

INSTRUCTIONS

Docketing a Foreign Judgment

What is a foreign judgment? A **foreign judgment** is a judgment from a different state, the United States Federal Court, and possibly other countries.

Important Notices and Resources

The Court has forms and instructions, for some types of cases, as a general guide to the court process. These instructions explain the steps in more detail and answer common questions, but are not a full guide to the law. Court employees may be able to give general information on court rules and procedures, but they cannot give legal advice.

Got a question about court forms or instructions?

- Visit www.MNCourts.gov/SelfHelp
- Call the Statewide Self-Help Center at 651-435-6535

Not sure what to do about a legal issue or need advice?

- Talk with an attorney
- Visit www.MNCourts.gov/Find-a-Lawyer.aspx

Forms You Will Need To Docket a Foreign Judgment:

- *Affidavit of Identification of Judgment Creditor* (JGM103); and
- *Affidavit of Identification of Judgment Debtor* (JGM104).

Note: If there is more than 1 creditor or 1 debtor, you will need a form for each creditor and debtor listed on the judgment.

What You Need to Do

1. Get a certified copy of the judgment in the foreign jurisdiction.
2. Complete the court forms, following all of the steps in these instructions.
3. Turn in your paperwork with court administration and pay the applicable filing fee (or ask for a fee waiver) and wait 20 days.

Helpful materials may be found at your public county law library. For a directory, see <http://mn.gov/law-library/research-links/county-law-libraries.jsp> . For more information, contact your court administrator or call the Minnesota State Law Library at 651-297-7651.

The information in these instructions is a general guide to you to explain the legal process for

General Information about Docketing a Foreign Judgment

docketing a judgment from a different state or a federal court. A judgment from a different state or from a federal court is called a “foreign judgment.” If you do not understand any of the following steps or do not know if these forms are right for your situation, you should speak with an attorney for legal advice. **Court staff cannot give legal advice.**

Definitions:

- **Docketing:** a formal process to record a money judgment with the court, and make the amount of the judgment a “lien” against certain real estate the debtor owns in that county. The judgment creditor must first have a court order that awards the money judgment in their favor and the foreign court must direct entry of the judgment. The judgment creditor may file a certified copy of that court order, an *Affidavit of Identification of Judgment Debtor*, and an *Affidavit of Identification of Judgment Creditor* with a Minnesota court. This will direct the Minnesota court to enter the foreign judgment, and then “docket” it if there are no objections.
- **Foreign Judgment:** a judgment from a different state, the United States Federal Court, and possibly other countries.
- **Judgment Creditor:** the party who is owed money or other property.
- **Judgment Debtor:** the party who owes money or other property.

What is the reason for docketing a foreign judgment?

The judgment creditor may docket a foreign judgment in Minnesota for many reasons, including:

1. To get a lien (a legal claim in property) against the judgment debtor’s real estate located in Minnesota;
2. To levy (seize) the judgment debtor’s wages because the employer is located in Minnesota;
OR
3. To levy (seize) the judgment debtor’s bank account which is located in Minnesota.

Once docketed, foreign judgments are treated the same as judgments issued by a Minnesota state court. Foreign judgments will last for 10 years from the date of entry in the original court, and the judgment creditor can ask for *Writs of Execution or Financial Disclosures* (JGM301) from a Minnesota court.

How do I get a certified copy of my judgment?

You will need to contact the court that issued your original judgment and ask how to get a certified copy of your judgment. You may need to pay a fee.

Do you have all the information you need to fill out the forms?

The *Affidavit of Identification of Judgment Creditor* (JGM103) and *Affidavit of Identification of Judgment Debtor* (JGM104) asks for the following information:

- For each judgment creditor: name and mailing address.
- For each judgment debtor: name, home address, mailing address, type of employment, and business address (if applicable).
- The county and judicial district number where you are filing the foreign judgment.

Step 1

Fill Out *Affidavit of Identification of Judgment Creditor* (JGM103)

If there are multiple judgment creditors, you will need to repeat this step for each one. You should have one *Affidavit of Identification of Judgment Creditor* (JGM103) for each judgment creditor. The judgment will only be entered and docketed in favor of the judgment creditor you include on each form.

