

1502.0011 CREDITOR CLAIM FORMS FOR DEBTS NOT SUBJECT TO MEDIATION.

Subpart 1. **Supporting documents.** A creditor owed a debt not subject to the Farmer-Lender Mediation Act under Minnesota Statutes, section 583.26, subdivision 4, paragraph (f), must return a claim form specifying why the debt is not subject to the Farmer-Lender Mediation Act to the statewide program office and attach the documents indicated for the debts listed in items A to E.

A. for a debt that has been in bankruptcy under Minnesota Statutes, section 583.24, subdivision 4, paragraph (a), clause (1), either a copy of the proof of claim form filed in bankruptcy, a copy of the bankruptcy petition in which the debt is listed as a scheduled debt, or a notice of petition for bankruptcy in which the debt is listed as a scheduled debt;

B. for a debt in default and mediated under Minnesota Statutes, section 583.24, subdivision 4, paragraph (a), clause (2):

(1) an affidavit stating that the debt was in default when the creditor received a mediation proceeding notice under the Farmer-Lender Mediation Act, and that a claim form was filed, the debt was mediated during the mediation period, and (i) the mediation was unresolved; or (ii) a mediation agreement with respect to that debt was signed;

(2) a copy of the mediation proceeding notice;

(3) a copy of the creditor's claim form; and

(4) a copy of the Memorandum of Agreement (Form 8) or Mediation Conclusion With No Agreement (Form 12), or other evidence that the debt was mediated during the mediation period;

C. for a debt, if the debtor did not request mediation and the creditor proceeded to enforce the debt under Minnesota Statutes, section 583.24, subdivision 4, paragraph (a), clause (3):

(1) a copy of the mediation notice;

(2) a copy of Extension Notice of Debtor(s) Failure to Request Mediation (Form 3); and

(3) an affidavit stating that the creditor began a proceeding to enforce the debt within 45 days after the debtor failed to make a timely request;

D. for a debt that is not subject to mediation under Minnesota Statutes, section 583.24, subdivision 4, paragraph (a), clause (5), because there is a lien under Minnesota Statutes, section 514.661 or 559.2091, a copy of the lien statement under Minnesota

Statutes, section 514.661 or 559.2091, indicating that the filing officer has received and filed the lien statement; and

E. for a debt restructured in mediation under Minnesota Statutes, section 583.24, subdivision 4, paragraph (a), clause (4):

(1) a copy of the Mediation Proceeding Notice; and

(2) a copy of the signed agreement reached in mediation that is a separate agreement between the debtor and the creditor with respect to that debt. The agreement may be an attachment to the Memorandum of Agreement (Form 8).

Subp. 2. **Notification of debt not subject to mediation.** If a creditor returns a claim form with the documents required under subpart 1, items A to E, the statewide program office shall determine from the documents whether the debt is subject to the Farmer-Lender Mediation Act. The statewide program office shall notify the debtor, creditor, and mediator of the determination.

Statutory Authority: *MS s 583.285*

History: *14 SR 1418; 28 SR 1360*

Published Electronically: *May 10, 2004*