

CHAPTER 487

COUNTY COURTS

487.08 Judicial officers; office abolished.
487.30 Conciliation court.

487.31 Fees payable to court administrator.

487.08 JUDICIAL OFFICERS; OFFICE ABOLISHED.

[For text of subds 1 to 3, see M.S.1988]

Subd. 5. All judicial officers are subject to the administrative authority and assignment power of the chief judge of the district as provided in section 484.69, subdivision 3. They shall be learned in the law, and shall hear and try matters as assigned to them by the chief judge. Their salary shall be fixed by the chief judge within the range established under section 480.181 and must not exceed the salary for referees under section 15A.083, subdivision 6. The supreme court must not approve aggregate performance increases for these employees that exceed an average of five percent per year.

History: 1989 c 335 art 3 s 29

487.30 CONCILIATION COURT.

Subdivision 1. (a) Except as provided in paragraph (b), the conciliation court shall hear and determine civil claims if the amount of money or property which is the subject matter of the claim does not exceed \$3,500 for the determination thereof without jury trial and by a simple and informal procedure. The rules of the supreme court shall provide for a right of appeal from the decision of the conciliation court to the county court for a trial on the merits. The territorial jurisdiction of a conciliation court shall be coextensive with the county in which the court is established.

(b) If the claim involves a consumer credit transaction, the amount of money or property that is the subject matter of the claim may not exceed \$2,000. "Consumer credit transaction" means a sale of personal property, or a loan arranged to facilitate the purchase of personal property, in which:

- (1) credit is granted by a seller or a lender who regularly engages as a seller or lender in credit transactions of the same kind;
- (2) the buyer is a natural person;
- (3) the claimant is the seller or lender in the transaction; and
- (4) the personal property is purchased primarily for a personal, family, or household purpose and not for a commercial, agricultural, or business purpose.

[For text of subds 1a to 3, see M.S.1988]

Subd. 3a. **Jurisdiction; student loans.** Notwithstanding the provisions of subdivision 1 or any rule of court to the contrary, the conciliation court has jurisdiction to determine a civil action commenced by a plaintiff educational institution, including but not limited to, a state university or community college, with administrative offices in the county in which the conciliation court is located, to recover the amount of a student loan or loans even though the defendant or defendants are not residents of the county under the following conditions:

- (a) the student loan or loans were originally awarded in the county in which the conciliation court is located;
- (b) the loan or loans are overdue at the time the action is commenced;
- (c) the amount sought in any single action does not exceed \$3,500;
- (d) notice that payment on the loan is overdue has previously been sent by first class mail to the borrower to the last known address reported by the borrower to the educational institution; and

(e) the notice states that the educational institution may commence a conciliation court action in the county where the loan was awarded to recover the amount of the loan.

Notwithstanding any law or rule or civil procedure to the contrary, a summons in any action commenced under this subdivision may be served anywhere within the state of Minnesota. The conciliation court administrator shall attach a copy of the overdue loan or loans to the summons before it is issued.

[For text of subd 4, see M.S.1988]

Subd. 5. Satisfaction of judgment. If (1) a conciliation court judgment has been docketed in county court for a period of at least 30 days, (2) the judgment is not satisfied, and (3) the parties have not otherwise agreed, the county court shall, upon the request of the judgment creditor, order the judgment debtor to mail to the judgment creditor information as to the nature, amount, identity, and location of all the debtor's assets, liabilities, and personal earnings. The information shall be provided on a form prescribed by the supreme court and shall be sufficiently detailed to enable the judgment creditor to obtain satisfaction of the judgment by way of execution on nonexempt assets and earnings of the judgment debtor. The form shall be written in a clear and coherent manner using words with common and everyday meanings, shall summarize the execution and garnishment exemptions and limitations applicable to assets and earnings, and shall permit the judgment debtor to identify on the form those assets and earnings that the debtor considers to be exempt from execution or garnishment. The order shall contain a notice that failure to complete the form and mail it to the judgment creditor within ten days after service of the order may result in a citation for contempt of court unless the judgment is satisfied prior to the expiration of that period. A judgment debtor who intentionally fails to comply with the order of the court may be cited for civil contempt of court. Cash bail posted as a result of being cited for civil contempt of court under this statute may be ordered payable to the creditor to satisfy the judgment, either partially or fully.