The “Caption”

<p>State of Minnesota</p> <table border="1" style="width: 100%;"><tr><td style="width: 20%;">County</td><td style="width: 80%; text-align: center;">A</td></tr></table> <hr/> <p>Plaintiff</p> <p style="text-align: center;">vs</p> <table border="1" style="width: 100%;"><tr><td style="width: 20%;"></td><td style="width: 80%; text-align: center;">C</td></tr></table> <hr/> <p>Defendant</p>	County	A		C	<p style="text-align: right;">District Court</p> <table border="1" style="width: 100%;"><tr><td style="width: 20%;">Judicial District:</td><td style="width: 80%; text-align: center;">B</td></tr><tr><td>Court File Number:</td><td></td></tr><tr><td>Case Type:</td><td style="text-align: center;">Foreign Judgment</td></tr></table> <p style="text-align: center;">Affidavit of Identification of Judgment Creditor (Minn. Stat. § 548.28, subd. 1)</p>	Judicial District:	B	Court File Number:		Case Type:	Foreign Judgment
County	A										
	C										
Judicial District:	B										
Court File Number:											
Case Type:	Foreign Judgment										

- A. List the county you will file your case in. A foreign judgment is usually filed in the county where the judgment debtor’s:
- Real estate is located;
 - Employer is located; OR
 - Bank is located.
- B. List the Judicial District. Each county belongs in 1 of 10 judicial districts. If you need help, see <http://www.mncourts.gov/Find-Courts.aspx>.

Leave the court file number blank. You will not have one until after you file your paperwork with the court.

- C. Fill in the first, middle, and last names of the parties. This information stays the same as your original case, no matter who was awarded the judgment.

The Affidavit

1. My name is: 1
2 I am the (choose one): <input type="checkbox"/> Judgment Creditor. <input type="checkbox"/> Attorney for Judgment Creditor. <input type="checkbox"/> Agent for the Judgment Creditor.
3 The full name of the judgment creditor is: _____
4 The mailing address of the judgment creditor is: _____

1. Fill in your name here. This form should only be filled out by a judgment creditor, an attorney for the creditor, or an agent for the creditor. Whoever fills out the form will also sign the form.
2. Choose how you know the judgment creditor.
3. Fill in the full name of the judgment creditor, as listed on the judgment.
4. Give the mailing address of the judgment creditor. This address could be a home address, or a post office box. The judgment creditor must be able to receive mail here. If the judgment creditor is a business, then it would be the business address.

The Signature Block

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116

Dated	B	Signature	A
		Name:	
	C	Address:	
County and state where signed		City/State/Zip:	D
		Telephone:	
		Email:	
		Firm:	E
		Attorney License No.:	

- A. Sign your name under penalty of perjury. Then print your name on the line under your signature.

By signing your name under penalty of perjury, you are stating that the information in the document is true to the best of your knowledge. If you know something in the form is not true when you sign it, you could be found guilty of the crime of perjury (see Minn. Stat. § 609.48, <https://www.revisor.mn.gov/statutes/?id=609.48>).

- B. List the date you signed the form.
- C. List the county and state you were in when you signed the form.
- D. Fill in your address, telephone number, and email address if you have one.
- E. If you are not an attorney, skip this part. Attorneys, write your firm name and attorney license number.

Step 2

Fill Out *Affidavit of Identification of Judgment Debtor* (JGM104)

You will also need to prepare one *Affidavit of Identification of Judgment Debtor* (JGM104) for each judgment debtor. The judgment will only be entered and docketed against the judgment debtor you include on each form.

The Caption

Fill out this section exactly like you filled out the caption for the *Affidavit of Identification of Judgment Creditor* (JGM103).

Information about you

1. My name is: _____	1
2. I am the (choose one):	
<input type="checkbox"/> Judgment Creditor.	
<input type="checkbox"/> Attorney for Judgment Creditor.	
<input type="checkbox"/> Agent for the Judgment Creditor.	2

Fill out this section (#1 and #2) exactly like the *Affidavit of Identification of Judgment Creditor* (JGM103).

Information about the judgment debtor

3	The full name of the judgment debtor is (list only 1 debtor. If there are 2 or more debtors, you will need to fill out a form for each): _____.
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3. Fill in the name of the judgment debtor. If there are 2 or more debtors, you must file an *Affidavit of Identification of Judgment Debtor* for each debtor so only list 1 name here.

If the judgment debtor is an individual person, go to #4a. If the judgment debtor is a business, go to #2b.

