

Repossession in Minnesota



LAW ENFORCEMENT TRAINING SERVICES, LLC,
AND
THE MINNESOTA SHERIFFS' ASSOCIATION

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Resources



Repossession Statute: Minn. Stat. § 336.9-609

<https://www.revisor.mn.gov/statutes/cite/336.9-609>

Law Help Minnesota

<https://www.lawhelpmn.org/self-help-library/fact-sheet/your-rights-repossession>

Minnesota Attorney General

<https://www.ag.state.mn.us/Consumer/Handbooks/Cars/CH02.asp>

Saint Paul Police Department Manual

<https://www.stpaul.gov/books/43801-repossession-property>

Repossession v. Replevin



Repossession: Self-help action to retake personal property without a court order. A document from the creditor is not a court order.

Replevin: A court action seeking a court order to obtain personal property. Replevin Statute: Minn. Stat. Ch. 565

<https://www.revisor.mn.gov/statutes/cite/565>

Repossessor Can



Repossess on the street

Repossess from the driveway or yard

Repossess from an open garage

Repossessor Cannot



Remain on the possessor's property after being told to leave - trespass

Use violence

Threaten violence

Break into a building

Enter into a closed building

Break through a locked fence

Withhold personal property not subject to repossession

Commit other offenses

There are five relevant factors in determining the reasonableness of the actions of the reposessor: (1) where the repossession took place; (2) the debtor's express or constructive consent; (3) the reactions of third parties; (4) the type of premises entered; and (5) the creditor's use of deception.

Possessor Can



Object to repossession and the repossession must stop
Obstruct repossession before it is complete without
committing an offense

Possessor Cannot



Commit an offense

Offenses include concealing, removing, or transferring secured personal property with intent to defraud: Minn. Stat. § 609.62

<https://www.revisor.mn.gov/statutes/cite/609.62>

Cannot obstruct repossession once it is complete. Repossession is complete when the rear wheels of the car are lifted from the ground, even if on the possessor's property. *Thompson v. First State Bank of Fertile*, 709 N.W.2d 307, 311 (Minn. App. 2006), review denied (Minn. Apr. 18, 2006).

Officer Can



Explain repossession and possessor rights

Explain risk of arrest for offenses

Cite and/or arrest offenders

Officer Cannot



Assist the repossester

Order the possessor to release the car to the repossester
before repossession is complete

Questions



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