

Minnesota Statutes 1988, sections 84B.11, subdivision 4; 121.83; 174.031, subdivision 2; 256.73, subdivision 7; and 268.12, subdivision 6, are repealed.

Sec. 8. EFFECTIVE DATE.

This act is effective the day following final enactment, except that section 2 is effective July 1, 1989.

Presented to the governor May 26, 1989

Signed by the governor May 26, 1989, 5:15 p.m.

CHAPTER 344—H.F.No. 13

*An act relating to courts; raising the jurisdictional limit on claims heard in conciliation court; modifying standards for the award of costs for conciliation court appeals; providing for costs and disbursements upon removal to district court; amending Minnesota Statutes 1988, sections 487.30, subdivisions 1, 3a, 5, and 8; 488A.12, subdivision 3; 488A.14, subdivision 6; 488A.16, subdivision 8; 488A.17, subdivision 10; 488A.29, subdivision 3; 488A.31, subdivision 6; 488A.33, subdivision 7; and 488A.34, subdivision 9.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1988, section 487.30, subdivision 1, is amended to read:

Subdivision 1. (a) Except as provided in paragraph (b), the conciliation court shall hear and determine civil claims if the amount of money or property which is the subject matter of the claim does not exceed \$2,000 \$3,500 for the determination thereof without jury trial and by a simple and informal procedure. The rules of the supreme court shall provide for a right of appeal from the decision of the conciliation court to the county court for a trial on the merits. The territorial jurisdiction of a conciliation court shall be coextensive with the county in which the court is established.

(b) If the claim involves a consumer credit transaction, the amount of money or property that is the subject matter of the claim may not exceed \$2,000. "Consumer credit transaction" means a sale of personal property, or a loan arranged to facilitate the purchase of personal property, in which:

(1) credit is granted by a seller or a lender who regularly engages as a seller or lender in credit transactions of the same kind;

(2) the buyer is a natural person;

(3) the claimant is the seller or lender in the transaction; and

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(4) the personal property is purchased primarily for a personal, family, or household purpose and not for a commercial, agricultural, or business purpose.

Sec. 2. Minnesota Statutes 1988, section 487.30, subdivision 3a, is amended to read:

Subd. 3a. **JURISDICTION; STUDENT LOANS.** Notwithstanding the provisions of subdivision 1 or any rule of court to the contrary, the conciliation court has jurisdiction to determine a civil action commenced by a plaintiff educational institution, including but not limited to, a state university or community college, with administrative offices in the county in which the conciliation court is located, to recover the amount of a student loan or loans even though the defendant or defendants are not residents of the county under the following conditions:

(a) the student loan or loans were originally awarded in the county in which the conciliation court is located;

(b) the loan or loans are overdue at the time the action is commenced;

(c) the amount sought in any single action does not exceed ~~\$2,000~~ \$3,500;

(d) notice that payment on the loan is overdue has previously been sent by first class mail to the borrower to the last known address reported by the borrower to the educational institution; and

(e) the notice states that the educational institution may commence a conciliation court action in the county where the loan was awarded to recover the amount of the loan.

Notwithstanding any law or rule or civil procedure to the contrary, a summons in any action commenced under this subdivision may be served anywhere within the state of Minnesota. The conciliation court administrator shall attach a copy of the overdue loan or loans to the summons before it is issued.

Sec. 3. Minnesota Statutes 1988, section 487.30, subdivision 5, is amended to read:

Subd. 5. **SATISFACTION OF JUDGMENT.** If (1) a conciliation court judgment has been docketed in county court for a period of at least 30 days, (2) the judgment is not satisfied, and (3) the parties have not otherwise agreed, the county court shall, upon the request of the judgment creditor, order the judgment debtor to mail to the judgment creditor information as to the nature, amount, identity, and location of all the debtor's assets, liabilities, and personal earnings. The information shall be provided on a form prescribed by the supreme court and shall be sufficiently detailed to enable the judgment creditor to obtain satisfaction of the judgment by way of execution on nonexempt assets and earnings of the judgment debtor. The form shall be written in a clear and coherent manner using words with common and everyday meanings, shall summarize the execution and garnishment exemptions and limitations applicable to

