

CHAPTER 488A

MUNICIPAL COURTS; HENNEPIN AND RAMSEY
COUNTIES

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488A.12 ESTABLISHMENT; JURISDICTION; POWERS; COMPUTATION OF TIME.

[For text of subds 1 and 2, see M.S.1988]

Subd. 3. **Jurisdiction.** (a) Excepting actions involving title to real estate, the court has jurisdiction to hear, conciliate, try, and determine civil actions at law where the amount in controversy does not exceed the sum of \$3,500, except that if the action involves a consumer credit transaction, the amount in controversy may not exceed \$2,000. "Consumer credit transaction" has the meaning given in section 487.30, subdivision 1. The territorial jurisdiction of the court is coextensive with the geographic boundaries of the county of Hennepin.

(b) Notwithstanding the provisions of paragraph (a), or any rule of court to the contrary, the conciliation court of Hennepin county has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a deposit on rental property located in whole or in part in Hennepin county, and the summons in the action may be served anywhere within the state of Minnesota.

(c) Notwithstanding the provisions of paragraph (a), or any rule of court to the contrary, the conciliation court of Hennepin county has jurisdiction to determine a civil action commenced by a plaintiff, a resident of Hennepin county, to recover the amount of a dishonored check issued in the county, even though the defendant or defendants are not residents of Hennepin county, if the notice of nonpayment or dishonor described in section 609.535, subdivision 3, is sent to the maker or drawer as specified therein and the notice states that the payee or holder of the check may commence a conciliation court action in the county where the dishonored check was issued to recover the amount of the check. This clause does not apply to a check that has been dishonored by a stop payment order. Notwithstanding any law or rule of civil procedure to the contrary, the summons in any action commenced under this clause may be served anywhere within the state of Minnesota. The conciliation court administrator shall attach a copy of the dishonored check to the summons before it is issued.

(d) Notwithstanding the provisions of paragraph (a) or any rule of court to the contrary, the conciliation court of Hennepin county 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 Hennepin county under the following conditions:

- (1) the student loan or loans were originally awarded in Hennepin county;
- (2) the loan or loans are overdue at the time the action is commenced;
- (3) the amount sought in any single action does not exceed \$3,500;
- (4) 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

(5) the notice states that the educational institution may commence a conciliation court action in Hennepin county 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 clause 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 subds 4 to 7, see M.S.1988]

History: 1989 c 344 s 5

488A.14 COMMENCEMENT OF ACTION; FILING FEE; REQUISITES OF CLAIM; SUMMONS; COUNTERCLAIM; REPLEVIN.

Subdivision 1. **Commencement of action.** An action is commenced against each defendant when the complaint is filed with the court administrator of conciliation court and the filing fee is paid to the court administrator or the prescribed affidavit in lieu of the filing fee is filed. The filing fees must be transmitted to the county treasurer who shall transmit them to the state treasurer for deposit in the general fund.

[For text of subds 2 to 5, see M.S.1988]

Subd. 6. **Replevin.** If the controversy concerns the ownership or possession, or both, of personal property the value of which does not exceed the sum of \$3,500, or \$2,000 if the controversy concerns a consumer credit transaction, the judge may direct an officer of the court to take possession of the property immediately and hold it subject to the further order of the court, without the giving of any bond whatever. "Consumer credit transaction" has the meaning given in section 487.30, subdivision 1.

[For text of subd 7, see M.S.1988]

History: 1989 c 335 art 3 s 31; 1989 c 344 s 6

NOTE: Subdivision 1, as amended by Laws 1989, chapter 335, article 3, section 31, is effective July 1, 1990, in all judicial districts except the eighth. See Laws 1989, chapter 335, article 3, section 58, subdivision 2.

488A.16 NOTICE OF ORDER FOR JUDGMENT; ENTRY OF JUDGMENT; COSTS AND DISBURSEMENTS; PAYMENTS; VACATING; DOCKETING.

[For text of subds 1 to 7, see M.S.1988]

Subd. 8. **Docketing and enforcement in municipal court.** When a judgment has become finally effective under subdivision 2, the judgment creditor may obtain a transcript of the judgment from the court administrator of conciliation court on payment of a fee of 50 cents and file it with the court administrator of the municipal court of the county of Hennepin. After filing of the transcript, the judgment becomes, and is enforceable as, a judgment of the municipal court. No writ of execution or garnishment summons may be issued out of conciliation court. If (1) a conciliation court judgment has been docketed as a municipal court judgment for a period of at least 30 days, (2) the judgment is not satisfied, and (3) the parties have not otherwise agreed, the municipal 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 judgment 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 judgment 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.

