

CHAPTER 583

MORTGAGE AND CONTRACT FOR DEED
MORATORIUMS

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583.01 LEGISLATIVE FINDINGS.

The legislature finds that the number of unemployed persons in this state has reached the highest level since the Depression of the 1930's; that farm commodity prices are below the break-even point for the cost of production; that the number of mortgage loans currently in default due to the unemployment of the principal wage earner has reached critical levels; and that by reason of these conditions and the high rates of interest on mortgage loans, many of the citizens of this state will be unable for extended periods of time, to meet payments of taxes, interest, and principal of mortgages on their properties and are, therefore, threatened with loss of their real property through mortgage foreclosure, contract termination, and judicial sales. The legislature further finds that these conditions have resulted in an emergency of a nature that justifies and validates legislation for the extension of the time prior to foreclosure and execution sales and for other relief.

History: 1983 c 215 s 4

NOTE: This section is repealed by Laws 1983, chapter 215, section 16, as amended by Laws 1984, chapter 474, section 7, and Laws 1985, chapter 306, section 26, effective July 1, 1987.

583.02 DEFINITIONS.

As used in this chapter, the term "homestead" means residential or agricultural real estate, a portion or all of which, at the time of the filing of the petition under section 583.04, is occupied by the owner and is entitled to receive homestead classification under section 273.13, subdivision 22 or 23 or would be entitled to receive the credit if it remained the residence of the owner on June 1 of the current year or January 2 of the next year.

History: 1983 c 215 s 5; 1985 c 306 s 16; 1Sp1985 c 14 art 4 s 97

NOTE: This section is repealed by Laws 1983, chapter 215, section 16, as amended by Laws 1984, chapter 474, section 7, and Laws 1985, chapter 306, section 26, effective July 1, 1987.

583.03 APPLICATION.

Subdivision 1. Property covered. The provisions of sections 47.20, subdivision 15, 559.21, subdivision 6, 580.031, and 583.01 to 583.12 apply to first mortgages secured by and contracts for deed conveying, homesteads within the meaning of section 583.02, including: (1) mortgages held by the United States or by any agency, department, bureau, or instrumentality of the United States, as security or pledge of the mortgagor, its successors or assigns; and (2) mortgages held as security or pledge to secure payment of a public debt or to secure payment of the deposit of public funds.

Subd. 2. **General exclusion.** The provisions of sections 47.20, subdivision 15, 559.21, subdivision 6, 580.031, and 583.01 to 583.12 do not apply to:

- (1) mortgages or contracts for deed made after May 24, 1983;
- (2) mortgages or contracts for deed made before May 24, 1983, that are renewed or extended after May 24, 1983, for a period longer than one year; or
- (3) mortgages, judgments, or contracts for deed, regardless of when made, if a second or subsequent mortgage is made against the property after May 24, 1983.

No court shall allow a stay or postponement, or extension of time that would cause any right to be lost or adversely affected by any statute of limitation.

History: 1983 c 215 s 6; 1984 c 474 s 4; 1985 c 306 s 17; 1Sp1985 c 18 s 12

NOTE: This section is repealed by Laws 1983, chapter 215, section 16, as amended by Laws 1984, chapter 474, section 7, and Laws 1985, chapter 306, section 26, effective July 1, 1987.

583.04 MORTGAGOR MAY APPLY TO DISTRICT COURT FOR RELIEF.

Any mortgagor, or owner in possession of the mortgaged premises including farm homestead premises, or anyone claiming under the mortgage, or anyone liable for the mortgage debt, may at any time after the issuance of the notice of the foreclosure proceedings and prior to the sale, petition the district court of the county where the foreclosure proceedings are pending, serving a summons and verified petition requesting that the sale in foreclosure be postponed for up to six months or, in the case of a farm homestead located on more than ten acres, for up to 12 months. A contract for deed vendee or anyone claiming under the contract or liable for the contract payment, in any case where the contract has not yet been terminated as of May 24, 1983, may petition the district court in the same manner, requesting that the contract termination be postponed for up to 90 days. Upon receiving the petition, the court shall order a stay in the foreclosure proceedings or contract termination until after the hearing on the petition. The court may order costs and attorney fees to be paid by the person applying for relief. If the court orders attorney fees to be paid, the amount may not exceed \$150 or one-half of the attorney fees allowed in section 582.01, whichever is less. The court may order the attorney fees to be prorated and combined with payments ordered under section 583.08. The court may not order attorney fees to be paid by the person applying for relief, if the person is receiving public assistance or legal aid for their own legal representation.