4	The judgment debtor is (choose a <i>or</i> b):
	a. <input type="checkbox"/> The judgment debtor is an individual person.
	i. What is the person's home address? _____ _____
	ii. Does the person have a mailing address different than where they live (for example, a P.O. Box)? <input type="checkbox"/> Yes <input type="checkbox"/> No The person's mailing address is: _____ _____
	iii. What is the person's employment or job? _____ _____
	iv. Does the person own a business? <input type="checkbox"/> Yes <input type="checkbox"/> No Name and location of the business: _____

4. The next set of questions asks about the judgment debtor.
- a. Check this box if the judgment debtor is an individual person.
- i. Fill in the person's full home address; give as much information as possible.
- ii. Check whether the person has a different mailing address. If yes, give the mailing address. This can be a post office box.

- iii. This question asks about the person’s occupation. Fill in what the person primarily does for a living. Examples include “student, IT, consultant.” If the person has multiple occupations, you can choose to list all of the occupations, or the one the person does most.
- iv. Check whether the person owns a business. If yes, fill in the name and address where the business is located. Give as much information as possible.

Note: if this business is also a judgment debtor, writing the name and location of the business here does not count as identifying the business and will not docket the judgment against the business. You must fill out another *Affidavit of Identification of Judgment Debtor (JGM104)* to identify and docket the judgment against the business.

Skip #4b and go to the Signature Block.

<p>b. <input type="checkbox"/> The judgment debtor is a business.</p> <p style="margin-left: 20px;">i. What is the business’ street address? _____ _____ _____</p> <p style="margin-left: 20px;">ii. Does the business have a mailing address different than its street address (for example, a P. O. Box)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="margin-left: 20px;">The mailing address is: _____</p>
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- b. Check this box if the judgment debtor is a business.
 - i. Fill in the full address of the business; give as much information as possible.
 - ii. Check whether the business has a different mailing address. If yes, fill it in here. This address can be a post office box.

The Signature Block

Sign the *Affidavit of Identification of Judgment Debtor (JGM104)* like you signed the *Affidavit of Identification of Judgment Creditor (JGM103)*. You are also signing this form under penalty of perjury.

Step 3
File Your Paperwork with Court Administration

File your paperwork with court administration. You should have:

- *Affidavit of Identification of Judgment Creditor (JGM103)* for each judgment creditor;
- *Affidavit of Identification of Judgment Debtor (JGM104)* for each judgment debtor; and

- Certified copy of the foreign judgment.

You will also need to pay a filing fee, which depends on the county you are filing in and the amount of the judgment. The fee is for a “Foreign Judgment Filing,” and is listed online at <https://www.mncourts.gov/Help-Topics/Court-Fees.aspx>. Search under “District Court” then choose the county where you are filing with the Fee Category as “Judgments” to find the filing fee.

If you are unable to pay the filing fee, you can fill out and file a *Fee Waiver (IFP)* with your paperwork. You can find the *Fee Waiver* forms online at <http://www.mncourts.gov/GetForms.aspx?c=19&p=69>.

When you file your paperwork, court administration will enter your judgment. Court administration will then mail a *Notice of Filing and Entry of Foreign Judgment* to you, any other judgment creditors, and the judgment debtors.

OPTIONAL: Once you receive your *Notice*, you may make a copy and send it to the judgment debtor. If you do, fill out an *Affidavit of Service* (SOP103) and file it with court administration.

Step 4

Next Steps: Collecting the Judgment

The judgment debtors will have 20 days from the date of the notice to file any objections. If no objections are filed, court administration will docket the foreign judgment, and you will receive a *Notice of Docketing of Judgment*. Once you receive the *Notice of Docketing of Judgment*, you can start the collection process.

The steps you take to collect a judgment depends on what information you have.

Do you know what or where the judgment debtor’s assets, bank, or employer are?

- Yes: you can request a *Writ of Execution* to collect your judgment.
- No: you can file a *Request for Order for Disclosure* (JGM302) so that you can find out this information.

To collect from:

- Wages: you must give the judgment debtor notice before the sheriff’s office can serve the *Writ of Execution*.
- Bank account: you must give the sheriff’s office additional paperwork with the *Writ of Execution*.

For more information, see the Judgments Help Topic at <http://www.mncourts.gov/Help-Topics/Judgments.aspx>.