

TO: Applicants to the Contractor Recovery Fund

FROM: Recovery Fund Administrator

SUBJECT: Application for the Payment of Compensation from the Contractor Recovery Fund when the **INCIDENTS OR CONDUCT of the licensed residential contractor OCCURRED ON OR AFTER DECEMBER 1, 2007**

This packet contains information, instructions, and the forms necessary to apply to the Contractor Recovery Fund (the "Fund") when the incident or conduct of the licensed residential contractor occurred on or after December 1, 2007.

The purpose of the Fund is to compensate certain owners or lessees of residential property (located in Minnesota) who have lost money due to a licensed residential contractor's fraudulent, deceptive, or dishonest practices, conversion of funds, or failure of performance that arose directly out of a transaction that occurred when the residential contractor was licensed and performing any of the special skills enumerated under Minn. Stat. § 326B.802, subdivision 15 (2008). Subcontractors and materials suppliers are not eligible for compensation from the Fund. Homeowners and lessees are not eligible for compensation from the Fund due to the fraudulent, deceptive, or dishonest practices, conversion of funds, or failure of performance of a subcontractor.

Because the Fund is limited, specific rules and requirements determine whether you will qualify for compensation from the Fund, and which losses may be eligible. (See, Minn. Stat. §326B.89 (2008)). The law also describes the correct procedure for serving the Commissioner of Labor and Industry with a Verified Application for Compensation from the Fund. We recommend that you review the statute pertaining to the Fund before you submit an application.

HOW THE FUND WORKS

The Commissioner of Labor and Industry is responsible for administering the Fund. Each residential building contractor licensed by the Department of Labor and Industry (the "Department") must pay between \$160 and \$260 into the Fund each year (the amount paid depends upon gross annual receipts), which is held in the state treasury. The Fund pays compensation to the homeowners or lessees that have submitted an application for compensation from the Fund and are eligible to receive such compensation. The Department reviews each application to determine if it meets the requirements for compensation from the Fund.

Applicants may be paid an amount up to \$75,000, depending on a number of factors. **There is no guarantee that you will receive money from the Fund. Whether you will receive payment from the Fund depends on the specific facts in your application. We recommend that you read the attached information carefully to determine whether you should submit a verified application for compensation from the Fund.**

Generally, you can apply to the Fund to recover the amount of actual and direct out-of-pocket loss on the Applicant's residential real estate that occurs as a result of a transaction with your licensed residential contractor. The following costs are NOT eligible for compensation: attorney fees, interest on the loss, sweat equity, statutory costs awarded under Minn. Stat. § 549.02, and pre-judgment and post-judgment interest.

BEFORE YOU APPLY TO THE FUND

Contact the Recovery Fund Administrator. The Administrator will assist you with the following:

- Verify the name of the residential contractor and whether they were licensed at the time the work was performed. (Only licensed residential contractors pay into the Fund.)
- Make certain your residential contractor has funds available. (Multiple claims against the same contractor may reduce the amount of available funds.)
- Determine the dollar amount of your loss. If your loss is \$7,500 or less, you may go to Conciliation Court (Small Claims Court) to obtain a judgment. If your loss is more than \$7,500, you will need to go to District Court to obtain a judgment.
- Make certain your judgment has been obtained against the licensed residential contractor. **Your judgment must be against the licensed individual and/or entity to be eligible for compensation from the Fund.**

For example, if your contractor is incorporated, obtain a judgment against the corporation. If your contractor is an individual proprietor, (Joe Doe, doing business as (d/b/a) Doe Construction) obtain your judgment against the individual and their assumed (d/b/a) name. If your contractor is a partnership, obtain your judgment against each partner and the partnership name.

What is a judgment? A judgment is the result of filing a successful lawsuit. A judgment from the court legally verifies the offense committed by the licensed residential contractor and the dollar value of your loss. This judgment may be obtained in Conciliation Court, District Court, or any other court of competent jurisdiction, (such as Bankruptcy Court). The judgment must be based on a claim of fraudulent, deceptive, or dishonest practices, conversion of funds, or failure of performance that arose directly out of transaction that occurred when the residential contractor was licensed and performing any of the special skills enumerated in Minn. Stat. § 326B.802, Subdivision 15 (2008). The cause of action must have occurred on or after April 1, 1994 and the residential contractor must have been licensed at the time the work was performed and have paid into the Fund.