History: 1983 c 215 s 7; 1985 c 306 s 18; 1Sp1985 c 18 s 13

NOTE: This section is repealed by Laws 1983, chapter 215, section 16, as amended by Laws 1984, chapter 474, section 7, and Laws 1985, chapter 306, section 26, effective July 1, 1987.

583.05 COURT MAY ORDER POSTPONEMENT OF SALE; FINDINGS.

The court may consider the following criteria in determining whether or not to order a postponement of the sale or contract termination:

- (1) that the petitioner is unemployed, underemployed, facing catastrophic medical expenses, or facing economic problems due to low farm commodity prices; and
- (2) that the petitioner has an inability to make payments on the mortgage or contract for deed.

If the court grants or denies a postponement of the sale, the mortgagee shall publish notice of the new sale date as provided in section 580.03. Section 580.07 does not apply to foreclosure sales postponed by a court pursuant to sections 583.01 to 583.12.

History: 1983 c 215 s 8; 1984 c 474 s 5; 1985 c 306 s 19; 1Sp1985 c 18 s 14

NOTE: This section is repealed by Laws 1983, chapter 215, section 16, as amended by Laws 1984, chapter 474, section 7, and Laws 1985, chapter 306, section 26, effective July 1, 1987.

583.06 COMPROMISES.

If the parties to a foreclosure action agree in writing to a compromise settlement thereof, or of composition of the mortgage indebtedness, or both, the court shall have jurisdiction and may by its order confirm and approve the settlement or composition, or both, as the case may be.

History: 1983 c 215 s 9

NOTE: This section is repealed by Laws 1983, chapter 215, section 16, as amended by Laws 1984, chapter 474, section 7, and Laws 1985, chapter 306, section 26, effective July 1, 1987.

583.07 REDUCTION OF REDEMPTION PERIOD.

If the court grants a postponement of the foreclosure sale pursuant to sections 583.01 to 583.12, the redemption period pursuant to section 580.23 must be reduced by an equivalent period of time, provided that in no event may the redemption period be less than 30 days. If the court does not grant a postponement of the foreclosure sale, the redemption period must be as provided in section 580.23.

History: 1983 c 215 s 10; 1985 c 306 s 20; 1Sp1985 c 18 s 15

NOTE: This section is repealed by Laws 1983, chapter 215, section 16, as amended by Laws 1984, chapter 474, section 7, and Laws 1985, chapter 306, section 26, effective July 1, 1987.

583.08 PARTIAL PAYMENT.

The petition must also request the court to determine the reasonable value of the income on the property, or, if the property has no income, then the reasonable rental value of the property subject to the contract for deed or mortgage and must direct the contract vendee or mortgagor to pay all or a reasonable part of the income or rental value for the payment of taxes, insurance, interest or principal at the times and in the manner determined by the court. In determining the amount of income or rental value to be paid, the court may consider the relative financial conditions and resources of the parties, equity in the property held by the mortgagor or contract vendee, and the ability of the mortgagor or contract vendee to pay. The court shall hear the petition and after the hearing shall make and file its order directing the payment by the contract vendee or mortgagor of an amount at the times and in the manner that the court determines just and equitable. In the case of contracts for deed, the court shall insure that the payment required by the contract vendee is sufficient to adequately maintain the vendor's standard of living. If the mortgagor or contract vendee defaults in the payments ordered, the mortgagee may immediately commence foreclosure proceedings as provided in section 580.03, and the contract vendor may terminate the contract 30 days after the default. If default is claimed because of waste, the mortgagee or contract vendor may commence foreclosure proceedings or terminate the contract immediately after the filing of an order of the court finding the waste. No action shall be maintained for a deficiency judgment until the period of redemption as allowed by section 580.23, or by sections 583.01 to 583.12, has expired.

