STATE OF MINNESOTA
IN COURT OF APPEALS
A18-0869

Carl Green, d/b/a Signature Capital, assignee of Kiersa Notz,
Appellant,

vs.

Stacey Bame,
Respondent.

Filed December 17, 2018
Affirmed
Connolly, Judge

Hennepin County District Court
File No. 27-CV-14-18319

Carl Green, Minnetonka, Minnesota (pro se appellant)

Alemayehu Ditamo, Minneapolis, Minnesota (for respondent)

Considered and decided by Larkin, Presiding Judge; Connolly, Judge; and Reyes, Judge.

U N P U B L I S H E D O P I N I O N

CONNOLLY, Judge

Appellant, pro se, challenges the district court's denial of his motion for an attachment order, arguing that, because there is evidence that respondent owns a second vehicle, the district court erred by concluding that the requested vehicle is worth less than

$4,600 and thus exempt from attachment under Minn. Stat. § 550.37, subd. 12a (2018). We affirm.

FACTS

In 2014, the district court entered a default judgment for $6,486 being entered against respondent Stacey Bame. In 2017, the judgment debt was assigned to Signature Capital, whose principal is appellant Carl Green. Respondent filled out a financial disclosure form indicating that she owns one vehicle, a 2008 Ford Edge (the Ford) worth $2,500.[1]

In 2018, appellant moved for an attachment of the Ford, claiming that respondent failed to disclose that she also owned a Kia SLE (the Kia). Appellant stated that respondent could keep the Kia as an exempt vehicle and the Ford could be sold to satisfy the judgment. Respondent opposed the attachment, stating that she owns only the Ford and that the Kia belongs to her son, who purchased it in 2014, pays for its maintenance and insurance, and drives it. She explained further that the Kia is registered to her because her son was only 17 when he purchased it in 2014 and she did not believe 17-year-olds were allowed to own cars.

At a hearing on his motion to attach the Ford, appellant also argued that: (1) both the Kia and the Ford should be turned over and sold, and respondent should receive $4,600; (2) respondent should be compelled to answer his discovery questions, and (3) the Ford is

[1] The record contains a Blue Book reprint indicating that the trade-in value of the Ford is $3,337; in an affidavit, respondent said that the Ford "has a bad automatic transmission that needs repair, body dents and rust, [a] cracked and broken windshield, and an odometer reading 151,073."

worth more than $4,600, based on "[appellant's] experience of vehicles for this model and this year."

The district court denied the motion for an attachment and explicitly declined to address other issues, saying "I want to make it clear that I have had no motion in front of me to sell two vehicles" and "I have no motion in front of me to attach . . . a 2006 Kia." Appellant challenges the denial.

D E C I S I O N

Appellant's motion and the district court's order are based on statutory interpretation. "Interpretation of a statute presents a question of law, which we review de novo." *Swenson v. Nickaboine*, 793 N.W.2d 738, 741 (Minn. 2011).

Property "not liable to attachment, garnishment, or sale on any final process" includes "[o]ne motor vehicle to the extent of a value not exceeding $4,600." Minn. Stat. § 550.37, subd. 12a. The district court found that "[t]he only evidence before the Court is that the 2008 Ford Edge is worth substantially less than $4,600.00, so there is no basis for the Court to order [an attachment] of the vehicle" and consequently denied appellant's motion for an attachment order.

Appellant provides reprints from records of the Department of Motor Vehicles (DMV) to support his argument that respondent "failed to disclose two motor vehicles and disclosed only one vehicle." But respondent's memorandum and the affidavits of herself and her son explain that she has only one vehicle, the Ford; the Kia belongs to her son.[2]

[2] Moreover, as respondent points out, the DMV reprints appellant provided were not properly authenticated to be admitted into evidence.

In any event, appellant has not moved for the attachment of the Kia, so that issue was not before the district court. As the district court noted, appellant misunderstands the law: he seems to think he has a right to take both vehicles if he gives respondent $4,600. But the statute does not say respondent has a right to $4,600; it says she has a right to keep one vehicle worth that or a lesser amount.

The district court did not err in concluding that appellant was not entitled to the attachment of respondent's Ford on the record before it.

Affirmed.