

MINNESOTA DEPARTMENT OF PUBLIC SAFETY

11 - 0073



Office of the Commissioner

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January 14, 2011

Alcohol
and Gambling
Enforcement

Bureau of
Criminal
Apprehension

Driver
and Vehicle
Services

Emergency
Communication
Networks

Homeland
Security and
Emergency
Management

Minnesota
State Patrol

Office of
Communications

Office of
Justice Programs

Office of
Traffic Safety

State Fire
Marshal

The Honorable Warren Limmer
The Honorable Ron Latz
Minnesota Senate
Judiciary and Public Safety Budget & Policy

The Honorable Torrey Westrom
The Honorable John Lesch
Minnesota House of Representatives
Civil Law Committee

The Honorable Tony Cornish
The Honorable Joe Mullery
Minnesota House of Representatives
Public Safety and Crime Prevention
Policy & Finance Committee

The Honorable Steve Smith
The Honorable Sheldon Johnson
Minnesota House of Representatives
Judiciary Policy & Finance Committee

Re: Development of Administrative Forfeiture Notice and Language

Dear Colleagues:

The Legislature required the Commissioner of Public Safety, in consultation with the Director of the Peace Officer Standards and Training Board ("POST Board") and the Minnesota County Attorneys Association to:

recommend modifications to the notice language described in Minnesota Statutes, sections 84.7741, subdivision 8, paragraph (c), clause (3); 169A.63, subdivision 8, paragraph (c), clause (3); and 609.5314, subdivision 2, paragraph (b), clause (3).

2010 Minn. Laws Ch. 391 Sec. 21.

There are currently two separate forms law enforcement uses for (1) vehicles used in specified driving while impaired offenses; and (2) contraband relating to a controlled substance offense. The two documents are attached for your convenience¹. The forms have been developed by the County Attorneys Association and are available for purchase from that organization. There is no separate form for off-road vehicle forfeiture.

¹ Then controlled substance notice contains the new language and translation required by Minn. Stat. §609.5314 subd. 2 (b) (3), the other forms will need to incorporate it.

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The off-road vehicle and vehicle seizure under sections 84.7741 and 169A.63 both require a demand for a hearing challenging the seizure within thirty (30) days. The current form of the vehicle forfeiture contains the claimant's rights and duties in narrative form, generally reiterating the language in the statute. Seizure of contraband relating to a controlled substance crime under section 609.5314, however, requires a hearing demand within sixty (60) days and the notice on this form is in a bulleted, more easily understandable fashion which contains all the requirements and duties necessary to secure a hearing.

After consultation with the County Attorneys Association and the POST Board, it is recommended that all forms adopt the necessary language in the bulleted easily understood fashion currently used in the controlled substance contraband notice. The format and language are clear, concise, understandable and articulate all requirements under the law. It is further recommended that the current vehicle forfeiture notice be modified to include off road vehicles under Minn. Stat. sec. 84.7741. If this recommendation is adopted the law enforcement officer would have to merely circle the proper citation. The obligations of the claimant are the same and the form would otherwise be uniform.

Thank you and please let me know if you would like to discuss this further or otherwise require anything from this office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael Campion".

Michael Campion, Acting Commissioner

Enclosures

c: Legislative Reference Library

IMPAIRED OPERATION

Ticket or Case No. _____

NOTICE OF SEIZURE AND INTENT TO FORFEIT VEHICLE

Court _____

D/L _____

To (Recipient of Notice): _____
First Middle Last DOB _____

Address: _____
Street City State Zip

VEHICLE: _____
Make Year VIN/HIN/Serial No. License/Registration No./State

Location/Date/Time Seized _____

Description/Type of Vehicle: ATV _____ Snowmobile _____ Motorboat _____ Other _____

ADMINISTRATIVE FORFEITURE NOTICE

YOU ARE HEREBY NOTIFIED, pursuant to Minnesota Statutes, Section 169A.63, that the vehicle listed above was used in the commission of a designated offense or was used in conduct resulting in a designated license revocation.