- After you obtain your judgment you must "docket" and formally "enter" your judgment in District Court, this makes your judgment a legal collectable document. Contact the

Clerk of District Court of the county in which you obtained your judgment for instructions.

- Once you have a docketed judgment, you may file an application for payment from the Fund. The Fund Administrator will review your application to determine eligibility, your actual and direct and out-of-pocket loss, which is the amount you can recover, within the statutory limitations, and the amount available in the Fund on your contractor's behalf.
- The verified application must be served within two years after the judgment becomes final.

INFORMATION ABOUT FILING AN APPLICATION

There are several steps to the application process that you must complete for the process to work successfully.

You can file an application via the **accelerated** procedure or the **standard** procedure. Which method you use depends upon the amount of your actual and direct out-of-pocket loss. If your actual and direct out-of-pocket loss is \$7,500 or less, you may use the accelerated procedure. If your actual and direct out-of-pocket loss is more than \$7,500 you must use the standard procedure.

All applications to the Fund require the applicant to have obtained a Final Judgment against the licensed residential contractor.

If the Commissioner pays compensation to an Applicant, the Commissioner shall be subrogated to all of the rights, title, and interest in the Applicant's final judgment in the amount of the compensation paid from the Fund. This requires the Applicant to assign all rights, title, and interest in the final judgment in the amount of compensation paid to the Commissioner.

Pursuant to Minn. Stat. § 326B.89, subd. 9, applications to the Fund are subject to allocation.

Accelerated Procedure

If you use this method, you can apply any time and usually receive compensation within one to two months after the amount compensation is approved.

The accelerated application limit is determined by the conciliation court limit – which is currently \$7,500. Each licensed residential contractor has \$50,000 of the Fund set aside to pay claims filed under the accelerated procedure. Once payments totaling \$50,000 per licensee have been made under the accelerated procedure, you will need to apply via the standard procedure even if your actual and direct out-of-pocket loss is \$7,500 or less.

Standard Procedure

The standard procedure requires that you perfect your application to the Fund no later than the end of the fiscal year. The current fiscal year is July 1, 2009 through June 30, 2010. **IMPORTANT:** The last day the Fund will accept an application under the standard procedure for the current fiscal year is **June 30, 2010**.

The standard procedure is for applicants who are applying for more than \$7,500 in compensation, or who are otherwise not able to apply using the accelerated procedure.

Once an application under the standard procedure is received by the Fund, the Administrator will review the application, determine whether the applicant is eligible for compensation, and determine the actual and direct out-of-pocket loss suffered in the transaction. The Commissioner, within 120 days of the receipt of the application, will enter into an agreement with the applicant that resolves the verified application for compensation from the Fund, or issue an order that accepts, modifies, or denies the verified application for compensation from the Fund. The order will become a final order that may not be reviewed by any court or agency if the Commissioner is not timely served a written request for hearing.

If the applicant timely serves a written request for hearing upon the Commissioner, a hearing before an Administrative Law Judge (an "ALJ") and under the contested case procedures of the Administrative Procedure Act (Minn. Stat. ch. 14 and Minn. R. ch. 1400) will be requested within 30 days after service of the request for hearing. The Commissioner may petition the ALJ to continue the hearing up to 60 days, or longer if the Commissioner shows good cause. At the hearing, the applicant has the burden of proving by substantial evidence the affirmations made in the verified application. After the hearing, the ALJ shall issue findings of fact, conclusion of law, and order. If the ALJ determines that compensation from the Fund shall be made, the amount of compensation shall be pursuant to law and in accordance with the limitations of Minn. Stat. § 326B.89 (2008). The order of the ALJ shall constitute the final decision of the Commissioner, unless a petition for judicial review of the contested case is served in accordance with Minn. Stat. §§ 14.63-14.69.

Compensation shall be paid pursuant to the terms of an agreement or a final order by December 1st of the fiscal year following the fiscal year the agreement was entered into or the fiscal year in which the order became final. All agreements and orders are subject to an allocation that is based upon the calculated amount (amount of all agreements and final orders per licensee) and the amount available for compensation for each licensed residential contractor.

