

## CHAPTER 565

### CLAIM AND DELIVERY

565.25 Bonding requirements.  
 565.251 Possession by respondent without bond; stay  
 of proceeding.

#### 565.25 BONDING REQUIREMENTS.

*[For text of subd 1, see M.S.1984]*

Subd. 2. (a) Except as otherwise provided in clause (b) and section 565.251, the respondent may retain or regain possession of the property by filing of a bond approved by the court conditioned that the property shall be delivered to the claimant, if delivery be adjudged, and for the payment to the claimant of any sum adjudged against the respondent. The bond shall be in an amount 1-1/4 times the fair market value of the property or 1-1/2 times the amount of the claimant's claim, whichever is less. An order for seizure may specify a time limitation within which the bond must be filed. For the purpose of protecting or preserving the property pending final hearing on the merits, the court may in extraordinary circumstances, which shall be specified in its order, provide that the respondent may not retain or regain possession of the property upon rebonding, or may limit or condition the right to retain or regain the property upon rebonding. The costs of regaining possession of the property from the sheriff or the claimant shall be borne by respondent except as set forth in clause (b).

(b) If at a hearing following seizure of property pursuant to section 565.24 claimant fails to establish a right to continued possession, the court shall order the property returned to respondent, the costs to be borne by claimant. The court may order claimant's bond to continue in an amount sufficient to offset damages claimed by respondent by reason of the seizure.

*[For text of subds 3 and 4, see M.S.1984]*

**History:** 1985 c 306 s 8

#### 565.251 POSSESSION BY RESPONDENT WITHOUT BOND; STAY OF PROCEEDING.

The court may allow the respondent to retain or regain possession of the property without filing a bond and may stay the action by the claimant for a reasonable period of time not to exceed six months if the following conditions are met:

- (1) the respondent is unable to make the required payments due to unforeseen economic circumstances beyond the respondent's control;
- (2) the respondent is dependent on the use of the property to earn a living;
- (3) the respondent insures the property for its fair market value;
- (4) the respondent makes periodic payments to the claimant representing the depreciation in market value of the property while the respondent retains possession, in an amount and during the times determined by the court; and
- (5) the respondent makes periodic payments to the claimant representing the value of the use of the property or the cost to the claimant of the lost opportunity to use the property, in an amount and during the times determined by the court.

**History:** 1985 c 306 s 9