History: 1983 c 215 s 11; 1984 c 474 s 6

NOTE: This section is repealed by Laws 1983, chapter 215, section 16, as amended by Laws 1984, chapter 474, section 7, and Laws 1985, chapter 306, section 26, effective July 1, 1987.

583.09 COURT MAY REVISE AND ALTER TERMS.

Upon the application of either party before the expiration of the extended period prior to the sale or contract termination and upon the presentation of evidence that the terms for partial payment fixed by the court are no longer just and reasonable, the court may revise and alter the terms, in the manner the changed circumstances and conditions require.

History: 1983 c 215 s 12

NOTE: This section is repealed by Laws 1983, chapter 215, section 16, as amended by Laws 1984, chapter 474, section 7, and Laws 1985, chapter 306, section 26, effective July 1, 1987.

583.10 HEARING.

The court shall schedule and hold a hearing on the petition within 30 days after the filing of the petition. The order therein must be made and filed within five days after the hearing. Review by the supreme court may be had by certiorari, if application for the writ is made within 15 days after notice of the order. The writ is returnable within 30 days after the filing of the order.

History: 1983 c 215 s 13; 1985 c 306 s 21

NOTE: This section is repealed by Laws 1983, chapter 215, section 16, as amended by Laws 1984, chapter 474, section 7, and Laws 1985, chapter 306, section 26, effective July 1, 1987.

583.11 LIMITATIONS.

No postponement or extension shall be ordered under conditions which would substantially diminish or impair the value of the contract or obligation of the person against whom the relief is sought without reasonable allowance to justify the exercise of the police power authorized in sections 583.01 to 583.12, or which would cause irreparable harm or undue hardship to any mortgagee, contract vendor, judgment creditor, or their successors or assigns. The remedy authorized by sections 583.01 to 583.12 shall be available to a mortgagor or contract vendee only one time on any piece of property.

History: 1983 c 215 s 14

NOTE: This section is repealed by Laws 1983, chapter 215, section 16, as amended by Laws 1984, chapter 474, section 7, and Laws 1985, chapter 306, section 26, effective July 1, 1987.

583.12 INCONSISTENT LAWS.

Every law, to the extent that it is inconsistent with sections 583.01 to 583.12 is suspended during the effective period of sections 583.01 to 583.12.

History: 1983 c 215 s 15

NOTE: This section is repealed by Laws 1983, chapter 215, section 16, as amended by Laws 1984, chapter 474, section 7, and Laws 1985, chapter 306, section 26, effective July 1, 1987.

FARMER-LENDER MEDIATION ACT

583.20 CITATION.

Sections 583.20 to 583.32 may be cited as the "farmer-lender mediation act."

History: 1986 c 398 art 1 s 5

NOTE: This section, as added by Laws 1986, chapter 398, article 1, section 5, is repealed July 1, 1988. See Laws 1986, chapter 398, article 1, section 18.

583.21 LEGISLATIVE FINDINGS.

The legislature finds that the agricultural sector of the state's economy is under severe financial stress due to low farm commodity prices, continuing high interest rates, and reduced net farm income. The suffering agricultural economy adversely affects economic conditions for all other businesses in rural communities as well. Thousands of this state's farmers are unable to meet current payments of interest and principal payable on mortgages and other loan and land contracts and are threatened with the loss of their farmland, equipment, crops, and livestock through mortgage and lien foreclosures, cancellation of contracts for deed, and other collection actions. The agricultural economic emergency requires an orderly process with state assistance to adjust agricultural indebtedness to prevent civil unrest and to preserve the general welfare and fiscal integrity of the state.

History: 1986 c 398 art 1 s 6

NOTE: This section, as added by Laws 1986, chapter 398, article 1, section 6, is repealed July 1, 1988. See Laws 1986, chapter 398, article 1, section 18.

583.22 DEFINITIONS.

Subdivision 1. Applicability. The definitions in this section apply to sections 583.22 to 583.32.