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assets and earnings, and shall permit the judgment debtor to identify on the form those assets and earnings that the debtor considers to be exempt from execution or garnishment. The order shall contain a notice that failure to complete the form and mail it to the judgment creditor within ten days after service of the order may result in a citation for contempt of court unless the judgment is satisfied prior to the expiration of that period. A judgment debtor who intentionally fails to comply with the order of the court may be cited for civil contempt of court. Cash bail posted as a result of being cited for civil contempt of court under this statute may be ordered payable to the creditor to satisfy the judgment, either partially or fully.

Sec. 4. Minnesota Statutes 1988, section 487.30, subdivision 8, is amended to read:

Subd. 8. **COSTS AND DISBURSEMENTS FOR PREVAILING PARTY ON REMOVAL.** (a) ~~The prevailing party in a removed cause may tax and recover from the other party costs as provided by rules of the supreme court; except that if the prevailing party, on appeal, is not the aggrieved party in the original action, the court may, in its discretion, allow such prevailing party to tax and recover from the aggrieved party an amount not to exceed \$50 as costs.~~

(b) For the purpose of this subdivision, an "aggrieved removing party" means the party who demands removal to ~~county district court and means or~~ the first party who serves, or files ~~in lieu of serving,~~ a demand for removal, if another party also demands removal; ~~and an~~ "Opposing party" means any party as to whom the aggrieved removing party seeks a reversal in whole or in part by removal of the cause to county court.

(b) If the removing party prevails in district court, the removing party may recover costs from the opposing party as provided by rules of the supreme court. If the removing party does not prevail, the court shall award the opposing party an additional \$200 as costs.

(c) The aggrieved removing party is the prevailing party prevails in county district court if:

(1) if the aggrieved removing party recovers any at least \$500 or 50 percent of the amount or any value of property in county court that the removing party requested on removal, whichever is less, when the aggrieved removing party had ~~been was denied any recovery of any amount or any property by the in~~ conciliation judge, court;

(2) if the opposing party does not recover any amount or any property from the aggrieved removing party in county district court when the opposing party had recovered some amount or some property by the order of the in conciliation judge, court;

(3) if the aggrieved removing party recovers an amount or value of property in county district court which is at least \$25 in excess of that exceeds the

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amount or value of property ~~which~~ that the aggrieved removing party recovered by the order of the in conciliation judge, court by at least \$500 or 50 percent, whichever is less; or

(4) if the amount or value of property that the opposing party recovers from the ~~aggrieved removing party an amount or value of property in county district court which is at least \$25 less than~~ is reduced from the amount or value of property ~~which that~~ the opposing party recovered by the order of the in conciliation judge court by at least \$500 or 50 percent, whichever is less.

(d) ~~In all other situations the opposing party shall be deemed to be the prevailing party in county court.~~

(e) Costs or disbursements in the conciliation or county district court shall not be considered in determining whether there was a recovery by either party in either court or in determining the difference in recovery under this subdivision.

Sec. 5. Minnesota Statutes 1988, section 488A.12, subdivision 3, is amended to read:

Subd. 3. **JURISDICTION.** (a) Excepting actions involving title to real estate, the court has jurisdiction to hear, conciliate, try, and determine civil actions at law where the amount in controversy does not exceed the sum of ~~\$2,000~~ \$3,500, except that if the action involves a consumer credit transaction, the amount in controversy may not exceed \$2,000. "Consumer credit transaction" has the meaning given in section 487.30, subdivision 1. The territorial jurisdiction of the court is coextensive with the geographic boundaries of the county of Hennepin.

(b) Notwithstanding the provisions of paragraph (a), or any rule of court to the contrary, the conciliation court of Hennepin county has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a deposit on rental property located in whole or in part in Hennepin county, and the summons in the action may be served anywhere within the state of Minnesota.