Forfeiture of the property is automatic unless within 30 days of receipt of this form you demand a judicial determination of this matter. The procedure for obtaining a judicial determination is set out in Minnesota Statutes, Section 169A.63, Subdivision 8 on the reverse side of this form. IF YOU DO NOT DEMAND JUDICIAL REVIEW EXACTLY AS PRESCRIBED IN MINNESOTA STATUTES, SECTION 169A.63, SUBDIVISION 8, YOU LOSE THE RIGHT TO A JUDICIAL DETERMINATION OF THIS FORFEITURE AND YOU LOSE ANY RIGHT YOU MAY HAVE TO THE ABOVE DESCRIBED PROPERTY. YOU MAY NOT HAVE TO PAY THE FILING FEE FOR THE DEMAND IF DETERMINED YOU ARE UNABLE TO AFFORD THE FEE. IF THE PROPERTY IS WORTH \$7,500 OR LESS, YOU MAY FILE YOUR CLAIM IN CONCILIATION COURT. YOU DO NOT HAVE TO PAY THE CONCILIATION COURT FILING FEE IF THE PROPERTY IS WORTH LESS THAN \$500.

Yam khoom tsoom fwv muab lawm yuav cia li poob rau luag yog hais tias nyob rau hauv 30 hnuv tom qab uas tau txais daim ntawv no koj tsis hais kom muaj kev soj ntsuam raws li txoj cai lij choj nrog taug tus teeb meem no. Tus txheej txheem hais kom muaj kev soj ntsuam raws li txoj cai lij choj yeej muaj sau tseg rau hauv Kev Cai Minnesota Tshooj 169A.63, Qib 8 nyob rau daim ntawv no sab nraud. YOG HAIS TIAS KOJ TSIS THOV KOM MUAJ KEV SOJ NTSUAM RAWS LI TXOJ CAI LIJ CHOJ RAWS NRAIM LI UAS TAU PIAV TSEG RAU HAUV KEV CAI MINNESOTA, TSHOOJ 169A.63, QIB 8, KOJ YUAV TSIS MUAJ CAI HAIS KOM MUAJ KEV SOJ NTSUAM RAWS LI TXOJ CAI LIJ CHOJ HAIS TXOG YAM KHOOM TSOOM FWV MUAB LAWM, THIAB KOJ YUAV POOB TAG TXHUA TXOJ CAI HAIS TXOG COV KHOOM UAS TAU TEEV LOS SAUM NO. KOJ YUAV TSIS RAUG THEM TUS NQI UA NTAUB NTAWV HAIS YOG TIAS MUAB NTSUAM XYUAS LOS TXOG KOJ YUAV THEM TSIS TAUS. YOG QHOV KHOOM NTAWD RAUG NQI TSAWG TSHAJ LOS YOG RAUG NQI TXOG LI \$7,500 NYIAJ, CES KOJ MUS UA TAU NTAUB NTAWV HAIS HAUV CHAW HAIS PLAUB ME (CONCILIATION COURT). KOJ YUAV TSIS RAUG THEM TUS NQI UA NTAUB NTAWV HAIS HAUV CHAW HAIS PLAUB ME YOG HAIS TIAS YAM KHOOM NTAWD RAUG NQI TSAWG TSHAJ \$500 NYIAJ.

