

# INSTRUCTIONS

## Application for Discharge of Judgment

Forms you will need for your Application for Discharge of Judgment:

- *Application for Discharge of Judgment* (BKY101)
- *Affidavit of Service* (BKY104)

Note: See Step 1 on the next page for a list of other information and documents you will need to complete your *Application for Discharge of Judgment* paperwork.

### Overview of Steps for the Application for Discharge of Judgment

1. Request a certified copy or copies of your Bankruptcy Discharge order from the United States Bankruptcy Court. **Note**: You will need 1 certified copy for each county that you file an *Application for Discharge of Judgment* in.
2. Gather the information from your judgment (case number, creditor, amount, date, etc.).
3. Complete the court forms, following all of the steps in these instructions.
4. Serve the other party with copies of the forms, following the instructions about service.
5. File the original forms with the Court (filing fee or fee waiver order is required).

### 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.

Have 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) 435-6535

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)

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**  
***Application for Discharge of Judgment (BKY101)***

The information contained in this document is not intended as legal advice but as a general guide to you to explain the legal process. If you do not understand any of these procedures, talk to an attorney. Court staff cannot give legal advice.

Use the *Application for Discharge of Judgment* forms if all of the following are true:

- You have a judgment entered against you for a debt
- You have filed for bankruptcy in United States Bankruptcy Court
- The judgment is for a debt you owed before you filed your bankruptcy case
- There has been a Bankruptcy Discharge order entered in your bankruptcy case

Note: Most types of debts can be discharged (forgiven) in bankruptcy but some cannot be. If you are unsure whether your judgment debt was discharged in your bankruptcy, you may want to get legal advice from a bankruptcy attorney.

**Step 1**  
**Gather documents and information you will need to fill out and file your *Application for Discharge of Judgment***

In addition to the *Application for Discharge of Judgment (BKY101)* and *Affidavit of Service (BKY104)* court forms, you will need:

- 1) Information about the judgment including:
  - Court file number (also called the Case Number)
  - Your name as it is listed on the judgment
  - Name(s) of the creditor(s) listed on the judgment
  - Address for the creditor(s)
  - Date the judgment was docketed (entered in the court case)
  - Amount of the judgment

If you do not have the judgment information you can look your case up by going to [www.mncourts.gov/Access-Case-Records.aspx](http://www.mncourts.gov/Access-Case-Records.aspx) . Once you find your case, click on the

case number in blue. This will open a page called “Register of Actions.” The Register of Actions has all of the information about the judgment that you will need. If you are unable to look up your case information, you can contact court administration in the county the case is in for more instructions on how to get the information. Contact information for court administration in each county can be found at [www.mncourts.gov/Find-Courts.aspx](http://www.mncourts.gov/Find-Courts.aspx) .

2) **Certified** copy of your Bankruptcy Discharge order

You will need to contact the United States Bankruptcy Court directly and request a certified copy of your Bankruptcy Discharge order. If you have judgments in more than one county, you will need one certified copy for each county that you file an *Application for Discharge of Judgment* in.

**Example:** If you are requesting the discharge of one judgment in County A and two judgments in County B, you will need a total of two certified copies of your Bankruptcy Discharge order (one for County A and one for County B).

You can contact the United States Bankruptcy Court in person, by phone, or by mail using the contact information below. There will be a fee that you need to pay for each certified copy before the court will send you your copy(ies). Please contact the United States Bankruptcy Court to ask what the fee is for a certified copy of your Bankruptcy Discharge order. There are three United States Bankruptcy Court locations in Minnesota with staff that can help you. You can ask for a certified copy from any of these locations.

