be given by registered mail. The archaic specification of mailing by registered mail imposes only additional expense. Use of certified mail provides a record of the actual delivery, which is what is needed for the notice under this rule. The court may, but need not, require that delivery be restricted to the particular person or entity entitled to notice. A party serving notice under the rule may use certified mail with return receipt requested in order to obtain evidence of receipt, and may have the postal service restrict delivery to a particular individual. If service is to be made pursuant to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents, as allowed under Rule 4.04(c)(1), a different form of service may be required.

67.03 Court May Order Deposit or Seizure of Property

When it is admitted by the pleading or examination of a party that the party has possession or control of any money or other thing capable of delivery which, being the subject of the litigation, is held by that party as trustee for another party, or which belongs or is due to another party, the court may order the same to be deposited in court or delivered to such other party, with or without security, subject to further direction. If such order is disobeyed, the court may punish the disobedience as a contempt, and may also require the sheriff or other proper officer to take the money or property and deposit or deliver it in accordance with the direction given.

67.04 Money Paid into Court

Where money is paid into the court pending the result of any legal proceedings, the judge may order it deposited in a bank account maintained by the court administrator.

(Amended effective July 1, 2018; amended effective September 1, 2020.)

Advisory Committee Comment - 2018 Amendments

Rule 67.04 is amended to reflect the abrogation of the statutory bond requirement for court administrators found in the prior version of the rule. See Minnesota Laws 2006, chapter 260, article 5, section 40. Because of that legislative change, the rule is amended to allow deposit in court by order of the court. The court can determine the appropriate terms for that deposit. As a practical matter, an order is necessary to authorize the administrator to accept the funds and to provide for release of the funds upon further order.