

EXECUTION INSTRUCTION SHEET

It is not the duty of the Sheriff's Department to find out what assets the judgment debtor has. This is your responsibility as the judgment creditor or the attorney.

An execution is active for a total of 180 days; then a new one must be obtained if you wish further action.

The following information is required before the Otter Tail County Sheriff's Department/Civil Division will accept any executions:

Name of Judgment Debtor: _____

Debtor's Home Address: _____

If you want us to levy on a bank account, you must:

1. Endorse the original execution
2. Submit a deposit to cover mileage and service made payable to the Otter Tail County Sheriff's Department
3. If your judgment is against an individual, you must provide us with two exemption notices to be served on the financial institution at the time of levy (forms are available at the Sheriff's Dept.)
4. Provide us with the name and address of the debtor's bank.
5. Provide a \$15 check made payable to the bank.

Bank Name: _____

Bank Address: _____

If you want us to levy on wages, you must:

1. Send a garnishment exemption notice to the debtor at least 10 days before delivering the writ of execution to the Sheriff's Department (forms available at the Sheriff's Dept).
2. Endorse original execution.
3. Enclose deposit for mileage and service fees made payable to the Otter Tail County Sheriff's Department.
4. Provide name and address of employer.
5. Provide \$15 check made payable to the employer.

Employer Name: _____

Employer Address: _____

Upon completion of the above, you can present this form with the accompanying documents and deposit for service and mileage to:

Otter Tail County Sheriff's Department
Civil Division
417 South Court Street
Fergus Falls, MN 56537
(218) 998-8524

Please Print:

Name (Judgment Creditor/Attorney): _____

Address: _____

Phone Number: _____

Date: _____ (see back of this page for additional information)

Third party levies involving the collection of monies are processed in the following manner:

1. Bank Accounts (Natural person and corporation)

A third party levy on bank account(s) is served within two to three business days upon receipt of the writ of execution by the Civil Division. Funds on deposit in the account(s) are frozen as of the date of service. Financial institutions respond by mail to the Civil Division approximately 30 days (14-21 days for corporate accounts) after date of service. At that time, if a check is received from the bank, it is deposited and within two weeks, the funds are remitted to you (the judgment creditor/attorney) by mail in the form of a Sheriff's Department check.

(total time involved -- approximately 30-45 days)

2. Garnishments (wages)

A third party levy on wages is served within two to three business days upon receipt of the writ of execution by the Civil Division. We must receive monies from the initial service before we can re-serve. We will levy for 10 weeks and will pay out monies received each month (after check we received from employer clears the bank). When we stop levying, we will mail you any remaining funds approximately two weeks after the last check is received. If the judgment is not fully satisfied and the judgment debtor is still employed, you must obtain a new writ of execution from the Clerk of Court and deliver it to the Civil Division with a deposit for services and mileage and the new instructions to re-garnish (name and address of employer). The writ of execution is valid for 180 days, but by statute we can only garnish wages for a 10 week period.

(total time involved -- approximately 12 weeks)

In the event no monies are collected pursuant to the Sheriff's levy (due to i.e.: no funds in account, employment is terminated, does not earn at least minimum wage, on leave of absence, etc), notice will be mailed to you giving the reason and the writ of execution will be returned to the Clerk of Court. You can then try to locate other assets and go through the procedures again. If no other assets are found, contact Conciliation Court regarding the procedure of ordering the judgment debtor to divulge his/her assets.

Please note the total time approximations indicated above. To help us expedite the collection of your judgment, your cooperation in respecting these time elements would be greatly appreciated.