
Conciliation Court

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

Prep

- Criteria:
 - Debt amount must be under \$10,000.00.
 - Client must have valid address and live in the County where you are taking them to court.
 - Best prospects for Conciliation Court are clients who have social security numbers and are employed, however.....

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.
 - Defendant'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 _____ Case No. _____

STATEMENT OF CLAIM AND SUMMONS

Plaintiff #1	P L E A S E	Plaintiff #2
Name _____		Name _____
Address _____		Address _____
City/State/Zip _____		City/State/Zip _____
VS		VS
Defendant #1	P R I N T	Defendant #2
Name _____		Name _____
Address _____		Address _____
City/State/Zip _____		City/State/Zip _____

PLAINTIFF'S STATEMENT OF CLAIM

1. The Defendant(s) owe(s) me \$ _____, plus filing fees and costs of \$ _____, for a total of \$ _____ because (state what happened and when it happened):
- _____
- _____
- _____
2. The Defendant(s) has/have the following property that belongs to me (list property), _____ valued at \$ _____, plus filing fees and costs of \$ _____, for a total of \$ _____. I want the Court to order this property returned to me or make the Defendant(s) pay me money for the value of the property.
3. I believe the person(s) I am suing is/are at least 18 years old and not in the military service.
Defendant #1 date of birth _____ Defendant #2 date of birth _____
4. I understand that if I do not come to court on my hearing date, my case will be dismissed and I may have to pay money to the Defendant(s) on any counterclaim that has been filed.

NOTARY STAMP OR COURT SEAL	SWORN TO BEFORE ME ON: Date: _____ Signature: _____	THE ABOVE STATEMENT OF CLAIM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE Signature: _____ Name: _____ Title (if representative): _____ Telephone: _____ Plaintiff #1 date of birth _____ Plaintiff #2 date of birth _____
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Notice of Settlement

The above-entitled case having been settled, the same may be and hereby is dismissed with my consent.

Date: _____ Plaintiff's Signature: _____

SUMMONS: IMPORTANT NOTICE TO THE PARTIES

You **must** come to court for a hearing on _____ at _____ m. at _____

Location/Address

If you do not come to court for this hearing, you may lose the case and have to pay money to the other party.

Dated: _____ Court Administrator/Deputy _____

Case No. _____

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.

State of Minnesota

District Court

County

Judicial District:	_____
Court File Number:	_____
Case Type:	_____

Plaintiff

vs.

Defendant

STATE OF MINNESOTA)
) ss.
 COUNTY OF _____)

**Cconciliation Court
Affidavit of Service**

_____, being sworn/affirmed under oath, states:

Check and complete one of the following:

1. [Service by Mail]
 I am over eighteen years of age or
 I am over eighteen years of age and not a party to the action. *[Note: A party may generally not serve process, but is allowed to serve a Conciliation Court Summons by Certified Mail and a Demand for Removal/Limited Removal by First Class Mail.]*

On the _____ day of _____, 20____, I served the

- Summons
 Demand For Limited Removal
 Other Document _____ (specify)
 upon _____, (plaintiff/defendant or attorney
 for _____), by placing a true and correct copy of it
 in an envelope addressed as follows:

which is the last known address of said party or attorney and depositing it,

- first-class postage or _____) *specify one or both*
 Certified Mail, postage prepaid),
 in the United States mail.

2. [Personal Service] I am over eighteen years of age and not a party in the above-entitled action.

- I served a copy of the
 Summons
 Demand For Limited Removal
 Other Document _____ (specify)

upon _____, (title) _____,
 by delivering a copy personally to him/her at _____
 at _____ am/pm, on _____, 20____.

3. [Service not completed; party not found.]
 I am over eighteen years of age.
 After diligent search and inquiry, I was unable to locate _____
 _____ (name of party to be served), or any residence
 or business address for him/her at which service could be attempted.

Dated: _____

 Signature of Server
(Sign only in front of notary public or court administrator.)

Sworn/affirmed before me this
 _____ day of _____, 20____. Telephone (____) _____

Notary Public \ Deputy Court Administrator

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: _____

SS#: _____

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 31, 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.

Dated: _____

Employee Signature

Dated: _____

Witness

State of Minnesota
County of Watonwan

In District Court
Fifth Judicial District

State of Minnesota,
Plaintiff

VS

ORDER FOR WAGE WITHHOLDING

Defendant

Pursuant to the fines 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.