History: 1989 c 344 s 7

488A.17 REMOVAL OF CAUSE TO MUNICIPAL COURT.

[For text of subd 1, see M.S.1988]

Subd. 2. Procedure for removal of cause. No cause shall be removed by the aggrieved party unless all of the following acts are performed within 20 days after the date the court administrator mailed to the aggrieved party notice of the order for judgment:

(a) Serving on the opposing party or the opposing party's attorney a demand for removal of the cause to the municipal court for trial de novo stating whether trial by a jury of six persons or by the court without a jury is demanded. Service shall be made upon a party by mail or by personal service in accordance with the provisions for personal service of a summons in the municipal court or shall be made upon the party's attorney in accordance with the provisions for service of a notice of motion upon an attorney in the municipal court. The demand shall show the office address of the attorney for each party and the residence address of each party who does not have an attorney.

(b) Filing with the court administrator of conciliation court the original demand for removal and proof of service thereof. If the opposing party or the opposing party's attorney cannot be found and service of the demand is made within the 20 day period, the aggrieved party may file with the court administrator within the 20-day period the original and a copy of the demand, together with an affidavit by the aggrieved party or the party's attorney showing that due and diligent search has been made and that the opposing party or the opposing party's attorney cannot be found. The filing of this affidavit shall serve in lieu of making service and filing proof of service. When an affidavit is filed, the court administrator shall mail the copy of the demand to the opposing party at the opposing party's last known residence address.

(c) Filing with the court administrator of conciliation court an affidavit by the aggrieved party or the aggrieved party's attorney stating that the removal is made in good faith and not for the purpose of delay.

(d) Paying to the court administrator of conciliation court as the fee for removal the amount of the filing fee for a civil action in district court. The fee must be forwarded to the state treasurer for deposit in the state treasury and credit to the general fund.

[For text of subds 3 to 9, see M.S.1988]

Subd. 10. 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 \$5 as costs from the opposing party, together with disbursements in conciliation and district court. If the removing party does not prevail, the court shall award the opposing party an additional \$200 as costs, together with disbursements.

(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 subds 11 and 12, see M.S.1988].

History: 1989 c 335 art 3 s 32; 1989 c 344 s 8

NOTE: Subdivision 2, as amended by Laws 1989, chapter 335, article 3, section 32, is effective July 1, 1990, in all judicial districts except the eighth. See Laws 1989, chapter 335, article 3, section 58, subdivision 2.

488A.29 ESTABLISHMENT; JURISDICTION; POWERS; COMPUTATION OF TIME.

[For text of subds 1 and 2, see M.S.1988].

Subd. 3. Jurisdiction. (a) Excepting actions involving title to real estate, the court has jurisdiction to hear, conciliate, try and determine civil actions at law where the amount in controversy does not exceed the sum of \$3,500, except that if the action involves a consumer credit transaction, the amount in controversy may not exceed \$2,000. "Consumer credit transaction" has the meaning given in section 487.30, subdivision 1. The territorial jurisdiction of the court is coextensive with the geographic boundaries of the county of Ramsey.

(b) Notwithstanding the provisions of paragraph (a) or any rule of court to the contrary, the conciliation court of Ramsey county has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a deposit on rental property located in whole or in part in Ramsey county, and the summons in the action may be served anywhere in the state of Minnesota.

(c) Notwithstanding the provisions of paragraph (a) or any rule of court to the contrary, the conciliation court of Ramsey county has jurisdiction to determine a civil action commenced by a plaintiff, resident of Ramsey county, to recover the amount of a dishonored check issued in the county, even though the defendant or defendants are not residents of Ramsey county, if the notice of nonpayment or dishonor described in section 609.535, subdivision 3, is sent to the maker or drawer as specified therein and the notice states that the payee or holder of the check may commence a conciliation court action in the county where the dishonored check was issued to recover the amount of the check. This clause does not apply to a check that has been dishonored by a stop payment order. Notwithstanding any law or rule of civil procedure to the contrary, the summons in any action commenced under this clause may be served anywhere within the state of Minnesota. The conciliation court administrator shall attach a copy of the dishonored check to the summons before it is issued.

(d) Notwithstanding the provisions of paragraph (a) or any rule of court to the contrary, the conciliation court of Ramsey county 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 Ramsey county under the following conditions:

- (1) the student loan or loans were originally awarded in Ramsey county;
- (2) the loan or loans are overdue at the time the action is commenced;
- (3) the amount sought in any single action does not exceed \$3,500;
- (4) 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
- (5) the notice states that the educational institution may commence a conciliation court action in Ramsey county 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 clause 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 subds 4 to 7, see M.S.1988]

History: 1989 c 344 s 9

488A.31 COMMENCEMENT OF ACTION.

