

Conciliation Court

Prep, Paperwork,
Court and Collection \$\$\$

Prep

- Criteria:
 - Debt amount must be under \$15,000.00.
 - Client must have valid address.
 - Client may live in a different County but if the debt occurred in your County, you may file in your County. *MN Statue 491A.01 Subd 11*
 - Best prospects for Conciliation Court are clients who have social security numbers and are employed, however.....

Prep

- Criteria cont.:
 - No time line limitations on how soon you can take someone to conciliation court.
 - 6 year statute of limitations for taking legal action against a debt. *MN 541.05 subd 1(1)*
This 6 year statute starts when the debt is incurred and is restarted with each voluntary payment. (*Windshitl vs Windschtli*)

More Prep

- Needed Information:
 - Client name, address, date of birth and any aliases.
 - Complete documentation of their debt.
 - Statutes to back up your billing.
 - Case notes.
 - Copy of accounts receivable register showing billing charges and any payments.

Paperwork

- Statement of Claim and Summons
 - www.mncourts.gov
 - Fill out first page.
 - Plaintiff's date of birth is required.
 - Signature must be notarized.
 - Send all three pages to Court Administration.

State of Minnesota		Conciliation Court	
County: _____		Judicial District: _____	
		Court File Number: _____	
		Case Type: _____	

STATEMENT OF CLAIM AND SUMMONS

Plaintiff #1	Plaintiff #2
Name: _____	Name: _____
Address: _____	Address: _____
City/Town/Village: _____	City/Town/Village: _____
State: _____	State: _____
Zip: _____	Zip: _____
Defendant #1	Defendant #2
Name: _____	Name: _____
Address: _____	Address: _____
City/Town/Village: _____	City/Town/Village: _____
State: _____	State: _____
Zip: _____	Zip: _____

PLAINTIFF'S STATEMENT OF CLAIM

1. The Defendant(s) owe(s) me \$ _____ plus filing fees and costs of \$ _____ for a total of \$ _____ because on or about _____ (state month and year) the following event occurred (briefly describe the event): _____

2. The Defendant(s) have the following property that belongs to me (list property): _____ valued at \$ _____ plus filing fees and costs of \$ _____ for a total of \$ _____ I seek the court to order this property returned to me or make the Defendant(s) pay me money for the value of the property.

More Paperwork

- Personal Service
 - Court Administration will send back the Statement of Claim and Summons with the court date and time.
 - On claims of more than \$2500 you will need to personally serve the defendant.
 - We have our fraud investigator serve the Statement of Claim and Summons on the defendant.
 - Have the server fill out the Conciliation Court Affidavit of Service. Available at www.mncourts.gov
 - Give the Affidavit to Court Administration.

What if???

- The Client calls after receiving the Summons?
 - Wants to make payments?
 - Wants a voluntary wage assignment?
 - Pays off the entire balance due?
 - Has questions on their court appearance?

Pre-Court

- BE PREPARED!!
 - Have your file well organized with all your documents: proof of billing, balance due and statutes to back you up.
 - Make two copies of any papers that you will be showing the judge, one for the judge and one for the defendant.
 - Dress professional...be professional.

Pre-Court

- Additional Documents
 - Assignment of Wages form.
 - Voluntary wage withholding form.
 - Repayment agreement.
 - Copies of your agency's policy on collection fees, parental fees, etc.

Assignment of Wages

Name _____
File No. _____
SSN: _____

I hereby authorize my employer _____ whose address is _____ to withhold the sum of \$ _____ per _____ from my net earnings. I request that my employer forward this sum to Watonwan County Human Services, PO Box 33, St. James, MN 56081. This money must be forwarded on at least a monthly basis. This is for money that I have been ordered to pay in the amount of \$ _____. This payment is to continue until this debt is paid in full. The balance of my earnings is to be paid to me.

Date: _____ Employee Signature _____
Date: _____ Witness _____

State of Minnesota In District Court
County of Watonwan Fifth Judicial District
State of Minnesota Plaintiff

VS **ORDER FOR WAGE WITHHOLDING**

Defendant

Pursuant to the fees imposed by this Court, wage withholding is hereby implemented, from the date of this order, in the amount of \$ _____ per _____ until the amount of \$ _____ is paid in full.