St. Paul

200 Warren E. Burger Federal Building and United States Courthouse  
316 North Robert Street  
St. Paul, MN 55101  
651-848-1000

Minneapolis

301 U.S. Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415  
612-664-5200

Duluth

404 Gerald W. Heaney Federal Building and United States Courthouse and Customhouse  
515 West First Street  
Duluth, MN 55802  
218-529-3600

**Step 2**

**Fill Out the *Application for Discharge of Judgment* (BKY101)**

<p><b>State of Minnesota</b></p> <p>County <span style="border: 1px solid black; padding: 2px 10px; display: inline-block; margin-left: 20px;">1</span></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; margin-left: 20px;">2</span></p> <p>Court File Number: _____ <span style="border: 1px solid black; padding: 2px 10px; display: inline-block; margin-left: 20px;">3</span></p> <p>Case Type: _____ Civil _____</p>
<p>In the Matter of the Application of:</p> <p><span style="border: 1px solid black; padding: 2px 10px; display: inline-block; margin-right: 10px;">4</span> _____</p> <p>_____</p>	
<p><b>Application for Discharge of Judgment(s) (Minn. Stat. §548.181)</b></p>	
<p>Please notice, the undersigned, acting for the judgment debtor(s) applies for the discharge of the following judgment(s) entered in _____ <span style="border: 1px solid black; padding: 2px 10px; display: inline-block; margin-left: 20px;">5</span> _____ County:</p>	

1. Write the name of the county where you are filing your Application. This will be the county that your judgment case is in. **Note:** If you have more than one case with judgments you want discharged, you will need to file a separate Application for each judgment case. However, if you have more than one judgment in the same case, you can list those judgments on one Application.
2. Write the Judicial District of the county where you are filing your Application. If you do not know the Judicial District, you can look at your judgment paperwork if you have it or you can find a map with all of the Judicial Districts at <http://www.mncourts.gov/Find-Courts.aspx> .
3. Write the court file number from your judgment paperwork. **Note:** If your case started in Conciliation Court, you may have two court file numbers, one for the Conciliation Court case and one for the judgment (in District Court). Be sure to use the court file number from your judgment paperwork, not the Conciliation Court paperwork.
4. Write your name as it appears on the judgment case. **Note:** If you changed your name since the judgment was entered and your new name is used on your bankruptcy case paperwork, you should write both of your names on the Application. List the name the judgment is in first, then write N/K/A and your new name. N/K/A stands for “now known as.”

5. Write in the county where you are filing your Application. This will be the county where the judgment was entered and will be the same as what you wrote for number 1.

Creditor	Date of Docketing	Amount
6	7	8

6. Write the name(s) of the creditor(s) as listed on your judgment.

7. Write the date the judgment was docketed.

8. Write the amount of the judgment.

**Reminder:** If you have a case with more than one judgment in it, list all of the creditors, dates of docketing, and amounts for each judgment in that case on a single Application. But, if you have more than one case with judgments you want discharged, you will need to file separate Applications for each judgment case.

A certified copy of the judgment debtor's bankruptcy discharge or a certificate by the Clerk of the United States Bankruptcy Court and an affidavit of service for each judgment creditor is attached. Minnesota Statutes require a filing fee of \$5.00 for each judgment listed.

Dated: \_\_\_\_\_ **10** \_\_\_\_\_                      Signed: \_\_\_\_\_ **11** \_\_\_\_\_

\_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_ **10** \_\_\_\_\_

City / State / Zip

10. Write the date you are signing the Application.

11. Sign the Application.

12. Write your address.

**Step 3**

**Make Copies**

Make copies of the *Application for Discharge of Judgment* and copies of your **certified Bankruptcy Discharge order**. The number of copies you will be making of each of these documents will depend on how many Applications you are filing and how many creditors are included in each Application.

Number of copies of the *Application for Discharge of Judgment* you will need:

- Make 1 copy to keep for your records
- Make 1 copy for each creditor listed on the judgment

Number of plain (uncertified) copies of the **Certified Bankruptcy Discharge order** you will need:

- Make 1 copy to keep for your records
- Make 1 copy for each creditor listed on the judgment
- If you are filing more than one Application in a particular county, make 1 extra copy for each additional Application you are filing in that county.

## Step 4

### Arrange for Service

You must arrange for the creditor(s) to receive copies of the papers you are filing with the court. This is called “service of process.” You must have someone else who is over the age of 18 and not involved in the case serve the creditor; **you cannot serve the papers**.

