

EXECUTION INSTRUCTIONS- Lyon County Sheriff's Office

IT IS NOT THE DUTY OF THE SHERIFF'S OFFICE TO LOCATE THE ASSETS OF THE JUDGMENT DEBTOR. THIS IS YOUR RESPONSIBILITY AS THE JUDGMENT CREDITOR OR THE ATTORNEY.

The following information is required before the Sheriff's Office will accept any executions. List the name(s) of the judgment debtor(s) you are asking us to collect from. Be specific.

Name of Judgment Debtor: _____
Debtor's Home Address: _____
City, State, Zip: _____
Phone: _____
Name of Judgment Debtor: _____
Debtor's Home Address: _____
City, State, Zip: _____
Phone: _____

List other Counties that will be levying at the same time: _____

To levy on a bank account you must:

1. Endorse the original execution and provide us with two copies.
2. Enclose any deposit required by the Sheriff's Office- (Lyon County-\$70.00).
3. Enclose a \$15.00 legal fee made payable to the financial institution.
4. If your judgment is against an individual, provide us with two *Exemption Notices* to be served on the financial institution at the time of the levy.
5. Provide the name and address of the financial institution.

Bank Name: _____
Bank Street Address: _____

To levy on wages you must:

1. Mail an *Execution Exemption Notice* to the debtor's last known address 10 days before You deliver the Writ of Execution to the Sheriff. **Date mailed:** _____
2. Endorse (sign) the original execution and provide us with two, signed copies.
3. Enclose the deposit required by the Sheriff's Office (Lyon County- \$70.00).
4. Enclose a \$15.00 legal fee made payable to the employer.
5. Provide the name and address of the employer.

Employer Name: _____
Employer Street Address: _____

*The *Exemption Notices* mentioned above can be found at mncourts.gov/forms or you may contact the Civil Process Office at the Lyon County Sheriff's Department at 507-929-6620 or alysonbossuyt@co.lyon.mn.us.

Upon completion of the above, you can present this form, along with appropriate documents and fees in person or by mail to the Sheriff's Office at: **PO Box 28, 611 West Main Street, Marshall, MN 56258.**

***Sheriff's fees and legal fees are added to the judgment amount to be collected.

Please Print Judgment Creditor/Attorney/ and Representative Information:

Name: _____ Daytime Phone: _____
Address: _____
Date: _____ Signature: _____
E-Mail: _____

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

I. **BANK ACCOUNTS:** (Natural persons and corporations)

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

(Total time involved- approximately 30-45 days)

II. **WAGES:**

A third-party levy on wages is served within five business days upon receipt of the Writ of Execution by the Sheriff's Office. This one service will attach the wages for 90 days at which time the employer will remit the funds to us. The papers will be served again to levy for another 90 days. (a second legal fee made payable to the employer will be needed at this time.) The Writ of Execution expires 180 days from the date it is issued by the court. When we stop levying we will mail you the funds collected plus your deposit, if any, 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 Sheriff's Office with a deposit, if required, a \$15.00 legal fee, and the instructions to re-levy. (Name and address of employer.)

(Total time involved- approximately 180 days)

In the event that no monies are collected pursuant to the Sheriff's levy (due to i.e., no funds in account, employment is terminated, does not earn more than the minimum wage, on leave of absence, etc.), notice will be mailed to you giving the reason and the Writ of Execution is returned to the Clerk of Court. You must then locate other assets, obtain a new Writ of Execution from the Clerk of Court and deliver it to the Sheriff's Office with a deposit, if required, a \$15.00 legal fee and new instructions. If no other assets can be found, contact the District Court regarding the procedure of ordering the judgment debtor to court to disclose their assets.

SPECIAL REQUEST

Please note 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.