571.931 PREJUDGMENT GARNISHMENT BEFORE NOTICE AND HEARING.

Subdivision 1. **Written application.** A creditor seeking a prejudgment garnishment order in extraordinary circumstances to secure property before the hearing specified in section 571.932 shall proceed by written application. The application must be accompanied by affidavits or by oral testimony, or both, setting forth in detail:

(1) the basis and the amount of the claim in the civil action;

(2) the facts which constitute the conditions for prejudgment garnishment as specified in section 571.93, subdivision 1; and

(3) a good faith estimate, based on facts known to the creditor, of any harm that would be suffered by the debtor if a prejudgment garnishment order is entered without notice and hearing.

Subd. 2. **Conditions.** A prejudgment garnishment order may be issued before the hearing specified in subdivision 4 only if the following conditions are met:

(1) the creditor has made a good faith effort to inform the debtor of the application for a prejudgment garnishment order or that informing the debtor would endanger the ability of the creditor to recover upon a judgment subsequently awarded;

(2) the creditor has demonstrated the probability of success on the merits;

(3) the creditor has demonstrated the existence of one or more of the grounds specified in section 571.93, subdivision 1; and

(4) due to extraordinary circumstances, the creditor's interests cannot be protected pending a hearing by an appropriate order of the court, other than by directing a prehearing seizure of property.

Subd. 3. **Order.** All prejudgment garnishment orders must:

(1) state the names and addresses of all persons whose affidavits were submitted to the court and of all witnesses who gave oral testimony;

(2) contain specific findings of fact, based upon competent evidence presented either in the form of affidavits or oral testimony, supporting the conclusion that each of the conditions in subdivision 1 have been met;

(3) be narrowly drafted to minimize any harm to the debtor as a result of the seizure of the debtor's property; and

(4) provide for the bond required by section 571.932, subdivision 6.

Subd. 4. **Subsequent hearing.** If the court issues a prejudgment garnishment order, the order must establish a date for a hearing at which the debtor may be heard. The subsequent hearing must be conducted at the earliest practicable time. At the hearing, the burden of proof is on the creditor to establish the grounds justifying the prejudgment garnishment order.

Subd. 5. **Standards at subsequent hearing.** The hearing held pursuant to subdivision 4 must be conducted in accordance with the standards established in section 571.932. In addition, if the court finds that the motion for a prejudgment garnishment order was made in bad faith, the court shall award debtor the actual damages, costs, and reasonable attorney's fees, suffered by reason of the prejudgment garnishment.

Subd. 6. **Notice.** The debtor shall be served with a copy of the prejudgment garnishment order issued pursuant to this section together with a copy of all pleadings and other documents not previously served, including any affidavits upon which the claimant intends to rely at the subsequent hearing and a transcript of any oral testimony given at the prejudgment garnishment hearing upon which the creditor intends to rely and a notice of hearing. Service must be in the manner prescribed for personal service of a summons unless that service is impracticable or would be ineffective and the court prescribes an alternative method of service calculated to provide actual notice to the debtor.

The notice of hearing served upon the debtor must be signed by the creditor or the attorney for the creditor and must be accompanied by an exemption notice. The notice of hearing must be accompanied by an exemption notice, and both notices must provide, at a minimum, the following information in substantially the following language:

Hearing Notice

TO: .....

(debtor's full name)

The (insert the name of court) Court has ordered the prejudgment garnishment of some of your property. This is about property that a third party has or controls. Some of your property may be exempt and can't be taken. See the exemption notice below.

The Court issued this Order because (insert name of creditor) claims they are entitled to take some of your property. They do this to make sure you pay any money they might win in a future case against you. They felt immediate action was needed.

You have the legal right to challenge (insert name of creditor) claims at a court hearing before a judge.

The hearing will be at:

Place: ..... Date: ..... Time: .....

You can go to the court hearing alone or with a lawyer. You get to tell the court your side of the issue. Then the court decides what should be done with your property until the lawsuit against you is finally decided.

If you don't go to this hearing, the court may order garnishment of your property.

Exemption Notice

Some of your property may be exempt and can't be taken. 'Exempt' means protected. The following is a list of some common exemptions. It is not a complete list. For full details and dollar amounts set by law see section 550.37 of the Minnesota Statutes. If you have questions about an exemption, contact a lawyer for legal advice.

These things you or your family might have are protected:

(1) equity in your home, or money from recently selling your home - up to $540,000 total;

(2) (i) all clothing, one watch, utensils, and foodstuffs;

(ii) household furniture, household appliances, radios, computers, tablets, televisions, printers, cell phones, smart phones, and other consumer electronics up to $12,600 in all; and

(iii) jewelry - total value can't be more than $3,430;

(3) a manufactured (mobile) home you live in;

(4) one motor vehicle, counting only the amount you have paid off:

(i) $10,200;

(ii) $13,750 if it is necessary for your business, trade, or profession;

(iii) $27,500 if used by or to help someone with a disability that makes it hard to walk; or

(iv) $110,000 if designed or modified for someone with a disability that makes it hard to walk;

(5) farm machinery if your main business is farming. Tools, machines, or office furniture used in your business - the total value can't be more than $14,000;

(6) relief based on need. This includes:

(i) **MFIP** - Minnesota Family Investment Program;

(ii) **DWP** - MFIP Diversionary Work Program;

(iii) **SNAP** - Supplemental Nutrition Assistance Program;

(iv) **GA** - General Assistance;

(v) **EGA** - Emergency General Assistance;

(vi) **MSA** - Minnesota Supplemental Aid;

(vii) **MSA-EA** - MSA Emergency Assistance;

(viii) **EA** - Emergency Assistance;

(ix) **Energy or Fuel Assistance**;

(x) **Work Participation Cash Benefit**;

(xi) **MA** - Medical Assistance;

(xii) **MinnesotaCare**;

(xiii) **Medicare Part B** - Premium Payments help;

(xiv) **Medicare Part D** - Extra;

(xv) **SSI** - Supplemental Security Income;

(xvi) **Tax Credits** - federal Earned Income Tax Credit (EITC), Minnesota Working Family Credit; and

(xvii) **Renter's Refund** (also called Renter's Property Tax Credit);

(7) wages. 100% is protected if you get government assistance based on need. Otherwise, between 75-100% is protected depending on how much you earn;

(8) retirement benefits - the total interest under all plans and contracts can't be more than $84,000;

(9) Social Security benefits;

(10) unemployment benefits, workers' compensation, or veterans' benefits;

(11) a retirement, disability, or accident pension or annuity;

(12) life insurance proceeds that are not more than $56,000;

(13) earnings of your minor child;

(14) money from a claim for damage or destruction of exempt property - like household goods, farm tools, business equipment, a manufactured (mobile) home, or a car;

(15) sacred possessions - like the Bible, Torah, Qur'an, prayer rug, and other religious items. Total value can't be more than $2,200;

(16) personal library - total value can't be more than $825;

(17) musical instruments - total value can't be more than $2,200;

(18) family pets - current value can't be more than $1,100;

(19) a seat or pew in any house or place of public worship and a lot in any burial ground;

(20) tools you need to work in your business or profession - the total value can't be more than $14,000;

(21) household tools and equipment - things like hand and power tools, snow removal equipment, lawnmowers, and more. Total value can't be more than $3,300; and

(22) health savings accounts, medical savings accounts - the total value can't be more than $35,000.

History: *1990 c 606 art 3 s 37; 1994 c 488 s 8; 1999 c 107 s 66; 1999 c 159 s 151; 2000 c 343 s 4; 2015 c 21 art 1 s 109; 2025 c 18 s 19*