El decomiso de esto bienes es automático , excepto cuando pida una determinación judicial de este asunto dentro de un periodo de 30 días después de haber recibido este aviso. El procedimiento para obtener una determinación judicial se establece en los estatutos de Minnesota, sección 169A.63, subdivisión 8, que aparece impresa al reverso de este formulario. SI USTED NO PIDE UNA REVISIÓN JUDICIAL EXACTAMENTE TAL Y COMO SE PRESCRIBE EN LOS ESTATUTOS DE MINNESOTA, SECCIÓN 169A.63, SUBDIVISIÓN 8, PERDERÁ TODO DERECHO A UNA DETERMINACIÓN JUDICIAL DE ESTE DECOMISO Y TODOS LOS DERECHOS QUE PUEDA TENER SOBRE LAS PROPIEDADES DESCRITAS ANTERIORMENTE. ES POSIBLE QUE NO TENGA QUE PAGAR LA TASA JUDICIAL DE LA DEMANDA SI SE DETERMINA QUE NO TIENE MEDIOS PARA HACERLO. SI EL VALOR DEL BIEN MUEBLE NO EXCEDE LOS \$7,500 DÓLARES, USTED PUEDE HACER UNA RECLAMACIÓN EN EL TRIBUNAL DE CONCILIACIÓN. NO TIENE QUE PAGAR LA TASA JUDICIAL PARA EL TRIBUNAL DE CONCILIACIÓN SI EL VALOR DEL BIEN MUEBLE ES DE HASTA 500 DÓLARES.

PEACE OFFICER CERTIFICATE OF SERVICE

I certify that on (date) _____, I gave a true copy of this notice to the person named above at (location of service) _____ and have seized the above described property for forfeiture.

Signature of Officer _____ Officer's Printed Name _____

Badge No. _____ Dated _____ Law Enforcement Agency _____

Notice received by * _____ Check if recipient refused to sign

MINNESOTA STATUTES SECTION 169A.63, SUBDIVISION 8

(d) Within 30 days following service of a notice of seizure and forfeiture under this subdivision, a claimant may file a demand for a judicial determination of the forfeiture. The demand must be in the form of a civil complaint and must be filed with the court administrator in the county in which the seizure occurred, together with proof of service of a copy of the complaint on the prosecuting authority having jurisdiction over the forfeiture and the appropriate agency that initiated the forfeiture, including the standard filing fee for civil actions unless the petitioner has the right to sue in forma pauperis under section 563.01. If the value of the seized property is \$7,500 or less, the claimant may file an action in conciliation court for recovery of the seized vehicle. A copy of the conciliation court statement of claim must be served personally or by mail on the prosecuting authority having jurisdiction over the forfeiture, as well as on the appropriate agency that initiated the forfeiture, within 30 days following service of the notice of seizure and forfeiture under this subdivision. If the value of the seized property is less than \$500, the claimant does not have to pay the conciliation court filing fee. No responsive pleading is required of the prosecuting authority and no court fees may be charged for the prosecuting authority's appearance in the matter. The prosecuting authority may appear for the appropriate agency. Pleadings, filings, and methods of service are governed by the Rules of Civil procedure.

(e) The complaint must be captioned in the name of the claimant as plaintiff and the seized vehicle as defendant, and must state with specificity the grounds on which the claimant alleges the vehicle was improperly seized, the claimant's interest in the vehicle seized, and any affirmative defenses the claimant may have. Notwithstanding any law to the contrary, an action for the return of a vehicle seized under this section may not be maintained by or on behalf of any person who has been served with a notice of seizure and forfeiture unless the person has complied with this subdivision.

(f) If the claimant makes a timely demand for a judicial determination under this subdivision, forfeiture proceedings must be conducted as provided under subdivision 9.