OTHER IMPORTANT INFORMATION

If a contractor has filed for bankruptcy...

You may still be able to file a lawsuit solely for the purpose of recovering your actual and direct out-of-pocket loss from Fund. You will need to petition the Judge of Bankruptcy Court to lift the Automatic Stay and explain that your lawsuit is solely for the purpose of obtaining compensation from the Fund, and that you understand that you will

not be able to collect the judgment from the contractor directly. You may want to consult an attorney for additional information regarding how to lift an Automatic Stay in a bankruptcy proceeding.

If you are a subsequent homeowner...

If the homeowner who obtains a judgment was not the owner at the time the contract was signed and the work was done, he or she will not qualify for payment from the Fund, unless the subsequent homeowner obtained a Final Judgment specifically based on the breach of the statutory warranty enumerated in Minn. Stat. ch. 327A). The, the homeowner would then meet the statutory requirements to be eligible for compensation from the Fund. The state's home warranty law requires builders to warrant their homes to be free from major construction defects for ten years. A major construction defect is defined in the statute as "actual damage to the load-bearing portion of the dwelling (home)...including damage due to subsidence (sinking), expansion, or lateral movement of the soil, which affects the load-bearing function and which vitally affects, or is imminently likely to vitally affect, use of the dwelling for residential purposes."

If the licensed residential contractor cannot be found...

If you cannot find the licensed residential contractor you can "serve notice" to the Commissioner of Labor and Industry pursuant to Minn. Stat. § 326B.855 (2008). Follow the directions described in the attached information sheet labeled "Serving the Residential Contractor."

Instructions for Submitting an Application using the Accelerated Procedure

This application is for Owners/Lessees with claims under \$7,500. To apply using the accelerated procedure, the Applicant must **assemble and label all** of the following documents:

1. The original completed Verified Application for Payment From the Contractor Recovery Fund Using the Accelerated Procedure. This application is attached. (Sign the application before a notary public.)
2. A copy of the Judgment Notice (Conciliation Court) or Findings of Fact, Conclusions of Law, Order for Judgment, and Judgment (if Judgment obtained in District Court).
3. A copy of the Court Clerk's Notice of Entry and Docketing of Judgment in District Court.
4. A copy of the Statement of Claim and Summons (if claim was filed in Conciliation Court) or Summons and Complaint (if claim was filed in District Court).
5. A copy of the entire contract between you and the licensed residential contractor. You must include copies of all change orders, allowance sheets, and plans and specifications.
6. You must provide proof of payment to the licensed residential contractor. When providing this information, you must clearly demonstrate how payment was made and the total amount paid. This information must be provided in chart format:

Sample:

Check #	Date Paid	Paid to:	Amount	Exhibit #
1011	1/5/07	Joe's Construction	\$5,000.00	6A

In addition, provide as exhibits (as indicated in order on chart) copies of any cancelled check (front and back), money order, cashier's check, or any statement(s) that would prove that you made a payment that was received by the licensed residential contractor.

- If loan draws were made, provide a breakdown, in chart format, of the documentation that would connect those draws to the licensed residential contractor along with the supporting documentation.
- If payment was made through an insurance company, you must request and obtain a copy of the check(s) and the endorsed signature (front and back) from the insurance company.
- If new construction, you must provide a copy of the HUD statement. This will support the amount paid, and show the buyer and the seller (contractor).

7. If applicable, provide documents that you have received from your homeowner's insurance or your licensed residential contractor's insurance company concerning damages to your home.
8. **It is the Applicant's responsibility to provide documentation supporting the actual and direct out-of-pocket loss.** Provide a breakdown of what work needs to be completed and/or repaired. When providing this information, the work that needs to be completed needs to be clearly stated. This information **must** be provided in chart format:

Sample:

Vendor Name	Amount of Estimate/Bill	Work to be Performed	How does this estimate/bill relate to the original contract? Indicate where it is outlined in the original contract.	Exhibit #
Jane's Construction	\$3,000	Finish installing railings	Railings were not completed. See item #4 on original contract.	8A

These receipts/estimates must **only** be for work as it relates to the original contract with the licensed residential contractor. In addition, the Fund will not accept copies of checks for supplies unless accompanied by the receipts from the store showing what was purchased. When applicable, provide copies of any inspection report(s) that will support your application. The documentation supplied must concur with the Statement of Claim.