Date: _____ Judge of District Court _____

cc: Employer
Defendant

Court

- What to expect??
 - All rise for the Judge who, in our court, will say a short prelude on how conciliation court will proceed.
 - Always address him/her as 'Your Honor'.
 - Both Plaintiff and Defendant will have a chance to present their case before the judge rules.
 - If Plaintiff does not show we are awarded a judgment by default.

Post-Court

- Your Judgment has been granted – Now what??
 - Court Administration will send you an 'Order for Judgment on Claim and Counterclaim'.
 - Judgment is stayed for 23 days.
 - If the Defendant pays within that 23 days fill out the Notice of Settlement portion of the Statement of Claim and return to Court Administration.
 - After 23 days and no acceptable settlement you may docket the judgment.
 - The judgment is valid for 10 years.

STATE OF MINNESOTA
WATERLOO COUNTY

WATROUSAN CO HUMAN SERVICES
315 2ND AVENUE S PO BOX 31
ST JAMES, MN 56081
952-231-3430
HSA 531 56082

Child Support Court
File Number: 03-CV-17-088
Case Type: Collection

Order for Judgment on Claim and Counterclaim

Applicant: Watrousan Co Human Services Debtor: _____ Judgment: Debtors Fees Collection Other

Verdict: Judgment in favor of Applicant; Judgment in favor of Debtor. (If a trial is held, the court shall enter judgment in favor of the party with the best of the law and the facts. If a trial is held, the court shall enter judgment in favor of the party with the best of the law and the facts.)

Amount of Judgment: \$ _____ (If a trial is held, the court shall enter judgment in favor of the party with the best of the law and the facts.)

Interest: None; From the date of the entry of judgment at the rate of _____ per year. (If a trial is held, the court shall enter judgment in favor of the party with the best of the law and the facts.)

Costs: \$ _____ (If a trial is held, the court shall enter judgment in favor of the party with the best of the law and the facts.)

Date: 10-17-2011 Judge: _____

By: _____
Court Administrator/Deputy: _____

WARNING: THIS JUDGMENT AFFECTS THE DEBTOR'S CREDIT RATING AND THE DEBTOR'S ABILITY TO OBTAIN CREDIT. THE DEBTOR IS ADVISED THAT THE DEBTOR'S CREDIT RATING AND ABILITY TO OBTAIN CREDIT MAY BE AFFECTED BY THIS JUDGMENT. IF THE DEBTOR IS UNABLE TO PAY THE JUDGMENT, THE CREDITORS OF THE DEBTOR MAY BE ABLE TO RECOVER FROM THE DEBTOR'S ASSETS. THE DEBTOR IS ADVISED THAT THE DEBTOR'S CREDIT RATING AND ABILITY TO OBTAIN CREDIT MAY BE AFFECTED BY THIS JUDGMENT. IF THE DEBTOR IS UNABLE TO PAY THE JUDGMENT, THE CREDITORS OF THE DEBTOR MAY BE ABLE TO RECOVER FROM THE DEBTOR'S ASSETS.

THIS PARTY HAS ENTERED JUDGMENT: (The party who has entered judgment shall file this form with the Court. The party who has entered judgment shall file this form with the Court. The party who has entered judgment shall file this form with the Court.)

Date: 10-17-11 Court Administrator/Deputy: _____
By: _____
Court Administrator/Deputy: _____

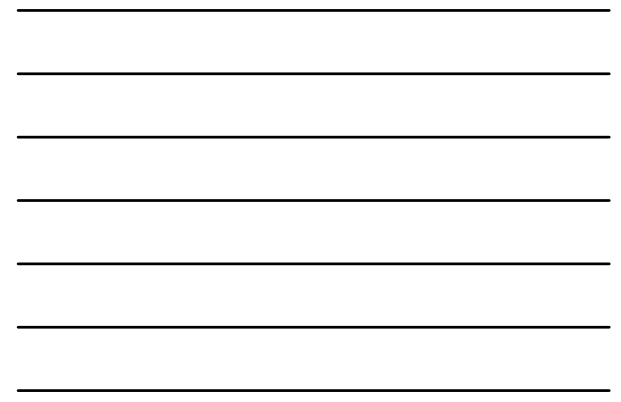
Form of Judgment: Entry of Judgment; Default Judgment; Judgment by Default; Judgment by Default with Default Judgment; Judgment by Default with Default Judgment and Default Judgment.

