

## Writ of Execution

Writs of Execution are Orders issued by the District Court directing the Sheriff to satisfy a judgment. The Writ **MUST** be **directed to the Sheriff of the county where the assets to satisfy the judgment are located.** (Minnesota Statutes Chapter 550 applies to Writs of Execution.)

The Writ of Execution document is valid for 180 days after the date of issue by the District Court. The judgment itself is usually good for 10 years and may be renewed by additional court action.

**It is the responsibility of the judgment creditor (plaintiff) to locate assets with which to levy on to satisfy the judgment.** There are several types of levies that can be used to satisfy judgments:

1. Wage Levy
2. Financial Institution Levy
3. Other Types of Levies

All Writs of Execution brought to the Sheriff's Office for levy must have an Execution Instruction Sheet filled out by the Judgment Creditor (see link).

### Wage Levy

If a Judgment Creditor wants the Sheriff's Office to conduct a wage levy, it is the creditor's responsibility to provide a Writ of Execution directed to the Sheriff of the county in which the Judgment Debtor is employed. **The Judgment Creditor or the creditor's attorney must endorse the Writ.** The creditor must provide the Sheriff's Office with a deposit of \$60.00 that will be applied to the cost of executing the Writ. **By law the creditor must also issue a check for \$15.00 made payable to the debtor's employer.** The check will be given to the debtor's employer when the wage levy is served.

The creditor **is required to send the debtor an exemption notice (see link) at least 13 days prior to commencing the levy, or 10 days if it is personally delivered.** The Deputy receiving the Writ of Execution from the creditor will ask the creditor to sign an affidavit (see link) that the

Exemption Notice has been properly served on the debtor and the date of the service.

Wage levies are conducted for a 70-day period, after which the employer will send a check to the Sheriff's Office. If the check is insufficient to satisfy the judgment a second levy for an additional 70-day period will be made. After the second levy all money collected will be processed and a check issued to the judgment creditor. If it is not enough money to satisfy the judgment, the creditor will have to obtain a new Writ of Execution from the District Court and request the Sheriff to continue the levy.

If the judgment is totally satisfied, the creditor will receive the judgment amount plus interest, additional cost, the \$15.00 employer's fee and the \$60.00 deposit. If the judgment is partially satisfied, the Sheriff's commission on the amount collected and the service fees will be deducted from the amount collected. If for some reason no money is collected, the service fees will be deducted from the \$60.00 deposit.

### **Financial Institution Levy**

A levy at a financial institution requires a \$60.00 deposit. The creditor must also provide the Sheriff with a \$15.00 check made payable to the financial institution. The name on the account must be the same as the name of the judgment debtor on the Writ of Execution or the financial institution will not honor it. **It is possible to levy on a joint account.**

### **Other Types of Levies**

It is possible to levy on other items, including vehicles, boats, snowmobiles, recreational vehicles, etc. Deposit amounts required to cover seizure and storage costs vary depending upon the action requested by the creditor. Contact the Sheriff's Office for a deposit amount prior to planning this type of levy. It is also recommended that you read Minnesota Statutes Chapter 550 for more information concerning exemptions to levy. The Civil Division can discuss specific fact situations with you, but you are advised to contact an attorney to answer legal questions.

Non-homestead real property can also be levied upon, but this is a complex procedure and it is recommended you consult with an attorney before attempting this type of levy.

## **Foreign Judgments**

A judgment rendered by a state court outside the State of Minnesota or a federal court is considered a foreign judgment. The Todd County Sheriff's Office is unable to act on a foreign judgment. Consult with district court officials concerning filing procedures for foreign judgments. See also Minnesota Statutes Chapter 548.26-.28.