

Instructions for Conciliation Court
Demand for Judicial Determination of Property Seized In a Drug Arrest
Value of Vehicle/Property \$15,000 or less

Citation: Minn. Stat. § 491A.01, subd. 3; § 491A.02; and § 609.5314, subd. 2 & 3

Conciliation Court Claim forms are available at the Court Administrator's Office or online at www.mncourts.gov/forms.

Use court form CCT102 if:

- You have received a Notice of Seizure and Intent to Forfeit.
- **You want your vehicle or property returned.**
- **Your vehicle or property is worth \$15,000 or less.**

Within 60 days after you are served with the Notice of Seizure and Intent to Forfeit:

1. You must file the Conciliation Court Claim form for a Judicial Determination.
2. The Conciliation Court Claim form must be filed in the county in which the seizure took place.
3. Complete the claim form and attach a copy of the Notice of Seizure and Intent to Forfeit. Bring the papers to the Court Administrator's office for filing. A conciliation court fee is charged unless plaintiff/claimant qualifies to waive the fee. No conciliation court fee is required if the value of the vehicle is less than \$500.
4. The person filing the demand is the plaintiff/claimant (your name). The defendant is a description of the seized property/vehicle. Example: John Smith vs. 1992 Cherokee or John Smith vs. U.S. Currency in the amount of \$3,483.90). Seized vehicles require that the following information be listed in the body of the claim form:
 - the make
 - model
 - license plate number
 - VIN number

Other types of seized property will require a detailed description.

The demand must specifically state the grounds on which the plaintiff alleges the vehicle was improperly seized and the plaintiff's interest in the seized vehicle.

5. Court Administration will complete date and time of hearing.
6. If the property is valued at \$2,500.00 or less, the Court Administrator's Office will serve the demand claim form on the prosecuting authority where the seizure took place pursuant to Minn. Stat. § 491A.01, subd. 3(b).
7. Service of Demand Claims for property valued between \$2,501.00 and \$15,000 must be made by the plaintiff on the prosecuting authority in the county where the seizure took place, either by certified mail (as per Minn. Stat. § 491A.01, subd. 3(b)) or by personal service by a disinterested third party who is at least 18 years of age. The Plaintiff cannot personally serve the Demand Claim form. The person who personally serves the Claim form must fill out an Affidavit of Service and file with it with the Court within 60 days after the Notice of Seizure was received. This form is available at the Conciliation Court or online at www.mncourts.gov/forms.

If the plaintiff/claimant prevails, the filing fee must be reimbursed to the person who filed the demand. Reimbursement shall be paid from other forfeiture proceeds of the law enforcement agency or prosecuting authority (see Minn. Stat. § 609.5314, subd. 3(d) and 609.5315, subd. 5).

Helpful materials may be found at your public county law library. For a directory, see <http://www.lawlibrary.state.mn.us/cllppubdir.rtf>. For more information, contact your court administrator or call the Minnesota State Law Library at 651-296-2775.