ESTATUTOS DE MINNESOTA, SECCIÓN 169A.63, SUBDIVISIÓN 8

(d) Un reclamante podrá presentar una petición de determinación judicial de un decomiso dentro de un periodo de 30 días después de la entrega de un aviso de decomiso y confiscación, de acuerdo a esta sección. La petición deberá adoptar la forma de una reclamación civil y se deberá presentar al administrador del condado donde haya ocurrido la confiscación, junto con una prueba de entrega de una copia de la reclamación al fiscal del condado correspondiente y a la agencia adecuada que inicio la confiscación, incluyendo la tasa judicial estándar de acciones civiles, salvo que el solicitante tenga el derecho de demandar in forma pauperis conforme a la Sección 563.01. Si el valor del bien mueble confiscado es de hasta \$7,500 dólares, el reclamante puede presentar una acción ante un tribunal de conciliación para la recuperación del vehículo confiscado. Una copia del informe del tribunal de conciliación sobre la reclamación se debe entregar en persona o por correo a la fiscalía que tiene la jurisdicción sobre la confiscación, así como a la agencia adecuada que inicio la confiscación dentro de los 30 días posteriores a la entrega de la notificación del decomiso y confiscación conforme a esta subdivisión. Si el valor de la propiedad confiscada es inferior a \$500 dólares, el reclamante no tiene que pagar la tasa judicial por presentación ante el tribunal de conciliación. No se requiere litigio de respuesta del fiscal del condado y no se pueden cobrar honorarios legales por la intervención del fiscal del condado en lo que concierne al asunto. Las autoridades demandantes pueden comparecer para la agencia adecuada. Los alegatos, los archivos y los métodos de entrega se regirán por las reglas de procesos civiles.

(e) La reclamación se deberá encabezar a nombre del reclamante como demandante y el vehículo confiscado como parte demandada, y deberá señalar, de modo específico, las bases según las cuales sostiene el demandante que el vehículo se confisco incorrectamente, el interés del demandante que el vehículo se confisco incorrectamente, el interés del demandante en el vehículo confiscado, y cualquier defensa afirmativa que el demandante pudiera tener. No obstante cualquier ley que indique lo contrario, no se podrá mantener ninguna acción legal para la devolución del vehículo decomisado conforme a esta sección por parte de o por cuenta de cualquier persona que haya recibido un aviso de decomiso y confiscación, a menos que dicha persona haya cumplido con los requisitos de esta subdivisión.

(f) Si el reclamante presenta una petición oportuna de determinación judicial, conforme a esta subdivisión, los trámites de confiscación se deberán llevar a cabo como se estipulan en la subdivisión 9.

KEV CAI MINNESOTA TSHOOJ 169A.63, QIB 8

(d) Nyob rau lub caij 30 hnub tom qab uas tau txais cov ntaub ntawv ceeb toom txog tsoom fww txoj kev tau muab khoom lawm raws li hais hauv qib cai no, tus neeg yuav hais kom tau yam khoom raug muab ntawd muaj cai ua ntaub ntawv thov kom muaj kev soj ntsuam raws li txoj cai lij choj hais txog tsoom fww txoj kev tau muab yam khoom ntawd lawm. Txoj kev thov kom yuav tsum muaj kev soj ntsuam raws li txoj cai lij choj mas yuav tau hais mus raws li plaub ntug kav pej xeeb sib foob thiab yuav tsum ua ntaub ntawv foob cob rau tus neeg saib xyuas tsev hais plaub (court administrator) uas nyob rau hauv lub nroog uas txoj kev tsoom fww tau muab khoom no tshwm sim, ua tsab ntawv ua pov thawj hais tias tau xa tsab ntawv tsis txaus siab mus cuag tus kws hais plaub tso cai kom muab yam khoom ntawd, thiab lub koomhaum uas yog lub xub pib txoj kev muab khoom, nrog rau tus nqi ua ntaub ntawv sib foob raws li hais hauv txoj cai li plaub ntug kav pej xeeb.

