

TRIALS 546.27

showing of prejudice. If a litigant makes an affirmative showing of prejudice against a substitute judge, the chief judge of the judicial district shall assign any other judge of any court within the district to hear the cause.

[ 1979 c 233 s 18 ]

CHAPTER 546. TRIALS

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**546.11 Order of trial.**

In a civil case when the jury is completed and sworn, the trial shall proceed in the following order, unless for special reasons the court shall otherwise direct:

- (1) The plaintiff, after stating the issue, shall produce the evidence on his part;
- (2) The defendant may then open his defense, and produce his evidence in support thereof;
- (3) The parties may then respectively offer rebutting evidence only, unless the court, in furtherance of justice, shall permit either to introduce evidence upon his original case;
- (4) When the evidence is concluded, unless the case be submitted by one side or both without argument, the defendant shall open and the plaintiff close the argument to the jury; provided, that if the defendant have the affirmative of the issue to be tried the foregoing order of trial shall be reversed;
- (5) If several defendants, having separate defenses, appear by different counsel, the court shall determine their relative order in respect to both evidence and argument;
- (6) When the argument is closed the court may charge the jury.

[ 1979 c 233 s 21 ]

**546.12 View of premises; procedure.**

In a civil case when the court deems it proper that the jury should view real property which is the subject of litigation, or the place where a material fact occurred, it may order them to be taken, in a body and in the custody of proper officers, to the place, which shall be shown to them by the judge, or by a person appointed by the court for that purpose; and while the jurors are thus absent, no one other than the judge or person so appointed shall speak to them on any subject connected with the trial.

[ 1979 c 233 s 22 ]

**546.23 Verdict in replevin.**

In an action for the recovery of specific personal property, if the property has not been delivered to the claimant and the jury find that he is entitled to its recovery, or if the property is not in the possession of the respondent, and by his answer he claims a return thereof, and the verdict is in his favor, the jury shall assess the value of the property and the damages, if any are claimed in the complaint or answer, which the prevailing party has sustained by reason of the detention, or taking and withholding, of such property. When the verdict is in favor of the party having possession of the property its value shall not be found.

[ 1979 c 18 s 11 ]

**546.27 Decision by the court.**

Subdivision 1. When an issue of fact has been tried by the court, the decision shall be in writing, the facts found and the conclusion of law shall be separately stated, and judgment shall be entered accordingly. All questions of fact and law, and all motions and matters submitted to a judge for his decision, shall be disposed of and his decision filed with the clerk within 90 days after such submission, unless sickness or casualty shall prevent, or the time be extended by written consent of the parties. No part of

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## 546.27 TRIALS

the salary of any judge shall be paid unless the voucher therefor be accompanied by a certificate of the judge that he has fully complied with the requirements of this section.

Subd. 2. The board on judicial standards shall annually review the compliance of each district, county, municipal, or probate judge with the provisions of subdivision 1. The board shall notify the state court administrator of each judge not in compliance. If the board finds that a judge has compelling reasons for noncompliance, it may decide not to issue the notice. Upon notification that a judge is not in compliance, the commissioner of finance shall not pay the judge his salary. The board may cancel a notice of noncompliance upon finding that a judge has returned his status to compliance, but in no event shall a judge be paid his salary for the period in which the notification of noncompliance was in effect.

[ 1979 c 333 s 105 ]

## CHAPTER 548. JUDGMENTS

Sec.  
548.15 Discharge of record.

### 548.15 Discharge of record.

Upon the satisfaction of a judgment, whether wholly or in part, or as to all or any of several defendants, the clerk shall enter such satisfaction in the judgment book, and note the same, with the date thereof, on the docket. If the docketing be upon a transcript from another county, the entry on the docket shall be sufficient. A judgment shall be deemed satisfied when there is filed with the clerk:

- (1) An execution satisfied, to the extent stated in the sheriff's return thereon;
- (2) A certificate of satisfaction signed and acknowledged by the judgment creditor;
- (3) A like certificate signed and acknowledged by the attorney of such creditor, unless his authority as such has previously been revoked and an entry of such revocation made upon the register; but the authority of an attorney to satisfy a judgment shall cease at the end of six years from its entry;
- (4) An order of the court, made on motion, requiring the execution of a certificate of satisfaction, or directing satisfaction to be entered without it;
- (5) Where a judgment is docketed on transcript, a copy of either of the foregoing documents, certified by the clerk of the court in which the judgment was originally entered and in which the originals were filed.

A satisfaction made in the name of a partnership shall be valid if executed by a member thereof while the partnership continues. The judgment creditor, or his attorney while his authority continues, may also satisfy a judgment of record by a brief entry on the register, signed by him and dated and witnessed by the clerk, who shall thereupon note such satisfaction on the margin of the docket. When a judgment is satisfied otherwise than by return of execution, the judgment creditor or his attorney shall give a certificate thereof.

[ 1979 c 12 s 2 ]

## CHAPTER 549. COSTS, DISBURSEMENTS

Sec.  
549.09 Interest on verdicts and judgments.

### 549.09 Interest on verdicts and judgments.

Subdivision 1. When the judgment is for the recovery of money, including a judgment for the recovery of taxes, interest from the time of the verdict or report until judgment is finally entered shall be computed by the clerk as provided in this section and added to the judgment. The interest shall be computed as simple interest per annum. The rate of interest shall be based on the weighted average discount yield of competitive