(c) Notwithstanding the provisions of paragraph (a), or any rule of court to the contrary, the conciliation court of Hennepin county has jurisdiction to determine a civil action commenced by a plaintiff, a resident of Hennepin county, to recover the amount of a dishonored check issued in the county, even though the defendant or defendants are not residents of Hennepin county, if the notice of nonpayment or dishonor described in section 609.535, subdivision 3, is sent to the maker or drawer as specified therein and the notice states that the payee or holder of the check may commence a conciliation court action in the county where the dishonored check was issued to recover the amount of the check. This clause does not apply to a check that has been dishonored by a stop payment order. Notwithstanding any law or rule of civil procedure to the contrary, the summons in any action commenced under this clause may be served anywhere within the state of Minnesota. The conciliation court administrator shall attach a copy of the dishonored check to the summons before it is issued.

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(d) Notwithstanding the provisions of paragraph (a) or any rule of court to the contrary, the conciliation court of Hennepin county has jurisdiction to determine a civil action commenced by a plaintiff educational institution, including but not limited to, a state university or community college, with administrative offices in the county in which the conciliation court is located, to recover the amount of a student loan or loans even though the defendant or defendants are not residents of Hennepin county under the following conditions:

- (1) the student loan or loans were originally awarded in Hennepin county;
- (2) the loan or loans are overdue at the time the action is commenced;
- (3) the amount sought in any single action does not exceed ~~\$2,000~~ \$3,500;

(4) notice that payment on the loan is overdue has previously been sent by first class mail to the borrower to the last known address reported by the borrower to the educational institution; and

(5) the notice states that the educational institution may commence a conciliation court action in Hennepin county to recover the amount of the loan.

Notwithstanding any law or rule or civil procedure to the contrary, a summons in any action commenced under this clause may be served anywhere within the state of Minnesota. The conciliation court administrator shall attach a copy of the overdue loan or loans to the summons before it is issued.

Sec. 6. Minnesota Statutes 1988, section 488A.14, subdivision 6, is amended to read:

Subd. 6. **REPLEVIN.** If the controversy concerns the ownership or possession, or both, of personal property the value of which does not exceed the sum of ~~\$2,000~~ \$3,500, or \$2,000 if the controversy concerns a consumer credit transaction, the judge may direct an officer of the court to take possession of the property immediately and hold it subject to the further order of the court, without the giving of any bond whatever. "Consumer credit transaction" has the meaning given in section 487.30, subdivision 1.

Sec. 7. Minnesota Statutes 1988, section 488A.16, subdivision 8, is amended to read:

Subd. 8. **DOCKETING AND ENFORCEMENT IN MUNICIPAL COURT.** When a judgment has become finally effective under subdivision 2, the judgment creditor may obtain a transcript of the judgment from the court administrator of conciliation court on payment of a fee of 50 cents and file it with the court administrator of the municipal court of the county of Hennepin. After filing of the transcript, the judgment becomes, and is enforceable as, a judgment of the municipal court. No writ of execution or garnishment summons may be issued out of conciliation court. If (1) a conciliation court judgment has been docketed as a municipal court judgment for a period of at least 30 days, (2) the judgment is not satisfied, and (3) the parties have not otherwise agreed, the municipal

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court shall, upon the request of the judgment creditor, order the judgment debtor to mail to the judgment creditor information as to the nature, amount, identity, and location of all the judgment debtor's assets, liabilities, and personal earnings. The information shall be provided on a form prescribed by the supreme court and shall be sufficiently detailed to enable the judgment creditor to obtain satisfaction of the judgment by way of execution on nonexempt assets and earnings of the judgment debtor. The form shall be written in a clear and coherent manner using words with common and everyday meanings, shall summarize the execution and garnishment exemptions and limitations applicable to assets and earnings, and shall permit the judgment debtor to identify on the form those assets and earnings that the judgment debtor considers to be exempt from execution or garnishment. The order shall contain a notice that failure to complete the form and mail it to the judgment creditor within ten days after service of the order may result in a citation for contempt of court unless the judgment is satisfied prior to the expiration of that period. A judgment debtor who intentionally fails to comply with the order of the court may be cited for civil contempt of court. Cash bail posted as a result of being cited for civil contempt of court under this statute may be ordered payable to the creditor to satisfy the judgment, either partially or fully.