[For text of subds 5a to 7, see M.S.1988]

Subd. 8. Costs and disbursements on removal. (a) For the purpose of this subdivision, "removing party" means the party who demands removal to district court or the first party who serves or files a demand for removal, if another party also demands removal. "Opposing party" means any party as to whom the removing party seeks a reversal in whole or in part.

(b) If the removing party prevails in district court, the removing party may recover costs from the opposing party as provided by rules of the supreme court. If the removing party does not prevail, the court shall award the opposing party an additional \$200 as costs.

(c) The removing party prevails in district court if:

(1) the removing party recovers at least \$500 or 50 percent of the amount or value of property that the removing party requested on removal, whichever is less, when the removing party was denied any recovery in conciliation court;

(2) the opposing party does not recover any amount or any property from the removing party in district court when the opposing party recovered some amount or some property in conciliation court;

(3) the removing party recovers an amount or value of property in district court that exceeds the amount or value of property that the removing party recovered in conciliation court by at least \$500 or 50 percent, whichever is less; or

(4) the amount or value of property that the opposing party recovers from the removing party in district court is reduced from the amount or value of property that the opposing party recovered in conciliation court by at least \$500 or 50 percent, whichever is less.

(d) Costs or disbursements in conciliation or district court shall not be considered

in determining whether there was a recovery by either party in either court or in determining the difference in recovery under this subdivision.

[For text of subd 9, see M.S.1988]

History: 1989 c 344 s 1-4

487.31 FEES PAYABLE TO COURT ADMINISTRATOR.

Subdivision 1. The fees payable to the court administrator for the following services in civil actions are:

In all civil actions within the jurisdiction of the county court, the fees payable to the court administrator shall be the same as in district court. The fee payable for cases heard in conciliation court division is established under section 357.022. The filing fees must be transmitted to the county treasurer who shall transmit them to the state treasurer for deposit in the general fund.

The fees payable to the court administrator for the following services in petty misdemeanors or criminal actions are governed by the following provisions:

In the event the court takes jurisdiction of a prosecution for the violation of a statute or ordinance by the state or a governmental subdivision other than a city or town within the county court district; all fines, penalties and forfeitures collected shall be paid over to the treasurer of the governmental subdivision which submitted a case for prosecution except where a different disposition is provided by law, in which case payment shall be made to the public official entitled thereto. The following fees for services in petty misdemeanor or criminal actions shall be taxed to the state or governmental subdivision which would be entitled to payment of the fines, forfeiture or penalties in any case, and shall be retained by the court administrator for disposing of the matter but in no case shall the fee that is taxed exceed the fine that is imposed. The court administrator shall deduct the fees from any fine collected and transmit the balance in accordance with the law, and the deduction of the total of such fees each month from the total of all such fines collected is hereby expressly made an appropriation of funds for payment of such fees:

(1) In all cases where the defendant pleads guilty at or prior to first appearance and sentence is imposed or the matter is otherwise disposed of without a trial \$5

(2) Where the defendant pleads guilty after first appearance or prior to trial \$10

(3) In all other cases where the defendant is found guilty by the court or jury or pleads guilty during trial \$15

(4) The court shall have the authority to waive the collection of fees in any particular case.

The fees set forth in this subdivision shall not apply to parking violations for which complaints and warrants have not been issued.

[For text of subds 2 to 4, see M.S.1988]

History: 1989 c 335 art 3 s 30

NOTE: Subdivision 1, as amended by Laws 1989, chapter 335, article 3, section 30, is effective July 1, 1990, in all judicial districts except the eighth. See Laws 1989, chapter 335, article 3, section 58, subdivision 2.

NOTE: Subdivision 4, repealed by Laws 1989, chapter 335, article 3, section 57, subdivision 2, is effective July 1, 1990.