

INSTRUCTIONS

Docketing a Judgment From a Minnesota State Court

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:

- *Affidavit of Identification of Judgment Debtor* (JGM104)

Note: If there is more than 1 debtor, you will need a form for each debtor you are trying to collect payment.

What You Need to Do

1. Complete the court forms, following all of the steps in these instructions.
2. Gather any additional or supporting documents.
3. File the forms with the court (either electronically or at the courthouse). You may need to pay a fee.

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 Docketing a Judgment

The information in these instructions is a general guide to explain the legal process for docketing a civil judgment issued by a Minnesota state court. 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 court must direct entry of the judgment. Once a judgment has been entered in the court record, the judgment creditor may file an *Affidavit of Identification of Judgment Debtor* (JGM104) to have the judgment “docketed.”
- **Judgment Creditor:** the party who is owed money or other property
- **Judgment Debtor:** the party who owes money or property

What is the reason for docketing a judgment?

Minn. Stat. § 548.09 (<https://www.revisor.mn.gov/statutes/cite/548.09>) created the process for docketing a judgment, which allows the judgment creditor to enforce and collect the judgment. The judgment creditor must docket the judgment to:

- Create a lien (a legal claim in property) against certain real estate owned by the judgment debtor.
- Bring an enforcement action against the judgment debtor to get the judgment debtor to pay the judgment amount. For example, requesting a *Writ of Execution* to levy (seize) the judgment debtor’s bank account or wages.
- Find out about the judgment debtor’s assets, bank, and employer, if unknown, by asking the court to order the judgment debtor to fill out and return a *Financial Disclosure* (JGM301).

Who can use these forms and instructions?

You can use these forms and follow these instructions if all of the following are true:

- You have a court order granting you a judgment, and court administration has entered that judgment in the case;
- Your judgment has a specific dollar amount;
- Your judgment is free of conditions (example of a condition: Judgment in favor of plaintiff for \$500 against defendant upon sale of the car); and

- Your judgment was entered in a Minnesota state court (there are separate instructions for docketing a judgment from a court outside of Minnesota; see JGM101).

These forms and instructions may not be right for you, and you may want to get legal advice if your judgment is for:

- Unpaid Child Support (see the Child Support Help Topic, <http://www.mncourts.gov/Help-Topics/Child-Support.aspx> , for more information).
- Unpaid Spousal Maintenance (see the Entry and Docketing Spousal Maintenance Judgments forms packet, <http://www.mncourts.gov/GetForms.aspx?c=34&p=92> , for more information).

If your judgment has not been entered, does not have a specific dollar amount, or has conditions that must be met, you may need to file other paperwork with the court before you can docket the judgment.



If you are the victim in a delinquency or criminal case and want to docket an *Order for Judgment for Restitution*, please be aware that this form will ask you to give your address, phone number, and email. **This information will be public and the defendant will be able to see it.** If you are not comfortable giving this information, talk to an attorney for advice on how you can ask to keep this information confidential.

When can I docket the judgment?

If your judgment was awarded in conciliation court, and you received your *Order for Judgment electronically or in person*, you must wait 21 days from the date of entry of judgment before you can docket it. If the court **mailed** the *Order for Judgment*, you must wait 24 days from the date of entry of judgment. **The last day of the timeframe should be noted on your *Notice of Conciliation Court Order and/or Order and Entry of Judgment*.**

For judgments awarded in all other case types, you may docket the judgment once it is entered.

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

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

- The county and judicial district number where the case is filed.
- The names of the judgment debtors.
- The home and mailing addresses of the judgment debtors.
- The type of employment of the judgment debtors.
- The business address of the judgment debtors.

Step 1

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

If there are multiple judgment debtors, you will need to repeat this step for each one. You should have one *Affidavit of Identification of Judgment Debtor* (JGM104) for each judgment debtor. The judgment will only be docketed against the judgment debtors you include on each form.

The “Caption”

<p>State of Minnesota</p> <div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> County A </div> <hr style="border: 0; border-top: 1px solid black; margin: 10px 0;"/> Plaintiff C	<p style="text-align: right;">District Court</p> <div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> Judicial District: _____ Court File Number: _____ B Case Type: _____ </div> <div style="text-align: center;"> <p>Affidavit of Identification of Judgment Debtor (Minn. Stat. § 548.09, subd. 2)</p> </div> <hr style="border: 0; border-top: 1px solid black; margin: 10px 0;"/> Defendant
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- A. List the county where you will docket the judgment. You will typically docket your judgment in the county where:
- Your judgment was granted, if this is your first time docketing the judgment.
 - The judgment debtor’s real estate is located, if different from where the judgment was granted. To do this, you must first docket the judgment in the county where it was granted.
- B. List the Judicial District. If you are filing in the same county where the case was filed, this is on your court order. Each county belongs in 1 of 10 judicial districts. If you need help, see <http://www.mncourts.gov/Find-Courts.aspx>.

Fill in the Court File Number for your case. If your judgment is already docketed, and you are trying to docket it in a different Minnesota county, leave this blank.

Fill in the case type. This is typically going to be the same as your current case, but there are some exceptions. If you do not know the Civil Case Type, you can find the list of Civil Case Types at https://www.mncourts.gov/mncourtsgov/media/scao_library/documents/eFile%20Support/Handout-Case-Type-Index.pdf.

- C. Fill in the names of the parties, exactly as it appears in the court order. This information stays the same no matter who is awarded the judgment. For example, if you are the defendant in the case, you will continue to be the defendant.

****NOTE**** If you are docketing an *Order for Judgment for Restitution*, you, the victim, will be the plaintiff.

Information about you

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

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.

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 two 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 #4b.

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: _____
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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> <ul style="list-style-type: none"> i. What is the business' street address? _____ _____ _____ 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 The mailing address is: _____
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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.

Signature Block

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

B	_____	Signature	A
Dated		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

File Your Paperwork with Court Administration

File the original *Affidavit of Identification of Judgment Debtor* (JGM104) with court administration along with any additional paperwork you may have. You will file in the county you wrote in the case caption of your paperwork.

Depending on the judgment you are docketing, you may have to pay a fee. The fee is for a "Transcript of Judgment Docketed in District Court," 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. The fee will automatically be added to your judgment.

Some common situations where you have to pay a filing fee include docketing a conciliation court judgment, and docketing a judgment in another county. If you do not know if you have to pay a fee, call your local county court administration or the Statewide Self-Help Center (651-435-6535).

If you cannot afford to pay the fee, fill out the *Fee Waiver (IFP)* and file it with your other paperwork. You can find the *Fee Waiver* forms online at <http://www.mncourts.gov/GetForms.aspx?c=19&p=69>. You will need to fill out the *Fee Waiver* forms even if your fees were waived in your conciliation court case.

Step 3

Next Steps: Collect Your Judgment

You will receive notice when court administration docket your judgment. Depending on your case type, you may have to wait a certain period of time (typically 30 days) from the date of docketing before you can continue the collection process. You may also get a new court file number, and you must use this new number when collecting your judgment.

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.



These requests must be filed in the county where your judgment was awarded. So if you docketed your judgment in a different Minnesota county, you will need to request the *Order for Disclosure* or *Writ of Execution* in the first county.

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>.