Yuav zam tus nqi ua ntaub ntawv sib foob no tau yog hais tias tus neeg foob siv tau txoj cai foob hais nyob rau hauv tshooj cai neeg txom nyem 563.01. Yog tias tus nqi ntawm yam khoom uas tsoom fww tau muab lawm raug nqi tsawg dua los yog txog li \$7,500 nyiaj ces tus neeg yuav hais kom tau yam khoom ntawd muaj cai ua ntaub ntawv mus hais tau hauv lub tsev hais plaub kav pej xeeb sib foob (conciliation court) mus hais kom tau yam khoom ntawv rov los. Ib daim qauv ntawd daim ntawv pej xeeb sib foob rau hauv tsev hais plaub yuav tsum yog ib tug neeg xa kiag mus los yog mus xa tom tsev xa ntawv rau nyob rau tog nom tswv uas teem txim muaj cai hlav ntawm kev raug lawb lawm, thiab muab xa rau lub koomhaum uas yog lub xub pib txoj kev muab khoom, nyob rau hauv peb caug hnub (30 hnub) lawv qab ntawd kuj muaj kev tshaj ceeb toom tawm txog rau kev tseeb thiab kev raug lawb lawm nyob hauv txoj cai no. Yog tias yam khoom raug muab ntawd raug nqi tsawg tshaj \$500 nyiaj, ces tus neeg yuav hais kom tau yam khoom ntawd tsis tau them tus nqi ua ntaub ntawv sib foob hauv tsev hais plaub kav pej xeeb sib foob. Yuav tsis muaj cai yuam kom tus kws hais plaub rau lub nroog (county attorney) yuav tsum teb tus neeg foob cov lus, thiab yuav tsis muaj cai kom tus kws hais plaub rau lub nroog them nqi ua ntaub ntawv sib foob thaum tuaj hais rooj plaub no. Tus kws hais plaub rau lub nroog tuaj sawcev rau lub koomhaum ntawd los tau. Tus txheej txheem hais plaub yuav tau ua raws li kev cai li plaub ntug kav pej xeeb sib foob (Rules of Civil Procedure). Kev lees, kev ua ntaub ntawv, thiab kev cai siv kev pab tswj raws tus txheej txheem hais plaub ntug kav neeg pej xeeb.

(e) Tsab ntawv ua mus hais hauv tsev hais plaub yuav tsum sav tus neeg tuaj hais no lub npe ua tus foob, sau lub tshab uas tsoom fww muab lawm ua tus raug foob, yuav tsum qhia kom meej txog cov ntsiab lus tawm tsam hais tias lub tshab raug luag muab tsis raws kev raws cai lawm, tus tswv plaub lub siab nyiam thiab muaj feem xyuam li cas rau lub tshab uas raug luag muab ntawd thiab tej kev hais tiv thaiv muaj tseeb los ntawm tus tswv plaub. Txawm yuav muaj pes tsawg txoj cai hais txawv li cas los xij, yuav siv tsis tau cov ntaub ntawv ua mus hais kom muab lub tshab uas raug tsoom fww muab ntawd xa rov qab rau tus tswv uas tau txais tsab ntawv ceeb toom txog tsoom fww txoj kev tau muab khoom lawm yog hais tias tsis ua ntaub ntawv raws li qib cai no.

(f) Yog tias tus neeg foob ua ntaub ntawv thov kom tsev hais plaub nrog taug kom sai li hais hauv qib cai no, tsoom fww kev hais yuav tsum tau ua raws li tau npaj tau muab no yuav tsum tau ua kom raws li qib 9.

**NOTICE OF SEIZURE AND INTENT TO FORFEIT PROPERTY
CONTROLLED SUBSTANCE CRIME**

TO: _____
(Name of person given notice)

(Address)

YOU ARE NOTIFIED THAT pursuant to Minnesota Statutes Section 609.5314, on _____, _____ (yr),
the following property was seized by the undersigned law enforcement agency at: (location of seizure)
_____ in _____ County, and is being held for
forfeiture: _____

(Include plate number and VIN number for vehicles; attach Property Receipt)

Forfeiture of this property is automatic unless within 60 days of receipt of this form you demand a judicial determination of this matter, as described on the reverse side.

La confiscación de esta propiedad es automática, a menos que dentro de los 60 días de haber recibido este formulario, usted demande una determinación judicial en este caso, como se describe al reverso.

