

## CHAPTER 550

## EXECUTIONS, REDEMPTION, EXEMPTIONS

550.136 Sheriff's levy of earnings.  
550.37 Property exempt.

550.42 Waiver of agricultural debtor's rights.

**550.136 SHERIFF'S LEVY OF EARNINGS.**

*[For text of subs 1 to 3, see M.S.1996]*

Subd. 4. **Multiple levies on earnings.** Except as otherwise provided in this chapter or section 518.6111, the priority of multiple earnings execution levies is determined by the order in which the execution levies were served on the employer. If the employer is served with two or more writs of execution at the same time on the same day, the writ of execution issued pursuant to the first judgment entered has priority. If two or more execution levies are served on the same day and are based on judgments entered on the same day, then the employer shall select the priority of the earnings levies. However, in all cases except earnings execution levies on judgments for child support if the judgment creditor is a county and the employer is notified by the county when the judgment is satisfied, the execution levies shall be effective no longer than 70 days from the date of the service of the writ of execution.

*[For text of subs 5 to 13, see M.S.1996]*

**History:** 1997 c 203 art 6 s 92

**550.37 PROPERTY EXEMPT.**

*[For text of subs 1 to 13, see M.S.1996]*

Subd. 14. **Public assistance.** All relief based on need, and the earnings or salary of a person who is a recipient of relief based on need, shall be exempt from all claims of creditors including any contractual setoff or security interest asserted by a financial institution. For the purposes of this chapter, relief based on need includes AFDC, MFIP, MFIP-R, MFIP-S, work first, general assistance medical care, supplemental security income, medical assistance, Minnesota supplemental assistance, and general assistance. The salary or earnings of any debtor who is or has been an eligible recipient of relief based on need, or an inmate of a correctional institution shall, upon the debtor's return to private employment or farming after having been an eligible recipient of relief based on need, or an inmate of a correctional institution, be exempt from attachment, garnishment, or levy of execution for a period of six months after the debtor's return to employment or farming and after all public assistance for which eligibility existed has been terminated. The exemption provisions contained in this subdivision also apply for 60 days after deposit in any financial institution, whether in a single or joint account. In tracing the funds, the first-in first-out method of accounting shall be used. The burden of establishing that funds are exempt rests upon the debtor. Agencies distributing relief and the correctional institutions shall, at the request of creditors, inform them whether or not any debtor has been an eligible recipient of relief based on need, or an inmate of a correctional institution, within the preceding six months.

*[For text of subs 15 to 23, see M.S.1996]*

Subd. 24. **Employee benefits.** (a) The debtor's right to receive present or future payments, or payments received by the debtor, under a stock bonus, pension, profit sharing, annuity, individual retirement account, individual retirement annuity, simplified employee pension, or similar plan or contract on account of illness, disability, death, age, or length of service:

(1) to the extent the plan or contract is described in section 401(a), 403, 408, or 457 of the Internal Revenue Code of 1986, as amended, or payments under the plan or contract are or will be rolled over as provided in section 402(a)(5), 403(b)(8), or 408(d)(3) of the Internal Revenue Code of 1986, as amended; or

(2) to the extent of the debtor's aggregate interest under all plans and contracts up to a present value of \$30,000 and additional amounts under all the plans and contracts to the extent reasonably necessary for the support of the debtor and any spouse or dependent of the debtor.

(b) The exemptions in paragraph (a) do not apply when the debt is owed under a support order as defined in section 518.54, subdivision 4a.

**History:** 1997 c 85 art 4 s 37; 1997 c 203 art 6 s 84

#### **550.42 WAIVER OF AGRICULTURAL DEBTOR'S RIGHTS.**

Subdivision 1. **Waiver is void.** (a) A waiver of statutory rights of a debtor in a contract, loan agreement, or security agreement as a condition for a loan of money for agricultural production is void unless the waiver is expressly authorized by law.

(b) A waiver of mediation rights under chapter 583, the right to an offer under section 500.245, subdivision 1, or the debtor's statutory rights under chapter 580, 581, or 582 for a mortgage on agricultural property, is void unless the waiver is expressly authorized by law.

*[For text of subd 2, see M.S.1996]*

**History:** 1997 c 126 s 6