365.41 JUDGMENT AGAINST TOWN; PAYMENT; EXECUTION.

Subdivision 1. **Paid by town treasurer.** A judgment against a town, or a town officer in an official capacity, must be paid by the town treasurer on demand if there is enough unappropriated money on hand. The demand is made by giving the town treasurer a certified copy of the docket of the judgment. An execution of the judgment must not be issued at this time.

Subd. 2. **Unpaid if stayed, appealed.** If the judgment is reversed or stayed the town treasurer must not pay it.

Subd. 3. **Personally liable.** If a town has enough money but its treasurer does not pay the judgment, the treasurer is liable for the amount of the judgment. The personal liability is removed if the collection of the judgment is later stayed on appeal.

Subd. 4. **Tax levy; execution, if not paid.** If the town does not have enough money on hand to pay the judgment, the town shall levy to pay it. The town treasurer then must pay the judgment within 30 days after the county treasurer has to pay the levy money to the town treasurer. If the payment is not made by then, execution on the judgment may be made. Only town property is liable on the execution.

History: *(1107) RL s 696; 1986 c 444; 1987 c 229 art 8 s 1*