Qhov yuav poob lub tsev no yeej poob yam tsis muaj kev txwv txav hlo yuav tsum yog hais tias koj thov kom tus neeg txiav txim los nrog soj ntsuam xyuas yam tsis pub dhau 60 hnuv tom qab koj tau txais daim ntawv no, raws li nyob piav nyob sab nraum daim ntawv no.

Hantidan oo lala wareegaa waa mid markiiba dhaqan galeysa haddii aadan muddo lixdan 60 maalmood gudahood ah laga bilaabo maalinta aad foomkan hesho aadan ku codsan in maxkamaddu go'aan ka gaarto arrintan sida bogga dambe (dhabarka) lagu faahfaahiyey.

If you do not demand judicial review exactly as prescribed in Minnesota Statutes, section 609.5314, subdivision 3, you lose the right to a judicial determination of this forfeiture and you lose any right you may have to the above described property. You may not have to pay the filing fee for the demand if determined you are unable to afford the fee. If the property is worth \$15,000 or less, you may file your claim in conciliation court. You do not have to pay the conciliation court filing fee if the property is worth less than \$500.

Si usted no demanda una revisión judicial exactamente como lo indica la sección 609.5314, subdivisión 3 de los Estatutos de Minnesota, usted perderá el derecho a una determinación judicial por esta confiscación, y perderá cualquier derecho que pueda tener en la propiedad descrita con anterioridad. Puede ser que usted no tenga que abonar las tasas por presentación de una instancia de demanda, si se determina que usted no puede costearla. Si la propiedad vale \$15,000 o menos, usted puede entablar su reclamo en el tribunal de conciliación. Usted no tiene que abonar las tasas por presentación de una instancia en el tribunal de conciliación, si la propiedad vale menos de \$500.

Yog hais tias koj tsis thov kom tus neeg txiav txim los soj ntsuam xyuas raws li txoj kev txoj cai hauv lub lav Minnesota, section 609.5314, subdivision 3, ces koj yuav tsis muaj cai los kom tus neeg txiav txim los pab soj ntsuam xyuas thiab koj yuav poob tag rho koj cov cai ua koj yeej muaj txog lub tsev ntawv. Koj tsis tas them nqi ntaub ntawv yog hais tias koj them tsis taus tus nqi ntawv. Yog hais tias koj lub tsev ntawv muaj nqis li \$15,000 los yog tsawg tshaj, koj muaj cai coj mus rau hauv tsev hais plaub conciliation. Koj yuav tsis tau them nqi ntawv hauv tsev hais plaub conciliation yog hais koj lub tsev muaj nqis tsawg tshaj \$500.

Haddii aadan codsan in maxkamaddu ay arrintan dib u eegto sida lagu faahfaahiyey Xeerka Minnesota ee lambarkiisu yahay 609.5314, ee qeyb hoosaadka 3, waxa aad waayaysaa xaqa aad u leedahay in maxkamaddu go'aan ka gaarto hantida lala wareegay ee kor ku xusan. Waxa suurto gal ah in aan lagaa dooneyn in aad bixiso lacagta aad codsigaaga kaga diiwaangelin lahayd maxkamadda haddii aadan awoodi karin. Haddii hantida qiimaha ay u dhiganto uu gaarayo \$15,000 ama ka yar, waxa aad dacwadaada ka diiwan gelin kartaa maxkamadaha dhageysta dacwadaha dhexdhexaadinta. Lagaama doonayo in aad bixiso lacagta diiwaan gelinta maxkamadda haddii qiimaha ay u dhiganto hantida uu ka yar yahay \$500.

