

Rule 136. Garnishments and Attachments-Bonds to Release-Entry of Judgment Against Garnishee**Rule 136.01 Bond**

Garnishments or attachments shall not be discharged through a personal bond under Minnesota Statutes, sections 571.931 and 571.932 without 7 days' written notice of the application therefor to the adverse party; but if a surety company's bond is given, notice shall not be required.

(Amended effective January 1, 1993; amended effective January 1, 2020.)

Rule 136.02 Requirement of Notice

Judgment against a garnishee shall be entered only upon notice to the garnishee and the defendant, if known to be within the jurisdiction of the court, showing the date and amount of the judgment against the defendant, and the amount for which plaintiff proposes to enter judgment against the garnishee after deducting such fees and allowances as the garnishee is entitled to receive. If the garnishee appears and secures a reduction of the proposed judgment, the court may make an appropriate allowance for fees and expense incident to such appearance.

Cross Reference: Minn. R. Civ. P. 64.

Advisory Committee Comment - 1992 Amendment

This rule is derived from Rule 15 of the Code of Rules for the District Courts. The statutes governing garnishment and attachment have been amended, and the statutory reference in the rule has been corrected to reflect this change.

Advisory Committee Comment - 2019 Amendments

Rule 136.01 is amended as part of the "timing" amendments recommended to the Court in 2018. The committee recommends the change from one to seven days because one day's notice is usually inadequate time to allow the adverse party a meaningful opportunity to evaluate and respond to the request for the posting of a personal bond. The notice period applies only when a garnishee seeks to post a bond that is not issued by an approved surety company.