



Tip of the Month June 2019

How to Clear Judgments After Completing a Chapter 7 Bankruptcy

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After receiving their Discharge Order from the Bankruptcy Court, some clients will want to take the further step of clearing all judgments from their record. Sometimes there is a practical need for removing the judgment, and other times the client just wants their record to be wiped clean to put this all behind them.

For example, one of my clients wanted to sell her house at the close of her bankruptcy case. Her title insurance company wanted the judgments removed from her record, so she went through the process listed below to satisfy their concern. Alternatively, another client of mine was deeply ashamed of her past financial troubles, so she wanted the record of her judgments cleared for her own personal well-being (she had done absolutely nothing wrong, but she strongly felt this way nonetheless).

This tip sheet will lay-out the process of getting judgments cleared from a person's record. VLN encourages its volunteer attorneys to share this information when their representation is coming to a close as a potential *next step* for the client. For example, it could be part of a closing letter with a few other tips such as what to do when a former creditor resurfaces, etc.

Here are the steps:

1. The client will need to get a **certified** copy or copies of their Bankruptcy Discharge Order—one is needed for each county the client has judgments in. There is a charge, per certified copy, so only buy the number needed.
 - Certified copies can be obtained in person, by phone, or by mail. Ask what the current charge is for a certified copy of your Discharge Order (as of today, most cases are \$11.50).
 - Saint Paul: (651) 848-1000
 - Minneapolis: (612) 664-5200
 - Duluth: (218) 529-3600
2. The client will fill out the Application for Discharge of Judgment (carefully follow the instructions—they go point by point through the form).
3. The client will properly serve the other party or parties with copies of the forms.
 - Regular (uncertified) copies of the Discharge Order are fine for serving creditors.

4. The client will file the original forms with the appropriate state court (see instructions). There is a small filing fee (currently, only \$5, and a new filing fee waiver would have to be applied for, if desired, for a Federal bankruptcy filing fee waiver does not extend to state courts).

Thankfully, there are excellent instructions for the whole process.

To get the instructions and needed forms, go to the Minnesota Judicial Branch website at www.mncourts.gov

1. Click on “Get Forms”
2. Click on “Bankruptcy”
3. There you will see [a PDF packet of all the information](#) and individual .doc and PDF copies of the following:
 - [BKY100 Instructions – Application for Discharge of Judgment](#)
 - [BKY101 – Application for Discharge of Judgment](#)
 - [BKY104 – Affidavit of Service of the Application for Discharge of Judgment](#)

The instructions go through each step in the process thoroughly.

Best wishes as you make this helpful information available to your bankruptcy clients through VLN.