

CHAPTER 570

ATTACHMENT

570.02 Grounds for attachment; affidavit.

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[For text of subd 1, see M.S.1982]

Subd. 2. **Grounds.** (a) A writ of attachment which serves to acquire quasi in rem jurisdiction over a defendant may be issued in the following situations:

(1) When the defendant's property, present within the state, is the subject of or directly related to the controversy between the parties;

(2) When a nonresident or foreign corporation owns or has an interest in tangible property which is permanently or regularly present within the state;

(3) When a resident, domiciliary, or domestic corporation owns or has an interest in tangible property which is present, no matter how irregularly, within the state;

(4) When a person, resident or nonresident, or a corporation, domestic or foreign, owns or has an interest in any kind of property, tangible or intangible, which is present within the state, and no more convenient forum exists in the United States; or

(5) When a person, resident or nonresident, or corporation, domestic or foreign, owning or having an interest in any kind of property, tangible or intangible, which is present within the state, would be subject to in personam jurisdiction under the due process clause, even though the state jurisdictional statutes do not provide it.

(b) An order of attachment which serves only to secure property and not to acquire jurisdiction over the defendant may be issued in the following situations:

(1) When a person, resident or nonresident, a corporation, domestic or foreign, owns or has any interest in any kind of property, tangible or intangible, which is present within the state and may be applied to the satisfaction of a valid in personam judgment against the defendant; or

(2) When a valid in personam action has been instituted and a person, resident or nonresident, or corporation, domestic or foreign, owns or has an interest in any kind of property, tangible or intangible, which is present within the state and may be applied to the satisfaction of a valid in personam judgment, when rendered, against the defendant, if the court, after notice and opportunity for hearing, determines:

(i) That person or corporation with intent to defraud or delay his creditors has removed or is about to remove property from this state; or

(ii) That person or corporation has assigned, disposed of, or secreted or is about to assign, dispose of, or secrete, property with intent to defraud or delay his creditors.

History: 1983 c 243 s 3