Certificate of Service

I certify that on _____, _____ (yr), I gave a true copy of this notice to the person named above at _____ and have seized the above described property for forfeiture.
(location of service)

Signature of Officer _____ Badge No. _____ Date _____ Law Enforcement Agency _____

Notice of Seizure Received by: _____ Check if recipient refused to sign

Your Right To a Court Challenge of the Administrative Forfeiture under MS 609.5314, subd. 3:

- Forfeiture of this property is automatic unless within 60 days following service of the Notice of Seizure you or any person who has a legal interest in the property files a demand for a determination by a judge.
- The demand must be in the form of a civil complaint and must be filed with the court administrator in the county in which the seizure occurred and a copy must be served on the county attorney for that county. The complaint must be captioned in your name as plaintiff and the seized property as defendant, and must state the grounds on which you allege the property was improperly seized and your interest in the property seized.
- Failure to comply with all of the requirements of 609.5314, subd 3, will result in the forfeiture of the property.
- If a court orders the return of the seized property, the filing fees will be reimbursed.

Your Right To a Review by the County Attorney of the Administrative Forfeiture under MS 609.531, subd. 7:

- In addition to your right to demand a determination of the forfeiture by a judge, and prior to a court order disposing of the forfeited property, any person who has a legal interest may also file with the county attorney a written petition for remission or mitigation of the forfeiture under MS 609.531, subd. 7.
- Such a petition is independent of a demand for a determination of the forfeiture by a judge.

Su derecho a un Desafío Judicial por Confiscación Administrativa bajo MS 609.5314, subdivisión 3:

- La confiscación de esta propiedad es automática, a menos que dentro de los 60 días de haber recibido la Nota de Embargo, usted o cualquier persona que tenga un interés legal en esta propiedad, entable una demanda para una determinación por un juez.
- La demanda debe ser en forma de denuncia civil y debe ser entablada con el administrador del tribunal en el condado en el cual ocurrió el embargo, y una copia debe ser entregada al fiscal de ese condado. En el título, la denuncia debe llevar su nombre como demandante, y la propiedad embargada como demandado, y debe declarar las bases en las que usted alega que la propiedad fue embargada inapropiadamente, y su interés en dicha propiedad.
- El incumplimiento de todos los requisitos de la 609.5314, subdivisión 3, resultara en la confiscación de la propiedad.
- Si un juez ordena que se le regrese la propiedad embargada, se le reembolsara a usted las tasas por presentación de la instancia.

Su derecho a una Revisión de la Confiscación Administrativa por parte del Fiscal del Condado bajo MS 609.531, subdivisión 7:

- En adición a su derecho a demandar una determinación de confiscación por un juez, y antes de una orden judicial que disponga de la propiedad confiscada, cualquier persona que tenga un interés legal, puede entablar una petición escrita con el fiscal del condado para una remisión o mitigación de la confiscación bajo MS 609.531, subdivisión 7.
- Tal petición es independiente de la demanda para una determinación de confiscación por un juez.

Koj Txoj Cai Los Tawm Tsam Hauv Tsev Hais Plaub Txog Qhov Poob Vaj Tse Ntawm Txoj Cai MS 609.5314, subd. 3:

- Qhov yuav poob lub tsev no rov qab yeej poob yam tsis muaj kev txwv txav hlo koj los yog cov neeg muaj feem xyuam ntawm lub tsev no yuav tsum xa daim ntawv thov kom tus neeg txiav txim los pab soj ntsuam xyuas ua ntej 60 hnub tom tau txais Tsab Ntawv Ceeb Toom Txeeb Tsev.
- Tsab ntawv thov yuav siv daim ntawv foob thiab yuav tsum coj mus rau hauv tsev hais plaub ntawm lub zos uas kev tuaj txeeb vaj tse ntawv thiab yuav tsum muaj ib daim qauv ntawm cov ntawv foob xa mus rau tus kws lij choj ntawm lub zos ntawv. Tsab ntawv foob yuav tsum muaj koj lub npe hais tias koj yog tus neeg foob rooj plaub no (plaintiff) hos qhov chaw nyob ntawm lub tsev lawv txeeb yog tus thiv thav rooj plaub no (defendant) thiab koj yuav tsum teev lus saib yog vim li cas koj ho xav hais tias kev txeeb vaj tse no ho tsis raug kev raug cai thiab koj muaj feem xyuam rau lub tsev li cas.
- Yog hais tias koj ua tsis raws li cov cai muaj tseg nyob rau tsab cai 609.5314, subd 3, koj yuav poob koj lub tsev ntawv.
- Yog hais tias lub tsev hais plaub txiav txim muaj lub tsev ntawv rov qab, yuav muab qho nqi ntawv rov qab rau koj thiab.