Subd. 2. Agricultural property. "Agricultural property" means real property that is principally used for farming as defined in section 500.24, subdivision 2, paragraph (a), and raising poultry, and personal property that is used as security to finance a farm operation or used as part of a farm operation including equipment, crops, livestock, and

proceeds of the security. "Agricultural property" does not include personal property that is subject to a possessory lien under sections 514.18 to 514.22.

Subd. 3. [Repealed, 1Sp1986 c 2 art 2 s 14]

Subd. 4. **Creditor.** "Creditor" means the holder of a mortgage on agricultural property, a vendor of a contract for deed of agricultural property, a person with a lien or security interest in agricultural property, or a judgment creditor with a judgment against a debtor with agricultural property.

Subd. 5. **Director.** "Director" means the director of the agricultural extension service or the director's designee.

Subd. 6. **File.** "File" means to deliver by the required date by certified mail or another method acknowledging receipt.

Subd. 7. **Mediator.** "Mediator" means a farm mediator appointed by the director.

Subd. 7a. **Necessary farm operating expenses.** As used in section 583.27, "necessary farm operating expenses" means a sum or sums adequate to continue, during the mediation period, farm operations begun prior to the notice of default. "Necessary farm operating expenses" does not include expenses for increasing the scale of an ongoing farming operation or planting additional crops.

Subd. 7b. **Necessary living expenses.** As used in section 583.27, "necessary living expenses" means a sum approximately equal to the amount to which the family would be entitled if eligible for payments under section 256.74.

Subd. 8. **Serve.** "Serve" means (1) personal service as in a district court civil action; (2) service by certified mail using return receipt signed by addressee only; or (3) actual delivery of required documents with signed receipt.

History: 1986 c 398 art 1 s 7; 1Sp1986 c 2 art 2 s 1-4

NOTE: This section, as added by Laws 1986, chapter 398, article 1, section 7, is repealed July 1, 1988. See Laws 1986, chapter 398, article 1, section 18.

583.23 FARM MEDIATION.

Subdivision 1. **Training.** The director must provide training and support for mediators.

Subd. 2. **Appointment.** The director must provide mediators by contracting with qualified persons experienced in farm finance, agricultural law, and negotiation.

Subd. 3. **Administration.** The director may appoint a farm mediation administrator. The administrator and director shall provide training for farm mediators and credit analysts and coordinate community legal education programs for farmers.

History: 1986 c 398 art 1 s 8

NOTE: This section, as added by Laws 1986, chapter 398, article 1, section 8, is repealed July 1, 1988. See Laws 1986, chapter 398, article 1, section 18.

583.24 APPLICABILITY.

Subdivision 1. **Creditors.** (a) The farmer-lender mediation act applies to creditors who are:

- (1) the United States or an agency of the United States;
- (2) corporations, partnerships, and other business entities; and
- (3) individuals.

(b) The farmer-lender mediation act does not apply to creditors of a debtor described under subdivision 2, paragraph (b).

Subd. 2. **Debtors.** (a) Except as provided in paragraph (b) the farmer-lender mediation act applies to a debtor who is:

- (1) a person operating a family farm as defined in section 500.24, subdivision 2;
- (2) a family farm corporation as defined in section 500.24, subdivision 2; or
- (3) an authorized farm corporation as defined in section 500.24, subdivision 2.

(b) The farmer-lender mediation act does not apply to a debtor who owns and leases less than 60 acres with less than \$20,000 in gross sales of agricultural products the preceding year.

Subd. 3. **Financial institution under cease and desist order.** Upon the request of an institution, as defined in section 46.23, subdivision 4, the commissioner of commerce may exempt the institution from the farmer-lender mediation act without a hearing or contested case proceeding if:

(1) the institution is subject to a cease and desist order issued under sections 46.23 to 46.33; and

(2) the commissioner determines that exemption is essential to the financial survival of the institution.

The commissioner shall notify the director that the institution is exempt from mediation. The director shall notify the mediator that the institution is exempt. The reason for the exemption is confidential.

History: 1986 c 398 art 1 s 9; 1Sp1986 c 2 art 2 s 5,6

NOTE: This section, as added by Laws 1986, chapter 398, article 1, section 9, is repealed July 1, 1988. See Laws 1986, chapter 398, article 1, section 18.

