

MINNESOTA STATUTES 1947 ANNOTATIONS

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EXECUTIONS; LEVY; SALE; REDEMPTION; EXEMPTIONS 550.10

CHAPTER 550

EXECUTIONS; LEVY; SALE; REDEMPTION; EXEMPTIONS

550.01 ENFORCEMENT OF JUDGMENT.

Set-off of judgments, when allowed. 20 MLR 435.

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The writ of execution. 24 MLR 822.

Creditors' remedies relating to choses in action and corporate stock. 30 MLR 616.

550.02 JUDGMENTS; METHODS OF ENFORCEMENT.

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550.04 EXECUTION, HOW ISSUED; CONTENTS.

The writ of execution. 24 MLR 822.

Acts or omissions of the sheriff. 24 MLR 823.

550.07 TO WHAT COUNTY.

Writs of execution. 24 MLR 822.

550.08 EXECUTION AGAINST PROPERTY, HOW EXECUTED.

A party who causes a levy to be made under an execution issued upon a void judgment acts without justification and is liable as a trespasser for having caused a wrongful levy. *Beede v Nides*, 209 M 354, 296 NW 413.

Where the judgment is against one of two owners of a joint bank account the sheriff may levy upon, sequester and sell only the interest of the one against whom the execution runs. OAG Dec. 27, 1945 (520-D).

550.09 LEVY ON MONEY.

Money in hands of a county official is subject to attachment, but see as to moneys turned over to county treasurer under section 525.52. OAG Dec. 11, 1946 (361-a).

550.10 WHAT MAY BE LEVIED ON; LIEN.

Where plaintiff was at all times here material under domination and control of one person, who made use of the corporate entity merely as his agency to hide his own property in order to prevent his judgment creditor from reaching it, it was not error for the trial court to set aside the corporate entity. *Central Motors v Brown*, 219 M 467, 18 NW(2d) 236.

Validity of restraints upon the involuntary alienation of beneficiary's right to receive the principal of a trust. 21 MLR 82.

Duration of the judgment lien. 24 MLR 664.

Rights of bona fide purchasers at execution sales; fixtures. 24 MLR 830.

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Creditors' remedies relating to choses in action and corporate stock. 30 MLR 616.

550.12 LEVY ON PERSONALTY.

Effect of non-disturbance of possession. 12 MLR 406.

Defects in judgment; fixtures. 24 MLR 830.

Levy on choses in action; non-negotiable choses in action evidenced by a writing. Instrument not seized. 31 MLR 495.

550.13 LEVY ON BULKY ARTICLES.

Wrongful levy of attachment. 12 MLR 406.

550.14 ON OTHER PERSONAL PROPERTY.

Under section 550.14 shares of stock are personal property and subject to garnishment as the property of the defendant in the main action irrespective of whether or not the stock certificates have been delivered to the shareholder. *Wackerbarth v Weisman*, 207 M 507, 292 NW 214.

Situs of corporate stock under uniform stock transfer act for purposes of attachment. 23 MLR 381.

Execution against negotiable instruments in the hands of a pledgee. 30 MLR 621.

550.16 ON PLEDGED OR MORTGAGED CHATTELS.

Two replevin cases consolidated for trial sought recovery of exempt life insurance policies and assignments thereof, which with nonexempt securities had been seized by the sheriff under a levy of executions against the insured while such policies and securities were held by a bank as collateral to a loan to the insured. The sheriff had paid off the bank's lien under section 571.23, with money furnished him by the judgment creditors' attorney, who now claims that his action was without the knowledge or consent of his clients. All but \$215 of the amount used to lift the bank's lien was recovered from nonexempt securities, and no evidence was offered that either the judgment creditors or any other person now claims an interest in the policies or assignments. The insured is entitled to the possession of the policies and assignments from the sheriff. *Braman v Wall*, 214 M 238, 7 NW(2d) 924.

Election of remedies; effect of levy on mortgaged property by the mortgagee. 18 MLR 354.

Rights of bona fide purchasers; fixtures. 24 MLR 830.

Execution against negotiable instruments in the hands of the pledgee. 30 MLR 621.

550.19 SERVICE ON JUDGMENT DEBTOR.

Acts or omissions of sheriff. 24 MLR 823.

550.20 SALE, WHEN AND HOW.

An execution sale of stock was properly conducted pursuant to sections 570.05 and 550.14, and physical possession of the certificates by the sheriff at the time of the sale was not necessary. *Brennan v Friedell*, 215 M 499, 10 NW(2d) 355.

Rights of bona fide purchasers at execution sales. 24 MLR 831.

Execution against negotiable instruments in the hands of the pledgee. 30 MLR 621.

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550.21 SALE OF CORPORATE STOCK.

See, *Brennan v Friedell*, 215 M 499, 10 NW(2d) 355, noted under section 550.20.

550.22 CERTIFICATE OF SALE OF REALTY.

A default judgment of a domestic court of superior jurisdiction being immune to collateral attack by a party for fraud, the judgment debtor cannot show fraud and that he did not owe the debt on which the judgment was entered. A purchaser of property sold on execution under the judgment acquires a good title as against the claim of fraud and non-indebtedness. *Benz v Hassie*, 208 M 118, 293 NW 133.

Where the assignee of a judgment bid in real estate at an execution sale and demanded a sheriff's certificate and in the interim before the sheriff's certificate was delivered to the assignee of the judgment the state took the land under condemnation proceedings and deposited the money with the clerk of the district court in payment of the damages, the assignee of the judgment is entitled to the money so deposited and the moneys should be paid to the assignee and not to one of the former owners. *State v Anderson*, 208 M 334, 294 NW 219.

Where there is a severance of a joint estate prior to sale on execution under judgment even though the severance took place after the judgment lien attached to judgment debtor's joint tenant interest, the purchaser at such sale took only the interest of the judgment debtor as it was at the time of the severance. *Greiger v Pye*, 210 M 71, 297 NW 173.

Protection afforded to bona fide purchaser. 24 MLR 813.

Defects in the judgment; sale. 24 MLR 824.

550.28 SALE IRREGULAR OR JUDGMENT REVERSED.

Judgment sales; doctrine of caveat emptor. 20 MLR 557.

Liability to third parties for wrongful levy. 23 MLR 799.

Duration of the enforceability of a judgment. 24 MLR 663.

Rights of bona fide purchasers. 24 MLR 804.

Writ of execution. 24 MLR 822.

550.36 STAY OF EXECUTION ON MONEY JUDGMENT.

Appeal from judgment; stay of execution. 24 MLR 816.

550.37 PROPERTY EXEMPT.

Article V, Section 2, of the small loan regulations of the commissioner of banks, relating to the incorporation of a certain statement in all chattel mortgages issued under section 76.17 presumed to be invalid, and the statement should be discontinued as unenforceable. 1944 OAG 25, March 20, 1944 (53-A-18).

Exemption of crops growing on the homestead of a bankrupt. 11 MLR 635.

Exemption of wearing apparel and other articles upon the person. 14 MLR 567.

Set-offs, when allowed. 20 MLR 435.

Exemptions; personal property; conversion; effect upon statutory exemption. 23 MLR 533.