

# INSTRUCTIONS

## Execution Levy on Earnings

Forms you will need to levy on earnings:

- Execution Exemption Notice and Notice of Intent to Levy on Earnings (JGM702)
  - Earnings Execution Disclosure and Earnings Disclosure Worksheet (for Non-Child Support Judgments) (JGM703)
- OR
- Earnings Execution Disclosure and Earnings Disclosure Worksheet (for Child Support Judgments) (JGM704)

You will also need information about the employer of the person you are trying to collect money from.

### Overview of Steps to Levy on Earnings

1. Fill out and sign the *Execution Exemption Notice and Notice of Intent to Levy on Earnings* (JGM702), following all of the steps in these instructions.
2. Make copies of the signed *Execution Exemption Notice and Notice of Intent to Levy on Earnings*.
3. Have someone (not you) serve a copy of the *Execution Exemption Notice and Notice of Intent to Levy on Earnings* on the debtor.
4. Wait at least 10 days (13 if notice was served by mail). Ask for a Writ of Execution from court administration for the sheriff's office to serve on the debtor's employer.
5. Deliver the Writ of Execution and other paperwork to the sheriff's office for service.
6. Serve the debtor with copies of the Writ of Execution and any other paperwork served on the debtor's employer.

### 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.

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.

## General Information about Levying on Earnings

The information in these instructions is a general guide to you to explain the legal process for levying on earnings after winning a 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.**

The execution levy process can be used to try to collect a judgment awarded to you by the court. Even if you win a judgment in court, it is not always easy to get paid. Sometimes a debtor's income or assets are "exempt" (protected) from collection under [Minn. Stat. § 550.37](#). To view a summary of property that is exempt from collection, visit <http://www.mncourts.gov/GetForms.aspx?c=24&f=392>.

### Definitions

- **"Judgment"** is a word that means "the judge's decision" or "the judge's order."
- **"Creditor"** is the party who won the case and is owed money (because a judgment was awarded by the court).
- **"Debtor"** is the party who lost the case and owes money to the creditor.
- **"Entry" or "Entered"** is the word used when a judgment is filed in the case by the Court Administrator. This usually starts the timeframe during which a judgment can be appealed.
- **"Docketed" or "Docketing"** is the word used when the creditor files an Affidavit of Identification form with the court. Docketing the judgment is the first step a creditor takes when he or she wants to try to collect payment of the judgment.
- **"Levy" or "Execution Levy"** is the action taken by the sheriff to collect money owed to the creditor.

Example: The creditor won the case against the debtor and a judgment was entered. The creditor docketed the judgment and set up an execution levy by the sheriff on the debtor's earnings.

A judgment can be enforced at any time for ten (10) years from the date it was entered. It can also be "renewed" if not satisfied (paid) within the 10 years.

**NOTE:** The steps listed below can be followed to try to collect a judgment when the debtor is employed and you have information about the debtor's employer. If you do not know this information about the debtor already, you will not be able to levy on the debtor's earnings until you collect this information. To read more about how to find out this information through the *Financial Disclosure* form (JGM301), visit <http://www.mncourts.gov/Help-Topics/Judgments.aspx>.

Got a question about court forms or instructions?

- Visit [www.MNCourts.gov/SelfHelp](http://www.MNCourts.gov/SelfHelp)

- Call the MN Courts Self Help Center at (651) 259-3888

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

- Talk with a lawyer
- Visit [www.MNCourts.gov/Find-a-Lawyer.aspx](http://www.MNCourts.gov/Find-a-Lawyer.aspx)

**Step 1**

**Complete the *Execution Exemption Notice and Notice of Intent to Levy on Earnings* (JGM702)**

<p><b>State of Minnesota</b></p> <p>County <span style="border: 1px solid black; padding: 2px 10px; display: inline-block; width: 150px; height: 25px; text-align: center; vertical-align: middle;">1</span></p> <hr style="width: 100%;"/> <p style="text-align: center;"><span style="border: 1px solid black; padding: 2px 10px; display: inline-block; width: 150px; height: 25px; text-align: center;">5</span></p> <p>Name of Creditor (first, middle, last)</p> <p>and <span style="border: 1px solid black; padding: 2px 10px; display: inline-block; width: 150px; height: 25px; text-align: center; vertical-align: middle;">6</span></p> <hr style="width: 100%;"/> <p>Name of Debtor (first, middle, last)</p> <p style="text-align: center;"><span style="border: 1px solid black; padding: 2px 10px; display: inline-block; width: 150px; height: 25px; text-align: center;">7</span></p> <hr style="width: 100%;"/> <p>Name of Third Party (Employer)</p>	<p style="text-align: right;"><b>District Court</b></p> <p>Judicial District: <span style="border: 1px solid black; padding: 2px 10px; display: inline-block; width: 150px; height: 25px; text-align: center; vertical-align: middle;">2</span></p> <p>Court File Number: <span style="border: 1px solid black; padding: 2px 10px; display: inline-block; width: 150px; height: 25px; text-align: center; vertical-align: middle;">3</span></p> <p>Case Type: <span style="border: 1px solid black; padding: 2px 10px; display: inline-block; width: 150px; height: 25px; text-align: center; vertical-align: middle;">4</span></p> <p style="text-align: center;"><b>Execution Exemption Notice and Notice of Intent to Levy on Earnings</b></p>
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1. Fill in the county where the judgment was entered. If you are unsure of any information needed for the caption, you can find this information on any official court document from your case.
2. Fill in the Judicial District for the county where the judgment was entered. If you do not know the Judicial District, you can find a map with all of the Judicial Districts at <http://www.mncourts.gov/Find-Courts.aspx> .