583.25 VOLUNTARY MEDIATION PROCEEDINGS.

A debtor that owns agricultural property or a creditor of the debtor may request mediation of the indebtedness by a farm mediator by applying to the director. The director shall make voluntary mediation application forms available at the county recorder's and county extension office in each county. The director must evaluate each request and may direct a mediator to meet with the debtor and creditor to assist in mediation.

History: 1986 c 398 art 1 s 10

NOTE: This section, as added by Laws 1986, chapter 398, article 1, section 10, is repealed July 1, 1988. See Laws 1986, chapter 398, article 1, section 18.

583.26 MANDATORY MEDIATION PROCEEDINGS.

Subdivision 1. **Mediation notice.** A creditor desiring to start a proceeding to enforce a debt against agricultural property under chapter 580 or 581 or sections 336.9-501 to 336.9-508, to terminate a contract for deed to purchase agricultural property under section 559.21, or to garnish, levy on, execute on, seize, or attach agricultural property, must serve an applicable mediation notice under sections 336.9-501, 550.365, 559.209, and 581.015 on the debtor and the director. The creditor may not begin the proceeding until the creditor and debtor have completed mediation or as allowed under sections 583.20 to 583.32.

Subd. 2. **Mediation request.** (a) A debtor must file a mediation request form with the director by 14 days after receiving a mediation notice. The mediation request form must state all known creditors. The director shall make mediation request forms available in the county recorder's and county extension office of each county.

(b) A debtor who fails to file a timely mediation request waives the right to mediation under the farmer-lender mediation act. The director shall notify a creditor stating that the creditor may proceed against the agricultural property because the debtor has failed to file a mediation request.

(c) If a debtor has not received a mediation notice and is subject to a proceeding of a creditor enforcing a debt against agricultural property under chapter 580 or 581 or sections 336.9-501 to 336.9-508, terminating a contract for deed to purchase agricultural property under section 559.21, or garnishing, levying on, executing on, seizing, or attaching agricultural property, the debtor may file a mediation request with the director. The mediation request form must indicate that the debtor has not received a mediation notice.

Subd. 3. **Credit analyst and farm advocate.** (a) After receiving a mediation notice, the director shall provide a credit analyst knowledgeable in agricultural and financial

matters to meet with the debtor and assure that information relative to the finances of the debtor is prepared for the initial mediation meeting.

(b) After receiving the mediation notice, the director shall notify the debtor that a farm advocate may be available without charge to assist the debtor and the credit analyst.

Subd. 4. Initial mediation meeting. (a) By ten days after receiving a mediation request, the director shall send: (1) a mediation meeting notice to the debtor; and (2) a mediation meeting notice and claim form to all known creditors of the debtor.

(b) The mediation meeting notice must include a time and place for an initial mediation meeting between the debtor, all known creditors of the debtor, and a list of three mediators. An initial mediation meeting must be held within 20 days of the notice.

(c) Each creditor and the debtor may request the director to exclude one mediator from the list by sending the director a notice to such effect within three days after receiving the mediation meeting notice. In the event that requests from the creditors to remove mediators from the list would result in the exclusion of all of the remaining mediators the director shall appoint the mediator not excluded by the creditor owed the largest debt. In the event that a debtor and creditor request the same mediator, the director shall appoint that mediator.

Subd. 5. Effect of mediation meeting notice. (a) Except as provided in paragraph (b), if a creditor receives a mediation meeting notice under subdivision 4 the creditor and the creditor's successors in interest may not continue proceedings to enforce a debt against agricultural property of the debtor under chapter 580 or 581 or sections 336.9-501 to 336.9-508, to terminate a contract for deed to purchase agricultural property under section 559.21, or to garnish, levy on, execute on, seize, or attach agricultural property. Time periods under and affecting those procedures stop running until (1) 90 days after the initiation of mediation, or (2) a mediation agreement is reached.

(b) If a creditor is an agency of the United States and receives a mediation meeting notice under subdivision 4, the creditor and the creditor's successors in interest may not continue proceedings to enforce a debt against agricultural property of the debtor under chapter 580 or 581 or sections 336.9-501 to 336.9-508, to terminate a contract for deed to purchase agricultural property under section 559.21, or to garnish, levy on, execute on, seize, or attach agricultural property. Time periods under and affecting those procedures stop running until (1) 180 days after the initiation of mediation, or (2) a mediation agreement is reached.