Each creditor needs to be served with:

- 1 copy of your *Application for Discharge of Judgment*
- 1 plain (uncertified) copy of your certified Bankruptcy Discharge order

**Note:** Keep the original Application and certified copy of your Bankruptcy Discharge order to file with the court in the next step.

There are two ways you can have the creditor served:

**Certified Mail:** Someone else (not you) who is over the age of 18 and not involved in the case can mail the papers to the creditor by Certified Mail to the creditor’s last known address.

**Personal Service:** Someone else (not you) who is over the age of 18 and not involved in the case can hand the papers to the creditor or a person “of suitable age and discretion” at the creditor’s

home if that person lives with the creditor. You can have a friend or family member serve the creditor, you can contact the Sheriff's Department in the county in which the creditor lives or has a place of business, or you can contact a private process server.

**Note:** Papers **cannot** be served on legal holidays, which are defined in Minn. Stat. § 645.44, subd. 5 (<https://www.revisor.mn.gov/statutes/cite/645.44#stat.645.44.5>).

## Step 5

### *Affidavit of Service (BKY104)*

**After** the paperwork is served on the creditor (**not before**), the person who served the papers must fill out the *Affidavit of Service* form. The affidavit does not need to be notarized because the server is signing it under penalty of perjury. This form is the proof that someone served the papers on the creditor.

## Step 6

### File your papers with the Court

File these papers:

- Original *Application(s) for Judgment Discharge (BKY101)*
- Original certified copy of your Bankruptcy Discharge order
- One extra plain (uncertified) copy of your Bankruptcy Discharge for each additional Application you are filing.
- Affidavit of Service*
- Note: Court administration will charge you \$5 for each judgment you are trying to discharge. This fee must be paid at the time you file your papers. If you are unable to afford the fees, you can ask a judge for a fee waiver. More information about fee waivers can be found on the courts website at [www.mncourts.gov/Help-Topics.aspx](http://www.mncourts.gov/Help-Topics.aspx) .

You can file your papers by going in person to the courthouse in the county that your judgment is in, or you can mail your papers with the fee(s) to the court by regular U.S. mail. For location and

mailing information for the courthouse for your case, you can go to [www.mncourts.gov/Find-Courts.aspx](http://www.mncourts.gov/Find-Courts.aspx) and choose the county from the drop down menu and click “Go.”

### Step 7

**Wait 20 days if the creditor was served by personal service OR  
Wait 23 days if the creditor was served by Certified Mail**

Court administration will discharge your judgment(s) 20 days after the creditor was served if the creditor was served by personal service; **or** 23 days after the creditor was served if the creditor was served by Certified Mail, so long as there is no objection filed by the judgment creditor during this time.

#### **Certification of Discharge of Judgment**

If you want court administration to send a Certification of Discharge of Judgment after the judgment is discharged, you can contact court administration to ask for more information about how to get a Certification of Discharge of Judgment. There is a separate \$5 fee for each Certification of Discharge of Judgment that you request.

#### **Objections and Motions**

If the judgment creditor objects to the discharge, no further action will happen unless you, the judgment creditor, or other interested party serves and files a motion asking the court to rule on the objection and the application for discharge of judgment.

If you receive an objection from the judgment creditor and want to file a motion, you may find motion forms and instructions online. There will be a motion filing fee. If you cannot afford the fee, you can ask for a fee waiver by filling out the fee waiver application.

To find the forms online, go to [www.mncourts.gov/forms](http://www.mncourts.gov/forms):

##### **Motion**

1. Choose “Civil” Category,
2. Choose the “Civil Motion” PACKET, and
3. Follow the instructions (CIV701) filling out the motion and affidavit.

##### **Fee Waiver**

1. Click on “Fee Waiver/In Forma Pauperis” Category,
2. Click on the “Fee Waiver (IFP)” PACKET,
3. Follow the instructions (IFP101) for filling out the fee waiver form (IFP102).