

CHAPTER 552

SUPPORT JUDGMENT DEBTS SUMMARY
EXECUTION

552.05 Summary execution upon funds at a financial institution.

552.05 SUMMARY EXECUTION UPON FUNDS AT A FINANCIAL INSTITUTION.

[For text of subs 1 to 3, see M.S.1998]

Subd. 4. **Process to request hearing.** If the judgment debtor elects to request a hearing on any issue specified in subdivision 6, the judgment debtor shall complete the applicable portion of the exemption and right to hearing notice, sign it under penalty of perjury, and deliver one copy to the public authority within 14 days of the date postmarked on the correspondence mailed to the judgment debtor containing the exemption and right to hearing notice. Upon timely receipt of a request for hearing, funds not claimed to be exempt by the judgment debtor remain subject to the execution levy. Within seven days after the date postmarked on the envelope containing the executed request for hearing mailed to the public authority, or the date of personal delivery of the executed request for hearing to the public authority, the public authority shall either notify the financial institution to release the exempt portion of the funds to the judgment debtor or schedule an expedited child support hearing under section 484.702 and notify the judgment debtor of the time and place of the scheduled hearing.

Subd. 5. **Duties of public authority if hearing is requested.** Within seven days of the receipt of a request for hearing or a claim of exemption to which the public authority does not consent, the public authority shall schedule an expedited child support hearing under section 484.702. The hearing must be scheduled to occur within five business days. The public authority shall send written notice of the hearing date, time, and place to the judgment debtor by first class mail. The hearing may be conducted by telephone, audiovisual means or other electronic means, at the discretion of the administrative law judge. If the hearing is to be conducted by telephone, audiovisual means, or other electronic means, the public authority shall provide reasonable assistance to the judgment debtor to facilitate the submission of all necessary documentary evidence to the administrative law judge, including access to the public authority's facsimile transmission machine.

[For text of subs 6 to 9, see M.S.1998]

Subd. 10. **Forms.** The supreme court is requested to develop forms for use as required under this chapter.

History: 1999 c 196 art 1 s 8; art 2 s 22,23