

House Research Act Summary

CHAPTER: 190

SESSION: 2004 Regular Session

TOPIC: Regulating Stays of Execution on Money Judgments

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Overview

This act creates an alternative to the Minnesota Rules of Civil Appellate Procedure for (1) the length of time a money judgment need not be paid and (2) setting the amount of a bond that can be required in order to avoid paying the judgment while the case is on appeal.

- 1 Stay of execution on money judgment.** Amends existing law that (1) sets a maximum time for stopping the payment of a money judgment while the case is on appeal and (2) sets the amount of bond the losing party must file in order not to pay the judgment pending appeal. Prior law set a maximum six-month stay period; the act allows a stay to operate until all appeals finish. Prior law required a bond double the amount of the judgment. The act sets the bond at an amount equal to or less than the judgment, but never more than \$150 million.

If a party who won a money judgment shows evidence that the judgment debtor may be liquidating assets to avoid paying the judgment, the act lets the court (1) enter orders necessary to protect the party who owns the judgment and (2) increase the bond amount up to the total amount of the judgment.

- 2 Effective date; application.** The act is effective May 14, 2004, and applies to cases pending on or filed after that date, aside from cases where judgment has been entered and is under appeal or cases that are the subject of a petition for review on that date.