Sec. 8. Minnesota Statutes 1988, section 488A.17, subdivision 10, is amended to read:

**Subd. 10. COSTS AND DISBURSEMENTS FOR PREVAILING PARTY ON REMOVAL.** (a) ~~The prevailing party in a removed cause may tax and recover from the other party \$5 as costs together with the prevailing party's disbursements incurred in conciliation and municipal court; except that if the prevailing party, on appeal, is not the aggrieved party in the original action, the court may, in its discretion, allow such prevailing party to tax and recover from the aggrieved party an amount not to exceed \$50 as costs.~~

(b) ~~For the purpose of this subdivision, an "aggrieved removing party" means the party who demands removal to municipal district court and means or the first party who serves; or files in lieu of serving, a demand for removal, if another party also demands removal; and an "Opposing party" means any party as to whom the aggrieved removing party seeks a reversal in whole or in part by removal of the cause to municipal court.~~

(b) If the removing party prevails in district court, the removing party may recover \$5 as costs from the opposing party, together with disbursements in conciliation and district court. If the removing party does not prevail, the court shall award the opposing party an additional \$200 as costs, together with disbursements.

(c) The aggrieved removing party is the prevailing party prevails in municipal district court if:

(1) If the aggrieved removing party recovers any at least \$500 or 50 percent of the amount or any value of property in municipal court that the removing

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party requested on removal, whichever is less, when the aggrieved removing party had been denied any recovery of any amount or any property by the in conciliation judge, court;

(2) If the opposing party does not recover any amount or any property from the aggrieved removing party in municipal district court when the opposing party had recovered some amount or some property by the order of the in conciliation judge, court;

(3) If the aggrieved removing party recovers an amount or value of property in municipal district court which is at least \$25 in excess of that exceeds the amount or value of property which that the aggrieved removing party recovered by the order of the in conciliation judge court by at least \$500 or 50 percent, whichever is less; or

(4) If the amount or value of property that the opposing party recovers from the aggrieved removing party an amount or value of property in municipal district court which is at least \$25 less than is reduced from the amount or value of property which that the opposing party recovered by the order of the in conciliation judge court by at least \$500 or 50 percent, whichever is less.

(d) In all other situations the opposing party shall be deemed to be the prevailing party in municipal court.

(e) Costs or disbursements in the conciliation or municipal district court shall not be considered in determining whether there was a recovery by either party, in either court or in determining the difference in recovery under this subdivision.

Sec. 9. Minnesota Statutes 1988, section 488A.29, subdivision 3, is amended to read:

Subd. 3. **JURISDICTION.** (a) Excepting actions involving title to real estate, the court has jurisdiction to hear, conciliate, try and determine civil actions at law where the amount in controversy does not exceed the sum of ~~\$2,000~~ \$3,500, except that if the action involves a consumer credit transaction, the amount in controversy may not exceed \$2,000. "Consumer credit transaction" has the meaning given in section 487.30, subdivision 1. The territorial jurisdiction of the court is coextensive with the geographic boundaries of the county of Ramsey.

(b) Notwithstanding the provisions of paragraph (a) or any rule of court to the contrary, the conciliation court of Ramsey county has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a deposit on rental property located in whole or in part in Ramsey county, and the summons in the action may be served anywhere in the state of Minnesota.

(c) Notwithstanding the provisions of paragraph (a) or any rule of court to the contrary, the conciliation court of Ramsey county has jurisdiction to deter-

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mine a civil action commenced by a plaintiff, resident of Ramsey county, to recover the amount of a dishonored check issued in the county, even though the defendant or defendants are not residents of Ramsey county, if the notice of nonpayment or dishonor described in section 609.535, subdivision 3, is sent to the maker or drawer as specified therein and the notice states that the payee or holder of the check may commence a conciliation court action in the county where the dishonored check was issued to recover the amount of the check. This clause does not apply to a check that has been dishonored by a stop payment order. Notwithstanding any law or rule of civil procedure to the contrary, the summons in any action commenced under this clause may be served anywhere within the state of Minnesota. The conciliation court administrator shall attach a copy of the dishonored check to the summons before it is issued.