Subd. 6. Duties of mediator. At the initial mediation meeting and subsequent meetings, the mediator shall:

- (1) listen to the debtor and the creditors desiring to be heard;
- (2) attempt to mediate between the debtor and the creditors;
- (3) advise the debtor and creditors of assistance programs available;
- (4) attempt to arrive at an agreement to fairly adjust, refinance, or pay the debts;

and

(5) advise, counsel, and assist the debtor and creditors in attempting to arrive at an agreement for the future conduct of financial relations among them.

Subd. 7. Mediator liability and immunity. (a) A mediator is immune from civil liability for actions within the scope of the position as mediator. A mediator does not have a duty to advise a creditor or debtor about the law or to encourage or assist a debtor or creditor in reserving or establishing legal rights. This subdivision is an addition to and not a limitation of immunity otherwise accorded to a mediator under law.

(b) A mediator cannot be examined about a communication or document, including worknotes, made or used in the course of or because of mediation under this section and section 583.27. This paragraph does not apply to the parties in the dispute in an

application to a court by a party to have a mediated settlement agreement set aside or reformed. A communication or document otherwise not privileged does not become privileged because it is used in the cause of mediation. This paragraph is not intended to limit the privilege accorded to communication during mediation by the common law.

Subd. 8. **Mediation period.** The mediator may call mediation meetings during the mediation period, which is up to 60 days after the initial mediation meeting.

Subd. 9. **Mediation agreement.** (a) If an agreement is reached among the debtor and creditors the mediator shall draft a written mediation agreement, have it signed by the creditors, and, if applicable, submit the agreement to the Minnesota rural finance administration for approval of debt restructuring.

(b) The debtor and creditors who are parties to the approved mediation agreement and creditors who have filed claim forms and have not objected to the mediation agreement:

- (1) are bound by the terms of the agreement;
- (2) may enforce the mediation agreement as a legal contract; and
- (3) may use the mediation agreement as a defense against an action contrary to the mediation agreement.

History: 1986 c 398 art 1 s 11; 1Sp1986 c 2 art 2 s 7; 1Sp1986 c 3 art 2 s 13

NOTE: This section, as added by Laws 1986, chapter 398, article 1, section 11, is repealed July 1, 1988. See Laws 1986, chapter 398, article 1, section 18.

583.27 GOOD FAITH REQUIRED, COURT SUPERVISED MEDIATION.

Subdivision 1. **Obligation of good faith.** The parties must engage in mediation in good faith. Not participating in good faith includes: (1) a failure on a regular or continuing basis to attend and participate in mediation sessions without cause; (2) failure to provide full information regarding the financial obligations of the parties and other creditors; (3) failure of the creditor to designate a representative to participate in the mediation with authority to make binding commitments within one business day to fully settle, compromise, or otherwise mediate the matter; (4) lack of a written statement of debt restructuring alternatives and a statement of reasons why alternatives are unacceptable to one of the parties; (5) failure of a creditor to release funds from the sale of farm products to the debtor for necessary living and farm operating expenses; or (6) other similar behavior which evidences lack of good faith by the party. A failure to agree to reduce, restructure, refinance, or forgive debt does not, in itself, evidence lack of good faith by the creditor.

Subd. 2. **Lack of good faith affidavit; mediator's responsibility.** If the mediator determines that either party is not participating in good faith as defined in subdivision 1, the mediator shall file an affidavit indicating the reasons for the finding with the director and with parties to the mediation.

Subd. 3. **Creditor's lack of good faith; court supervised mediation.** If the mediator finds the creditor has not participated in mediation in good faith, the debtor may require court supervised mandatory mediation by filing the affidavit with the district court of the county where the property is located with a request for court supervision of mediation and serving a copy of the request on the creditor. Upon request the court shall require both parties to mediate under the supervision of the court in good faith for a period of not more than 60 days. All creditor remedies must be suspended during this period. The court may issue orders necessary to effect good faith mediation. Following the mediation period, if the court finds the creditor has not participated in mediation in good faith, the court shall by order suspend the creditor's remedies for an additional period of 180 days. A creditor found by the mediator not to have participated in good faith shall pay attorneys' fees and costs of the debtor requesting court-supervision of mediation or additional suspension of creditor's remedies.