Date: _____ Court Administrator/Deputy: _____



Paperwork – again!

- Docketing the Judgment
 - Complete an Affidavit of Identification and file with Court Administration.
 - After filing the Affidavit of Identification your judgment is entered and docketed in district court.
 - Court Administration will send you and the debtor a Notice of Entry and Docketing of Judgment form.
 - Docketing the judgment creates a lien against abstract real estate owned by the debtor in you county.
 - Docketing affects the debtor's credit rating.
 - Docketing is the next step to garnishing the debtor's wages and accounts.



State of Minnesota

County: Waterloo Judicial District: 53 District Court

Court File Number: _____
Case Type: Child

Plaintiff: Watrousan Co Human Services
(115 2ND AVENUE S, PO BOX 31)
ST JAMES, MN 56081

vs. Defendant: _____

Affidavit of Identification of Judgment Debtor (Minn. Stat. 5548.09, subd. 2)

I, Nancy Memon, being duly sworn, affirm on oath that the facts in this Affidavit of Identification are true and correct. I am the Court Administrator/Deputy for the Judgment Creditor, that to the best of my best knowledge, information, and belief, the full name(s) of the Judgment Debtor(s) in the action above entitled is as follows: _____

That the business and occupation of said judgment debtor(s) is as follows: _____

That the place(s) of residence of said judgment debtor(s) is as follows: _____

That the place(s) of business of said judgment debtor(s) is as follows: _____

That the post office address(es) of said judgment debtor(s) is as follows: _____

Date: _____
Signature: _____
Name: Nancy Memon, WCA/CS Collection Officer
Address: 315 2ND AVENUE S
City/State/Zip: ST JAMES, MN 56081
Telephone: (952) 231-3430

Sworn/Affirmed before me this _____ day of _____, 2011.

State Public-Private Court Administrator



State of Missouri
Warrant County

Debtors Court
1225 Federal Street
Court File Number: WCCV-08-1312
Case Type: Warrant/ Judgment

Notice of Entry and Docketing of Judgment
WATSON COUNTY HUMAN SERVICES
CINDY MENNEN
THERESA L.
ST JAMES MS 1801

84 1ST WILLOP ST
ST JAMES MO 64481

WATSON COUNTY HUMAN SERVICES vs ALFREDO BARRON

You are hereby notified that a judgment has been entered and docketed in the above entitled matter:

Judgment Information	
Entered Date	December 15, 2006
Entered Time	December 28, 2006
Entered By	1:31 PM
Case No.	WATSON COUNTY HUMAN SERVICES
Case Name	
Monetary Award	\$738.50
Monetary Award	\$738.50

A true and correct copy of this notice has been served by mail upon the parties. Please be advised that notices sent to attorneys are sent to the last attorney only.

Note: Costs and interest will continue to accrue against judgment amounts from the date of entry until the judgment is satisfied in full.

Debtors December 28, 2006

Kelly A. Dineen
Court Administrator
Missouri Courts Judicial Dept
315 Missouri Avenue South, PO Box 518
St. James MO 64481
(314) 735-1236

Collection

- Writ of Execution
 - Request a writ from court administration if you know where the debtor works or banks.
 - In your request you must specify the County in which you will be serving the writ.
 - The sheriff's office in the County where the debtor works or banks will serve the writ.
 - Each sheriff's office charges a fee, whether up front or included when the writ is satisfied.

Collection

- Steps to Wage Garnishment
 - Writ of Execution
 - Sheriff fee information
 - 10-day notice to client
 - \$15 check to employer