Subdivision 1. **Filing fee.** An action is commenced against each defendant when the complaint is filed with the administrator of conciliation court and the filing fee is paid to the administrator or the prescribed affidavit in lieu of filing fee is filed. The fees must be forwarded to the state treasurer for deposit in the state treasury and credit to the general fund.

[For text of subds 2 to 5, see M.S.1988]

Subd. 6. **Replevin.** If the controversy concerns the ownership or possession, or both, of personal property the value of which does not exceed the sum of \$3,500, or \$2,000 if the controversy concerns a consumer credit transaction, the judge may direct an officer of the court to take possession of the property immediately and hold it subject to the further order of the court, without the giving of any bond whatever. "Consumer credit transaction" has the meaning given in section 487.30, subdivision 1.

History: 1989 c 335 art 3 s 33; 1989 c 344 s 10

NOTE: Subdivision 1, as amended by Laws 1989, chapter 335, article 3, section 34, is effective July 1, 1990, in all judicial districts except the eighth. See Laws 1989, chapter 335, article 3, section 58, subdivision 2.

488A.33 NOTICE OF ORDER FOR JUDGMENT; ENTRY OF JUDGMENT; COSTS AND DISBURSEMENTS; PAYMENT; VACATING; DOCKETING.

[For text of subds 1 to 6, see M.S.1988]

Subd. 7. **Docketing and enforcement in municipal court.** When a judgment has become final under subdivision 2, the judgment creditor may obtain a transcript of the judgment from the administrator of conciliation court and file it with the administrator of the municipal court upon payment of the filing fees as prescribed for the municipal court. After filing of the transcript, the judgment becomes, and is enforceable as, a judgment of the municipal court. A transcript of a judgment payable in installments may not be obtained and filed until 20 days after default in the payment of an installment. No writ of execution nor garnishment summons may be issued out of conciliation court. If (1) a transcript of a judgment has been filed for a period of at least 30 days, (2) the judgment is not satisfied or an installment of it remains overdue, and (3) the parties have not otherwise agreed, the municipal 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 judgment 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 judgment 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 subd 8, see M.S.1988]

History: 1989 c 344 s 11

488A.34 REMOVAL OF CAUSE TO MUNICIPAL COURT.

[For text of subd 1, see M.S.1988]

Subd. 2. Procedure for removal of cause. No cause shall be removed by the aggrieved party unless all of the following acts are performed within 20 days after the date the administrator mailed to the aggrieved party notice of the order for judgment:

(a) Serving on the opposing party or the opposing party's attorney a demand for removal of the cause to the municipal court for trial de novo stating whether trial by a jury of six persons or by the court without a jury is demanded. Service shall be made upon a party by mail or by personal service in accordance with the provisions for personal service of a summons in the municipal court or shall be made upon the party's attorney in accordance with the provisions for service of a notice of motion upon an attorney in the municipal court. The demand shall show the office address of the attorney for each party and the residence address of each party who does not have an attorney.

(b) Filing with the administrator of conciliation court the original demand for removal and proof of service thereof. If the opposing party or the opposing party's attorney cannot be found and service of the demand is made within the 20-day period, the aggrieved party may file with the administrator within the 20-day period the original and a copy of the demand, together with an affidavit by the aggrieved party or the aggrieved party's attorney showing that due and diligent search has been made and that the opposing party or the opposing party's attorney cannot be found. The filing of this affidavit shall serve in lieu of making service and filing proof of service. When an affidavit is filed, the administrator shall mail the copy of the demand to the opposing party at the opposing party's last known address.

(c) Filing with the administrator of conciliation court an affidavit by the aggrieved party or the opposing party's attorney stating that the removal is made in good faith and not for the purpose of delay.

(d) Paying to the administrator of conciliation court as the fee for removal the amount of the filing fee for a civil action in district court. The fees shall be forwarded to the state treasurer for deposit in the state treasury and credited to the general fund.

[For text of subds 3 to 8, see M.S.1988]

Subd. 9. 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 and disbursements from the opposing party as though the action were commenced

in district court. If the removing party does not prevail, the court shall award the opposing party an additional \$200 as costs, together with disbursements.

(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 subds 10 to 12, see M.S.1988]

History: 1989 c 335 art 3 s 34; 1989 c 344 s 12