3. Fill in the Court File Number from the case where the judgment was docketed. Sometimes the court assigns a new Court File Number when a judgment is docketed (for example, the Court File Number will be different for a Conciliation Court case where a judgment was entered than for the District Court case opened to docket the judgment). Be sure to enter the Court File Number for the case where the judgment was docketed.
4. Fill in the case type. This will generally be “Civil,” but in some cases it could also be something like “Restitution Judgment,” “Dissolution,” or “Support.”
5. Fill in your first, middle, and last name as the creditor.
6. Fill in the first, middle, and last name of the debtor.
7. Fill in the name of the debtor’s employer.

Date and sign the form, and fill in your contact information.

Do not fill out any of the sections under “Judgment Debtor’s Exemption Claim Notice.” This section is only for the debtor to complete and return to you if the debtor is claiming that his or her earnings are exempt from an execution levy.

Complete the caption (top part of the form) on the *Earnings Execution Disclosure and Earnings Disclosure Worksheet* form (JGM703 for non-child support judgments; JGM704 for child support judgments) the same way as above. Do not fill out any of the sections below the caption, because this form is for the debtor’s employer to complete.

## **Step 2**

**Sign and make copies of the *Execution Exemption Notice and Notice of Intent to Levy on Earnings* (JGM702)**

Sign the *Execution Exemption Notice and Notice of Intent to Levy on Earnings* with your name, address, telephone number, and email address. Make a copy to keep for yourself.

## **Step 3**

**Serve the debtor with the *Execution Exemption Notice and Notice of Intent to Levy on Earnings* (JGM702)**

The debtor must receive a copy of the *Execution Exemption Notice and Notice of Intent to Levy on Earnings* before earnings can start being collected. Delivering the copy to the debtor is called “service of process.”

These instructions describe two ways to do “service of process”: (1) Personal Service, or (2) Mail Service. You can choose whichever service method you prefer.

### **1. Service of Process #1: Personal Service**

With Personal Service, a third person (not yourself) who is at least 18 years old must hand a copy of the *Execution Exemption Notice and Notice of Intent to Levy on Earnings* directly to the debtor. Papers cannot be served on legal holidays.

### **2. Service of Process #2: Mail Service**

With Mail Service, a third person (not yourself) who is at least 18 years old mails the *Execution Exemption Notice and Notice of Intent to Levy on Earnings* to the last known address of the debtor by first class mail.

## **Step 4**

### **Get a Writ of Execution from court administration**

You must wait 10 days if you had the *Notice* personally served on the debtor, or 13 days if you served the debtor by mail. If you do not receive a statement of exemption from the debtor within this period, you can contact court administration in the county where your judgment was docketed and request a Writ of Execution. Contact information for court administration in each county can be found here: <http://www.mncourts.gov/Find-Courts.aspx> (choose your county from the drop-down menu and click “Go”).

Court administration will charge a fee for issuing the Writ of Execution, but this fee can be added to the amount of the judgment owed. If you cannot afford to pay this fee, you can ask for a fee waiver by completing the application in the *In Forma Pauperis/IFP* packet of forms (found online at [www.mncourts.gov/forms](http://www.mncourts.gov/forms)). If a judge does not sign the order granting you a fee waiver, then you must pay the fee before court administration can issue the Writ of Execution.

A Writ of Execution is an order issued by District Court directing the sheriff to collect money to satisfy a judgment. The Writ should be directed to the sheriff of the county where the debtor’s employer is located. For example, if the debtor’s employer is in Anoka County, the Writ should

be directed to the Anoka County Sheriff's Department. A Writ of Execution expires 180 days after the date it was issued by court administration.

## Step 5

### **Deliver the Writ of Execution and other paperwork to the sheriff's office for service**

When you get the Writ of Execution from court administration, you will need to sign it and deliver it to the sheriff's office that will be collecting the judgment for you (this is sometimes called "conducting a wage levy"). Along with the writ, you must give the sheriff a blank *Earnings Execution Disclosure and Earnings Disclosure Worksheet* (JGM703 for non-child support judgments or JGM704 for child support judgments) for the debtor's employer.

You must also give the sheriff's office a check for \$15 written out to the debtor's employer. The sheriff will give the check to the employer when they serve the Writ of Execution. The sheriff's office may also require you to pay a deposit to help cover its costs for executing the Writ.

Employers can collect earnings for up to 90 days. At the end of this period, the debtor's employer will send a check to the sheriff's office for the amount that has been collected. If this check is not enough to pay off the full judgment (called "satisfying" the judgment), the sheriff's office will start a second 90-day wage levy. After the second levy is done, all of the money that was collected is processed and a check will be sent to you. If the amount collected is still not enough to satisfy the judgment, you will need to get a new Writ of Execution from court administration to ask the sheriff to continue the wage levy.

If for some reason no funds are collected in the wage levy, a notice will be mailed to you stating the reason. You can then try to find other assets the debtor may have that could be used to pay the judgment. See <http://www.mncourts.gov/Help-Topics/Judgments.aspx> for more information about how to start a levy on the debtor's bank or financial institution.

If you do not serve a Writ of Execution within one year of serving the *Notice* on the debtor, you will need to serve a new *Notice* form before you can go ahead with levying on the debtor's earnings.

## Step 6

### **Serve the debtor with copies of the Writ of Execution and any other paperwork served on the debtor's employer**

Within five days after the sheriff serves the Writ of Execution on the debtor's employer, you must mail the debtor copies of all of the paperwork you gave to the sheriff to serve on the debtor's employer (the Writ of Execution and the *Execution Earnings Disclosure and Earnings Disclosure Worksheet*).

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