- If you are providing copies of liens to be included in the calculation of your actual and direct out-of-pocket loss you must have them listed and labeled as exhibits. The Fund will **only** consider liens that have officially filed with the court. The copy you provide must show the county clerk's notice of filing.

Send the application and all supporting documents directly to the Recovery Fund Administrator at the address shown on the cover page. **Your claim will be considered incomplete if you fail to provide all the required information in the format requested. Failure to provide all the required information may delay review and/or approval of the application.**

Note: The facts specified in your application may require additional information or documents that are not discussed in this packet.

Instructions for Submitting an Application using the Standard Procedure

This application is for Owners/Lessees with claims over \$7,500, or when the accelerated procedure has been exhausted. To apply using the standard procedure, the Applicant must **assemble and label all** of the following documents:

1. The original completed Verified Application for Compensation from the Contractor Recovery Fund Using the Standard Procedure. This application is attached. (Sign the application before a notary public.)
2. A copy of the Judgment Notice (Conciliation Court) or Findings of Fact, Conclusions of Law, Order for Judgment, and Judgment (if Judgment obtained in District Court.)
3. A copy of the Court Clerk’s Notice of Entry and Docketing of Judgment in District Court.
4. You **must** make an honest effort to collect the judgment from the licensed residential contractor. You may contact the County Clerk’s Office for instructions on obtaining a Returned Writ of Execution.
5. A copy of the Statement of Claim and Summons (if claim was filed in Conciliation Court) or Summons and Complaint (if claim was filed in District Court).
6. If applicable, provide documents that you have received from your homeowner’s insurance or your licensed residential contractor’s insurance company concerning damages to your home.
7. A copy of the entire contract between you and the licensed residential contractor. You must include copies of all change orders, allowance sheets, and plans and specifications.
8. You **must** provide proof of payment to the licensed residential contractor. When providing this information, you must clearly demonstrate how payment was made and the total amount paid. This information must be provided in chart format:

Sample:

Check #	Date Paid	Paid to:	Amount	Exhibit #
1011	1/5/07	Joe’s Construction	\$5,000.00	8A

In addition, provide as exhibits (as indicated in order on chart) copies any cancelled check (front and back), money order, cashier’s check, or any statement(s) that would prove that you made a payment that was received by the licensed residential contractor.

- If loan draws were made, provide a breakdown, in chart format, of the documentation that would connect those draws to the licensed residential contractor along with the supporting documentation.

- If payment was made through an insurance company, you must request and obtain a copy of the check(s) and the endorsed signature (front and back) from the insurance company.
- If new construction, you must provide a copy of the HUD statement. This will support the amount paid, and the buyer and the seller (contractor).

9. **It is the Applicant’s responsibility to provide documentation supporting the actual and direct out-of-pocket loss.** Provide a breakdown of what work needs to be completed and/or repaired. When providing this information, the work that needs to be completed needs to be clearly stated. This information **must** be provided in chart format:

Sample:

Vendor Name	Amount of Estimate/Bill	Work to be performed	How does this estimate/bill relate to the original contract? Indicate where it is outlined in the original contract.	Exhibit #
Jane’s Construction	\$3,000	Finish installing railings	Railings were not completed. See item #4 on original contract.	9A

These receipts/estimates must **only** be for work as it relates to the original contract with the licensed residential contractor. In addition, the Fund will not accept copies of checks for supplies unless accompanied by the receipts from the store showing what was purchased. When applicable, provide copies of any inspection report(s) that will support your application. The documentation supplied must concur with the Statement of Claim.

- If you are providing copies of liens to be included in the calculation of your actual and direct out-of-pocket loss you must have them listed and labeled as exhibits. The Fund will only consider liens that have officially filed with the court. The copy you provide must show the county clerk’s notice of filing.

Send the application and all supporting documents directly to the Recovery Fund Administrator at the address shown on the cover page. **Your claim will be considered incomplete if you fail to provide all the required information in the format requested. Failure to provide all the required information may delay review and/or approval of the application.**

Note: The facts specified in your application may require additional information or documents that are not discussed in this packet.

