

STATE OF MINNESOTA  
COUNTY OF WASHINGTON

DISTRICT COURT  
TENTH JUDICIAL DISTRICT  
Case No. 82-CV-12-6245  
Case Type: Garnishment

Steven Iverson, assignee of  
Katherine Barnhart,

Judgment Creditor,

vs.

Frank Viggiano  
86 Spruce Street, Mahtomedi, MN 55115,

Judgment Debtor,

and

Saint Paul Public Housing Agency,

Garnishee.

~~(Proposed)~~ ORDER



The above-entitled matter came on for hearing before the Honorable Judge ~~Richard C. Illka~~ <sup>Greg Gatter</sup> of the Tenth Judicial District Court of Minnesota on July 1, 2013, pursuant to Judgment Creditor's Motion for Summary Judgment. Judgment Creditor Steven Iverson appeared pro se. Louise Toscano Seeba, Assistant Saint Paul City Attorney and General Counsel to Garnishee, appeared for and on behalf of Garnishee.

Based upon all the files, records and proceedings herein, including arguments of counsel, the Court makes the following:

**FINDINGS OF FACT**

1. On September 3, 2010, Katherine Barnhart obtained a judgment against Judgment Debtor Frank Viggiano in the amount of \$1,325.00.

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DISTRICT COURT  
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COURT ADMINISTRATOR  
By STP Deputy

2. On December 4, 2012, Katherine Barnhart assigned the judgment to Judgment Creditor Steven Iverson and the assignment was docketed in District Court.

3. Judgment Debtor participates in the federal Section 8 Housing Choice Voucher Program where he receives Housing Assistance Payments (HAP) from Garnishee when he rents to eligible low-income tenants.

4. The U.S. Department of Housing and Urban Development (HUD) provides federal funds to Garnishee for use in administering HAP payments to eligible landlords.

5. On March 7, 2013, Judgment Creditor initiated state garnishment proceedings against Garnishee in an effort to garnish HAP payments owed to Judgment Debtor in satisfaction of the judgment.

#### CONCLUSIONS OF LAW

1. Federal HAP funds allocated to Garnishee for use in administering the federal Section 8 Housing Choice Voucher Program are held on behalf of HUD and are therefore not subject to state garnishment proceedings as a matter of law.

2. Federal HAP funds due and owing to Judgment Debtor by Garnishee do not constitute property attachable by garnishment under Minnesota Statutes section 571.73 subdivision 3 (2012) until paid over to Judgment Debtor.

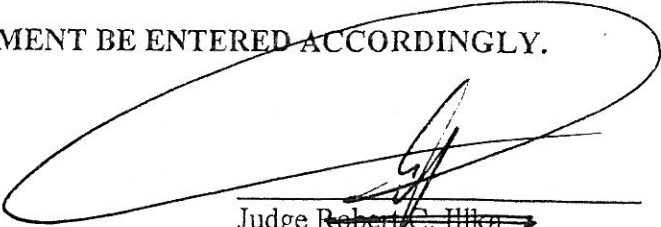
#### ORDER FOR JUDGMENT

Judgment Creditor's Motion for Summary Judgment is denied and his complaint is hereby dismissed with prejudice and on the merits. Judgment is entered in favor of Garnishee.



LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: July 10, 2013

  
Judge Robert E. Hlka

Greg Galler

Pursuant to Rule 58, Rules of Civil Procedure, I hereby certify that  
the above Order constitutes the judgment of this court.

Annette R. Fritz, Court Administrator

Date: 7/16/13

By: 

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