

RECEIVERS, PROPERTY OF ABSENTEES 576.122

CHAPTER 575. PROCEEDINGS SUPPLEMENTARY TO EXECUTION

Sec.
575.02 Order for examination of debtor.

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When an execution against property of the judgment debtor, or of any one of several debtors in the same judgment, is issued to the sheriff of the county where he resides, or, if he does not reside in the state, to the sheriff of a county where the judgment roll, or a transcript of a judgment, is filed, is returned unsatisfied, in whole or in part, the judgment creditor is entitled to an order from the judge of the district court of the district where the judgment was originally docketed or is subsequently filed, requiring the judgment debtor, or, if a corporation, any officer thereof, to appear and answer concerning his or its property, at a time and place specified in the order, before a judge or a referee therein named. If the person required to answer is, at the time of the service of the order, a resident of the state, or has an office in the state for the regular transaction of his business in person, he cannot be compelled to attend, pursuant to the order or to any adjournment, at a place without the county where his residence or place of business is situated.

[1979 c 53 s 1]

CHAPTER 576. RECEIVERS, PROPERTY OF ABSENTEES

Sec.		Sec.	
576.121	Advance life insurance payments to absentee's beneficiary.	576.123	Reappearance of absentee.
576.122	Hearing by court; determination of right to advance life insurance payments.		

576.121 Advance life insurance payments to absentee's beneficiary.

If the beneficiary under an insurance policy on the life of an absentee is the absentee's spouse, child, or other person dependent upon the absentee for support and advance payments under the policy are necessary to support and maintain the beneficiary, the beneficiary shall be entitled to advance payments as the court determines under section 576.122. "Beneficiary" under this section includes an heir at law of the person whose life is insured if the policy is payable to his estate.

[1979 c 54 s 1]

576.122 Hearing by court; determination of right to advance life insurance payments.

Subdivision 1. A petition may be filed requesting a hearing to determine entitlement to advance payment under an insurance policy on the life of an absentee. The petition shall contain the beneficiary's name, address, relationship to absentee, and the grounds justifying advance payment.

Subd. 2. Upon the filing of the petition, the court by certified mail shall notify the insurer who issued the policy of the date, time and place of the hearing. The insurer may appear at the hearing as a party in interest.

Subd. 3. The petitioner has the burden to show by a fair preponderance of the evidence that:

- (a) The absentee is missing and there is reason to believe he is dead;
- (b) The beneficiary is a spouse, child, or other person dependent upon the absentee for support and maintenance; and
- (c) The beneficiary has no source of income sufficient for support and maintenance at an adequate level.

Subd. 4. The court shall order periodic advance payments in appropriate amounts taking into consideration the needs of the beneficiary, the likelihood of the absentee's death, the amount payable under the policy, the possibility of the beneficiary providing the insurer with security for any reimbursement that may be required under section 576.123, subdivision 2 and any other relevant factors.