

**60B.38 PROOF OF CLAIM.**

Subdivision 1. **Contents of proof of claim.** (a) Proof of claim shall consist of a verified statement that includes all of the following that are applicable:

- (1) The particulars of the claim, including the consideration given for it.
- (2) The identity and amount of the security on the claim.
- (3) The payments made on the debt, if any.
- (4) That the sum claimed is justly owing and that there is no setoff, counterclaim, or defense to the claim.
- (5) Any right of priority of payment or other specific right asserted by the claimant.
- (6) A copy of any written instrument which is the foundation of the claim.

(7) In the case of any third-party claim based on a liability policy issued by the insurer, a conditional release of the insured pursuant to section 60B.40, subdivision 1.

- (8) The name and address of the claimant and the claimant's attorney, if any.

(b) No claim need be considered or allowed if it does not contain all the information under clause (a) which may be applicable. The liquidator may require that a prescribed form be used and may require that other information and documents be included.

Subd. 2. **Supplementary information.** At any time the liquidator may request the claimant to present information or evidence supplementary to that required under subdivision 1, and may take testimony under oath, require production of affidavits or depositions or otherwise obtain additional information or evidence.

Subd. 3. **Conclusiveness of judgments.** No judgment or order against an insured or the insurer entered after the filing of a successful petition for liquidation and no judgment or order against an insured or the insurer entered at any time by default or by collusion need be considered as evidence of liability or of quantum of damages. No judgment or order against an insured or the insurer entered within four months before the filing of the petition need be considered as evidence of liability or of the quantum of damages.

**History:** 1969 c 708 s 38; 1986 c 444