(d) Notwithstanding the provisions of paragraph (a) or any rule of court to the contrary, the conciliation court of Ramsey county has jurisdiction to determine a civil action commenced by a plaintiff educational institution, including but not limited to, a state university or community college, with administrative offices in the county in which the conciliation court is located, to recover the amount of a student loan or loans even though the defendant or defendants are not residents of Ramsey county under the following conditions:

- (1) the student loan or loans were originally awarded in Ramsey county;
- (2) the loan or loans are overdue at the time the action is commenced;
- (3) the amount sought in any single action does not exceed ~~\$2,000~~ \$3,500;
- (4) notice that payment on the loan is overdue has previously been sent by first class mail to the borrower to the last known address reported by the borrower to the educational institution; and
- (5) the notice states that the educational institution may commence a conciliation court action in Ramsey county to recover the amount of the loan.

Notwithstanding any law or rule of civil procedure to the contrary, a summons in any action commenced under this clause may be served anywhere within the state of Minnesota. The conciliation court administrator shall attach a copy of the overdue loan or loans to the summons before it is issued.

Sec. 10. Minnesota Statutes 1988, section 488A.31, subdivision 6, is amended to read:

Subd. 6. **REPLEVIN.** If the controversy concerns the ownership or possession, or both, of personal property the value of which does not exceed the sum of ~~\$2,000~~ \$3,500, or \$2,000 if the controversy concerns a consumer credit transaction, the judge may direct an officer of the court to take possession of the property immediately and hold it subject to the further order of the court, without the giving of any bond whatever. "Consumer credit transaction" has the meaning given in section 487.30, subdivision 1.

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Sec. 11. Minnesota Statutes 1988, section 488A.33, subdivision 7, is amended to read:

**Subd. 7. DOCKETING AND ENFORCEMENT IN MUNICIPAL COURT.** When a judgment has become final under subdivision 2, the judgment creditor may obtain a transcript of the judgment from the administrator of conciliation court and file it with the administrator of the municipal court upon payment of the filing fees as prescribed for the municipal court. After filing of the transcript, the judgment becomes, and is enforceable as, a judgment of the municipal court. A transcript of a judgment payable in installments may not be obtained and filed until 20 days after default in the payment of an installment. No writ of execution nor garnishment summons may be issued out of conciliation court. If (1) a transcript of a judgment has been filed for a period of at least 30 days, (2) the judgment is not satisfied or an installment of it remains overdue, and (3) the parties have not otherwise agreed, the municipal court shall, upon the request of the judgment creditor, order the judgment debtor to mail to the judgment creditor information as to the nature, amount, identity, and location of all the judgment debtor's assets, liabilities, and personal earnings. The information shall be provided on a form prescribed by the supreme court and shall be sufficiently detailed to enable the judgment creditor to obtain satisfaction of the judgment by way of execution on nonexempt assets and earnings of the judgment debtor. The form shall be written in a clear and coherent manner using words with common and everyday meanings, shall summarize the execution and garnishment exemptions and limitations applicable to assets and earnings, and shall permit the judgment debtor to identify on the form those assets and earnings that the judgment debtor considers to be exempt from execution or garnishment. The order shall contain a notice that failure to complete the form and mail it to the judgment creditor within ten days after service of the order may result in a citation for contempt of court unless the judgment is satisfied prior to the expiration of that period. A judgment debtor who intentionally fails to comply with the order of the court may be cited for civil contempt of court. Cash bail posted as a result of being cited for civil contempt of court under this statute may be ordered payable to the creditor to satisfy the judgment, either partially or fully.

