

## Instructions for Judicial Determination in District Court of Forfeiture of Property Seized In A Drug Arrest Offense

Citation: Minn. Stat. § 609.5314

Demand claim forms are available online at [www.mncourts.gov/forms](http://www.mncourts.gov/forms) , or at the Court Administrator's Office in the county where the seizure took place.

Use court form FOR402 if:

- You are filing your action in district court. (Note: You may file your action in conciliation court if the value of the vehicle / property is \$15,000 or less.
- You have been served with a Notice of Seizure and Intent to Forfeit.
- **You want your vehicle or property returned.**

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

1. You must file the Demand Claim form for a Judicial Determination in the county in which the seizure took place.
2. Complete the claim form and attach a copy of the Notice of Seizure and Intent to Forfeit. Bring your papers to the Court Administrator's office for filing.
3. The person filing the demand is the plaintiff/claimant (your name).
4. 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 \$7,501.90)  
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 reason(s) that the vehicle or property was improperly seized and the plaintiff's interest in the seized vehicle or property.

5. The demand must be filed with the district court administrator in the county in which the seizure took place.
6. Court Administration will complete the date and time of hearing.
7. The prosecuting authority of the place where the seizure took place must be served with the Demand Claim form. Because you are the plaintiff you cannot do this yourself. Service of the demand claim form must be made by a disinterested third party, which means someone who has no interest in the case or the outcome. He/she must personally give the prosecuting authority a copy of the demand claim form.
8. The person who gave the prosecuting authority a copy of the demand claim form must fill out an Affidavit of Service and file it with the court administrator. This form is available from the Court Administrator's office or online at [www.mncourts.gov/forms](http://www.mncourts.gov/forms).
9. A regular civil filing fee is charged, unless plaintiff/claimant qualifies to have the fee waived.

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.