Subd. 4. **Debtor lack of good faith.** A creditor may immediately proceed with creditor's remedies upon receipt of a mediator's affidavit of a debtor's lack of good faith notwithstanding any other requirements of sections 583.20 to 583.32.

History: 1986 c 398 art 1 s 12; 1Sp1986 c 2 art 2 s 8

NOTE: This section, as added by Laws 1986, chapter 398, article 1, section 12, is repealed July 1, 1988. See Laws 1986, chapter 398, article 1, section 18.

583.28 CREDITOR NOT ATTENDING MEDIATION MEETING.

Subdivision 1. Filing and effect of claim form. A creditor that is notified of the initial mediation meeting is subject to and bound by a mediation agreement if the creditor does not attend mediation meetings unless the creditor files a claim form. In lieu of attending a mediation meeting, a creditor may file a notice of claim and proof of claim on a claim form with the mediator before the scheduled meeting. By filing a claim form the creditor agrees to be bound by a mediation agreement reached at the mediation meeting unless an objection is filed within the time specified. The mediator must notify the creditors who have filed claim forms of the terms of any agreement.

Subd. 2. Objections to agreements. A creditor who has filed a claim form may serve a written objection to the terms of the agreement on the mediator and the debtor within ten days after receiving notice of the agreement. If a creditor files an objection to the terms of an agreement, the mediator shall meet again with debtors and creditors within ten days after receiving the objection to mediate a new agreement. Notwithstanding the mediation period under section 583.26, subdivision 8, if an objection is filed, the mediator shall call mediation meetings during the ten-day period following receipt of the objection.

History: 1986 c 398 art 1 s 13; 1Sp1986 c 2 art 2 s 9

NOTE: This section, as added by Laws 1986, chapter 398, article 1, section 13, is repealed July 1, 1988. See Laws 1986, chapter 398, article 1, section 18.

583.285 RULES.

The state court administrator, in consultation with the director of the bureau of mediation services and the director of the University of Minnesota agricultural extension service, shall make rules under chapter 14, to implement the farmer-lender mediation act. The state court administrator may adopt emergency rules.

History: 1Sp1986 c 2 art 2 s 10

583.29 PRIVATE DATA.

All data regarding the finances of individual debtors and creditors created, collected, and maintained by the mediators or the director are classified as private data on individuals under section 13.02, subdivision 12, or nonpublic data under section 13.02, subdivision 9.

History: 1986 c 398 art 1 s 14; 1Sp1986 c 2 art 2 s 11

NOTE: This section, as added by Laws 1986, chapter 398, article 1, section 14, is repealed July 1, 1988. See Laws 1986, chapter 398, article 1, section 18.

583.30 FORMS AND COMPENSATION.

Subdivision 1. Compensation. The director shall set the compensation of mediators and credit analysts.

Subd. 2. Forms. The director shall adopt voluntary mediation application, mediation request, and claim forms.

History: 1986 c 398 art 1 s 15

NOTE: This section, as added by Laws 1986, chapter 398, article 1, section 15, is repealed July 1, 1988. See Laws 1986, chapter 398, article 1, section 18.

583.31 ENFORCEMENT.

The mediation agreement must be enforced by the district court.

History: 1986 c 398 art 1 s 16

NOTE: This section, as added by Laws 1986, chapter 398, article 1, section 16, is repealed July 1, 1988. See Laws 1986, chapter 398, article 1, section 18.

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583.32 INCONSISTENT LAWS.

The farmer-lender mediation act has precedence over any inconsistent or conflicting laws and statutes including chapters 336, 580, and 581, and section 559.21.

History: 1986 c 398 art 1 s 17

NOTE: This section, as added by Laws 1986, chapter 398, article 1, section 17, is repealed July 1, 1988. See Laws 1986, chapter 398, article 1, section 18.