571.932 PREJUDGMENT GARNISHMENT AFTER NOTICE AND HEARING.

Subdivision 1. **Motion.** A creditor seeking to obtain an order of garnishment in other than extraordinary circumstances shall proceed by motion. The motion must be accompanied by an affidavit setting forth in detail:

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

(2) the facts that constitute one or more of the grounds for garnishment as specified in section 571.93, subdivision 1.

Subd. 2. **Service.** The creditor's motion to obtain an order of garnishment together with the creditor's affidavit and notice of hearing must be served in the manner prescribed for service of a summons in a civil action in district court 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. If the debtor has already appeared in the action, the motion must be served in the manner prescribed for service of pleadings subsequent to the summons. The date of the hearing must be fixed in accordance with rule 6 of the Minnesota Rules of Civil Procedure for the District Courts, unless a different date is fixed by order of the court.

The notice of hearing served upon the debtor shall be signed by the creditor or the attorney for the creditor and shall provide, at a minimum, the following information in substantially the following language:

Hearing Notice

TO: .....

(debtor's full name)

There will be a hearing to decide if your nonexempt property will be garnished to help pay a judgment that may be entered against you.

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 if your property should be garnished until the lawsuit against you is finally decided.

If the court issues a garnishment summons during the lawsuit, you can keep the property until the lawsuit is decided if you file a bond. The amount of the bond is set by the court.

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

Subd. 3. **Standards for order.** An order for prejudgment garnishment may be issued only if the creditor has demonstrated the probability of success on the merits, and the creditor has stated facts that show the existence of at least one of the grounds stated in section 571.93, subdivision 1. However, even if those standards are met, the order may not be issued if:

(1) the circumstances do not constitute a risk to collectibility of any judgment that may be entered; or

(2)(i) the debtor has raised a defense to the merits of the creditor's claim or has raised a counterclaim in an amount equal to or greater than the claim and the defense or counterclaim is not frivolous; and

(ii) the interests of the debtor cannot be adequately protected by a bond filed by the creditor pursuant to section 571.932, subdivision 6, if property is garnished; and

(iii) the harm suffered by the debtor as a result of garnishment would be greater than the harm that would be suffered by the creditor if property is not attached.

Subd. 4. **Protection of creditor.** If the creditor makes the showing prescribed by subdivision 3 but the court nevertheless determines that an order of garnishment should not be issued for the reasons set forth in subdivision 3, clause (2), the court shall enter a further order protecting the rights of the creditor to the extent possible. The order may require that the debtor post a bond in an amount set by the court, that the debtor

make the property available for inspection from time to time, that the debtor be restrained from certain activities, including, but not limited to, selling, disposing, or otherwise encumbering property, or any other provision the court considers appropriate.

Subd. 5. **Stay of order.** An order permitting prejudgment garnishment of property may be stayed up to three days to allow the debtor time to post a bond.

Subd. 6. **Bonding requirement.** (a) Before issuing an order of garnishment, the court shall require the creditor to post a bond in the penal sum of at least $500, conditioned that if judgment be given for the debtor or if the order is vacated, the creditor will pay all costs that may be awarded against the creditor and all damages caused by the garnishment. Damages may be awarded in a sum in excess of the bond only if, before the issuance of the order establishing the amount of the bond, the debtor specifically notified the creditor and the court of the likelihood that the debtor would suffer the specific damages, or the court finds that the creditor acted in bad faith in bringing or pursuing the garnishment proceeding. In establishing the amount of the bond, the court shall consider the value and nature of the property garnished, the method of retention or storage of the property, the potential harm to the debtor or any party, and other factors that the court considers appropriate. Nothing in this section modifies or restricts the application of section 549.20 or 549.211.

(b) The court may at any time modify the amount of the bond upon its own motion or upon the motion of a party based on the value of the property garnished, the nature of the property attached, the methods of retention or storage of the property, the potential harm to the debtor or a party, or other factor that the court considers appropriate.

(c) In lieu of filing a bond, either the creditor or the debtor may satisfy the bonding requirements by depositing cash, an irrevocable letter of credit, a cashier's check, or a certified check with the court.

Subd. 7. **Requirements of order.** An order for prejudgment garnishment after notice and hearing must:

(1) contain the findings required by section 571.932, subdivision 3;

(2) state with particularity the facts upon which the findings are made;

(3) state that a debtor who attended the hearing was offered an opportunity to identify exempt property, without waiver of the right to claim exemption in property not identified at the hearing;

(4) direct the issuance of a garnishment summons; and

(5) specify the amount of the bond.

History: *1990 c 606 art 3 s 38; 1994 c 488 s 8; 1997 c 213 art 2 s 4; 1999 c 107 s 66; 1999 c 159 s 152; 2000 c 343 s 4; 2015 c 21 art 1 s 109; 2025 c 18 s 20*