570.041 BONDING REQUIREMENTS.

Subdivision 1. **Amount and condition.** Before issuing any order of attachment, the court shall require the claimant to post a bond in the penal sum of at least $500, conditioned that if judgment be given for the respondent or if the order is vacated, the claimant will pay all costs that may be awarded against the claimant and all damages caused by the attachment. Damages may be awarded in a sum in excess of the bond only if, before issuance of the order establishing the amount of the bond, the respondent specifically notified the claimant and the court of the likelihood that the respondent would suffer the specific damages, or the court finds that the claimant acted in bad faith in bringing or pursuing the attachment proceeding. In establishing the amount of the bond, the court shall consider the value and nature of the property attached, the method of retention or storage of the property, the potential harm to the respondent or any party, and other factors that the court deems appropriate. Nothing in this section shall modify or restrict the application of section 549.20 or 549.211.

Subd. 2. **Modifications.** The court may at any time modify the amount of the bond upon its own motion or upon the motion of any party based on the value of the property attached, the nature of the property attached, the methods of retention or storage of the property, the potential harm to the respondent or any party, or other factor which the court deems appropriate.

Subd. 3. **Alternatives.** In lieu of filing a bond, either the claimant or the respondent may satisfy bonding requirements by depositing cash, a letter of credit, a cashier's check, or a certified check with the court.

History: *1985 c 153 s 6; 1997 c 213 art 2 s 3*