Sec. 12. Minnesota Statutes 1988, section 488A.34, subdivision 9, is amended to read:

**Subd. 9. COSTS AND DISBURSEMENTS FOR PREVAILING PARTY ON REMOVAL.** (a) ~~The prevailing party in a removed cause may tax and recover from the other party costs and disbursements as though the action was originally commenced in the municipal court; except that if the prevailing party, on appeal, is not the aggrieved party in the original action, the court may, in its discretion, allow such prevailing party to tax and recover from the aggrieved party an amount not to exceed \$50 as costs.~~

(b) For the purpose of this subdivision, an "aggrieved removing party" means the party who demands removal to municipal district court and means or

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the first party who serves, or files ~~in lieu of serving~~, a demand for removal, if another party also demands removal, ~~and an~~. "Opposing party" means any party as to whom the ~~aggrieved removing~~ party seeks a reversal in whole or in part by removal of the cause to ~~municipal~~ court.

(b) If the removing party prevails in district court, the removing party may recover costs and disbursements from the opposing party as though the action were commenced in district court. If the removing party does not prevail, the court shall award the opposing party an additional \$200 as costs, together with disbursements.

(c) The aggrieved removing party is the prevailing party prevails in municipal district court if:

(1) if the aggrieved removing party recovers any at least \$500 or 50 percent of the amount or any value of property in municipal court that the removing party requested on removal, whichever is less, when the aggrieved removing party had been was denied any recovery of any amount or any property by the in conciliation judge, court;

(2) if the opposing party does not recover any amount or any property from the aggrieved removing party in municipal district court when the opposing party had recovered some amount or some property by the order of the in conciliation judge, court;

(3) if the aggrieved removing party recovers an amount or value of property in municipal district court which is at least \$25 in excess of that exceeds the amount or value of property which that the aggrieved removing party recovered by the order of the in conciliation judge, court by at least \$500 or 50 percent, whichever is less; or

(4) if the amount or value of property that the opposing party recovers from the aggrieved removing party an amount or value of property in municipal district court which is at least \$25 less than is reduced from the amount or value of property which that the opposing party recovered by the order of the in conciliation judge court by at least \$500 or 50 percent, whichever is less.

(d) In all other situations the opposing party shall be deemed to be the prevailing party in municipal court.

(e) Costs or disbursements in the conciliation or municipal district court shall not be considered in determining whether there was a recovery by either party in either court or in determining the difference in recovery under this subdivision.

### Sec. 13. CONCILIATION COURT JURISDICTION AMOUNTS.

Subdivision 1. INCREASE IN LIMITS. The conciliation court jurisdictional limits provided in sections 1, 2, 5, 6, 9, and 10 shall increase to \$4,000 on July 1, 1990.

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Subd. 2. REVISOR'S INSTRUCTION. The revisor of statutes is directed to insert the changes in the conciliation court jurisdictional amount provided by subdivision 1 in Minnesota Statutes 1990, and subsequent editions of the statutes.

Presented to the governor May 30, 1989

Signed by the governor June 1, 1989, 11:10 p.m.

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### CHAPTER 345—S.F.No. 661

*An act relating to state lands; authorizing sale of certain tax-forfeited land that borders public water in Aitkin county.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

#### Section 1. SALE OF TAX-FORFEITED LAND; AITKIN COUNTY.

(a) Notwithstanding Minnesota Statutes, section 282.018, Aitkin county may sell the tax-forfeited land bordering public water that is described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyance must be in a form approved by the attorney general.

(c) The land that may be conveyed is located in Aitkin county and is described as: the West 100 feet of the East 200 feet of Government Lot 2, South of state trunk highway marked No. 18, as in Document No. 191102, in Section 21, Township 45, Range 26.

(d) The land forfeited for nonpayment of taxes on September 15, 1988. A house assessed at a value of \$18,300 for tax purposes is situated on the land. The state owns about 1,250 feet of undeveloped Mille Lacs lakeshore located within about one-half mile of the land and the town of Wealthwood and Aitkin county find that the land is not necessary for public access and would be put to better use in private ownership.

#### Sec. 2. EFFECTIVE DATE.

Section 1 is effective the day following final enactment.

Presented to the governor May 26, 1989

Signed by the governor May 30, 1989, 11:52 a.m.

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