Koj Txoj Cai Kom Tus Kws Lij Choj Hauv Zos Rov Qab Los Soj Suaj Ntsuam Txog Qhov Poob Vaj Tse Ntawm tsab cai MS 609.531, subd.7:

- Txuas ntxiv rau txoj cai los thov kom tus neeg txiav txim los soj ntsuam xyuas kev txeeb vaj tse thiab ua ntej lub tsev hais plaub ua ntawv txiav txim rau ib lub tsev twg, ib tus neeg twg uas muaj feem xyuam muaj txoj cai xa ntawv mus rau tus kws lij choj hauv zos yam sau ntawv tuaj thov kev zam txim thiab thov kom txhob nyhav nyhav raws li tsab cai MS 609.531, subd. 7.
- Tsab ntawv no yog tsis muaj kev feem xyuam rog rau tsab tuaj thov kom tus neeg txiav txim los soj ntsuam xyuas.

Xaqa aad u leedahay in aad maxkamadda hor keento waxyaabaha lagaala wareegay sida uu qabo sharciga ay MS 609.5314, ee qeyb hoosaadka 3:

- La wareegista hantidan waaa mid markiiba dhaqan galeysa haddii aanu muddo 60 maalmood gudahood ah laga bilaabo taariikhda la soo gaarsi-yey .Ogeysiiska Lagu Qabsaday Hantida aanu hantiilaha ama qof hantida wax ku leh diiwaan gelin aanu maxkamadda ka diiwaan gelin uu ku codsanayo in qaali dhageysto ama go'aan ka gaaro sharcinimada la wareegista hantida.
- Codsigaas waa inuu noqdaa mid hab madani ah u qoran isla markaana laga diiwaan geliyaa maxkamadda degmada hantida lagula wareegey oo nuqul ka mid ah dacwadana loo gudbiyaa xeer ilaalinta degmada. Codsigaas waa in lagu caddeyaa magacaaga in aad tahay dacwoodaha isla markaana hantida lala wareegeyna laga dhigaa eedeysanaha, waana in sidoo kale lagu caddeeyaa sababta aad ku dacwooneyso in hantida si aan sax ahayn loola wareegey iyo lahaanshahaaga hantida.
- Haddii aadan u hogaansamin dhamaan waxyaabaha uu farayo sharciga 609.5314, ee qeyb hoosaadkiisa 3, waxa ay keeni kartaa in hantida lala wareego.
- Haddii ay maxkamaddu amarto in la soo celiyo hantida la qabtay, lacagta aad dacwadda kaga diiwaan gelisay maxkamadda waa lagu soo celinayaa..

Xaqa aad u leedahay in xeer ilaalinta degmadu ay dib u eego waxyaabaha lagula wareegey sida uu qabo sharciga MS 609.531, ee qeyb hoosaadkiisa 7.

- Xaqa aad u leedahay in uu qaali dib u eego in uu qaali dhageysto sharcinimada hantida lala wareegey iyo inta aan la soo saarin amar maxkamadeed oo go'aan lagaga gaarayo hantida lala wareegey, waxaa hantiilaha ama qof kasta oo hantida wax ku leh waxa uu codsi u qori karaa xeer ilaalinta degmada oo uu ku weydiisanayo in ay gorgortan ama dhexdhexaadin ka sameeyaan hantida lala wareegay sida uu qabo sharciga MS 609.531, qeyb hoosaadka 7.
- Codsiga noocaas ah waa mid ka madax banaan codsiga lagu weydiisto in uu qaali dib u eego sharcinimada hantida lala wareegey.