Dated: _____

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
Watsonwan County

Conciliation Court
Fifth Judicial District

Court File Number: 83-CO-11-168

Case Type: Conciliation

WATONWAN CO HUMAN SERVICES
715 2nd Ave S PO Box 31
St James MN 56081
vs
409 1st St NE
Madelia MN 56062

Order for Judgment on Claim and
Counterclaim

Appearances: <input checked="" type="checkbox"/> Plaintiff	<input type="checkbox"/> Defendant	<input type="checkbox"/> Neither Party	<input type="checkbox"/> Contested	<input checked="" type="checkbox"/> Default
Upon evidence received, IT IS ORDERED:				
<input checked="" type="checkbox"/> Plaintiff is entitled to judgment against Defendant for the sum of \$ <u>807.93</u> , plus fees of \$ _____, disbursements of \$ _____ and conditional costs of \$ _____, for a total of \$ <u>807.93</u> .				
<input type="checkbox"/> Judgment shall be entered in favor of _____ (without damages).				
<input type="checkbox"/> _____'s claim is dismissed without prejudice.				
<input type="checkbox"/> _____'s claim is dismissed without prejudice.				
<input type="checkbox"/> _____'s claim is dismissed with prejudice.				
<input type="checkbox"/> _____ shall immediately return _____ to the _____ and that the Sheriff of the county in which the property is located is authorized and directed to effect repossession of such property according to Minn. Stat. § 491A.01, subd. 5, and turn the property over to _____				
<input type="checkbox"/> Other / <input type="checkbox"/> Memo: _____				
Dated: <u>10-17-2011</u> Judge: <u>Greg Anderson</u>				
JUDGMENT is declared and entered as stated in the Court's Order for Judgment set forth above, and the Judgment shall become finally effective on the date specified in the notice of judgment set forth below.				
Dated: <u>10-19-11</u> Court Administrator/Deputy: <u>Robin Aron</u>				
NOTICE: THE PARTIES ARE NOTIFIED that Judgment has been entered as indicated above, but the Judgment is stayed by law until <u>11-14-11</u> (Time) 5:00 p.m. (to allow time for an appeal/removal if desired).				
NOTE: This is NOT a hearing				
THE PARTIES ARE FURTHER NOTIFIED that if the case is removed to District Court and the removing party does not prevail as provided in Rule 524 of the Minnesota General Rules of Practice for the District Courts, the opposing party will be awarded \$50 as costs.				
Dated: <u>10-19-11</u> Court Administrator/Deputy: <u>Robin Aron</u>				
Transcript of Judgment: I certify that the above is a correct transcript of the Judgment entered by this Court.				
Dated: _____ 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
Watonwan

District Court

Judicial District: 5th
Court File Number:
Case Type: Civil

Watonwan County Human Services
715 2nd Ave. S. PO Box 31
St. James, MN 56081

Plaintiff

vs.

Defendant

**Affidavit of Identification
of Judgment Debtor
(Minn. Stat. §548.09, subd. 2)**

Nancy Menssen being duly sworn/affirmed on oath says; that he/she is the Judgment Creditor, or the Representative for the Judgment Creditor, that to the best of his/her 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:

Dated: _____

Signature (Sign only in front of notary public or court administrator.)

Name: Nancy Menssen/WCHS Collection Officer

Sworn/affirmed before me this

Address: 715 2nd Ave S

_____ day of _____,

City/State/Zip: St. James, MN 56081

Telephone: (507) 375-3294

Notary Public/Deputy Court Administrator

State of Minnesota
Watonwan County

District Court
Fifth Judicial District
Court File Number: 83-CV-06-1391
Case Type: Transcript Judgment

Notice of Entry and Docketing of Judgment

WATONWAN COUNTY HUMAN SERVICES
C/O NANCY MENNSEN
715 2ND AVE S
ST JAMES MN 56081

54 2ND AVE LOT 25
ST JAMES MN 56081

WATONWAN 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 01, 2006
Docketed Date	December 28, 2006
Docketed Time	11:08 AM
Debtor(s)	
Creditor(s)	WATONWAN COUNTY HUMAN SERVICES
Monetary Award:	
Monetary Amount:	\$726.50
	FILED 12-28-06 IN DISTRICT COURT, WATONWAN CO. MN COURT ADMINISTRATOR
	83-CV-06-1391 FILE NO. BY: KA

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 lead attorney only.

Note: Costs and interest will accrue on any money judgment amounts from the date of entry until the judgment is satisfied in full.

Dated: December 28, 2006

Kelly A. Iverson
Court Administrator
Watonwan County District Court
710 Second Avenue South, PO Box 518
St. James MN 56081
(507)375-1236

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