At the end of each fiscal year, the commission will calculate the amount of compensation to be paid from the Fund pursuant to agreements and final orders. If the calculated amount exceeds the amount available for payment, the commissioner will allocated the amount available among the owners/lessees in the ratio that the amount agreed to or ordered to be paid bears to the amount calculated. This means that if there are multiple approved applications for compensation from the Fund involving the same

licensed residential contractor, your actual payment may be less. If this occurs, the Commissioner will mail a notice of the allocation within 45 days after July 1st of each year.

Notes:

Serving the Residential Contractor

If you are unable to locate the licensed residential contractor, service can be accomplished by complying with Minn. Stat. § 326B.855 (2008). You may want to give a copy of this statute to the Court.

326B.855 SERVICE OF PROCESS.

Subdivision 1.Procedure.

Every applicant for licensure or certificate of exemption under sections 326B.802 to 326B.885 shall irrevocably consent to the appointment of the commissioner and successors in office to be the applicant's agent to receive service of any lawful process in any noncriminal suit, action, or proceeding against the applicant or a successor, executor, or administrator which arises under sections 326B.802 to 326B.885 or any rule or order thereunder after the consent has been filed, with the same force and validity as if served personally on the person filing the consent. Service under this section shall be made in compliance with subdivision 3.

Subd. 2. Service on commissioner.

(a) When a person, including any nonresident of this state, engages in conduct prohibited or made actionable by sections 326B.802 to 326B.885, or any rule or order under those sections, and the person has not consented to service of process under subdivision 1, that conduct is equivalent to an appointment of the commissioner and successors in office as the person's agent to receive service of process in any noncriminal suit, action, or proceeding against the person that is based on that conduct and is brought under sections 326B.802 to 326B.885, or any rule or order under those sections, with the same force and validity as if served personally on the person consenting to the appointment of the commissioner and successors in office. Service under this section shall be made in compliance with subdivision 3.

(b) Subdivision 3 applies in all other cases in which a person, including a nonresident of this state, has filed a consent to service of process. This paragraph supersedes any inconsistent provision of law.

(c) Subdivision 3 applies in all cases in which service of process is allowed to be made on the commissioner.

Subd. 3.How made.

Service of process under this section may be made by leaving a copy of the process in the office of the commissioner, or by sending a copy of the process to the commissioner by certified mail, and is not effective unless:

(1) the plaintiff, who may be the commissioner in an action or proceeding instituted by the commissioner, sends notice of the service and a copy of the process by certified mail to the defendant or respondent at the last known address; and

(2) the plaintiff's affidavit of compliance is filed in the action or proceeding on or before the return day of the process, if any, or within further time as the court allows.

History:

1991 c 306 s 17; 1993 c 245 s 31; 2007 c 140 art 8 s 19,30; art 13 s 4; 2008 c 337 s 39

Minnesota Department of Labor and Industry
Contractor Recovery Fund
443 Lafayette Road N.
St. Paul, MN 55155
(651) 284-5057

**VERIFIED APPLICATION FOR
COMPENSATION FROM THE
CONTRACTOR RECOVERY FUND
USING THE ACCELERATED
PROCEDURE**

Name of Owner/Lessee (Applicant): _____

Address _____

Name of Contractor (Licensee): _____

Contractor License Number _____

PURSUANT TO Minnesota Statutes, section 326B.89 (2008) the Applicant, for their verified application for compensation from the Contractor Recovery Fund using the accelerated procedure, state and affirm as follows:

1. The Applicant is an Owner of residential real estate or a Lessee of residential real estate that is eligible for payment of compensation from the Contractor Recovery Fund;

2. The specific grounds upon which the Applicant seeks to recover from the fund are:

_____;

3. The Applicant obtained a Final Judgment in the amount of \$_____ in a court of competent jurisdiction against the Licensee, which was entered on _____, and docketed on _____, and is incorporated herein by reference;

4. The Applicant received \$_____ toward the amount of the Final Judgment on _____ **OR** The Applicant has not received any payment toward the amount of the Final Judgment; (Cross out the sentence that does not apply.)

5. The Final Judgment against the Licensee was obtained on the grounds of fraudulent, deceptive, or dishonest practices, conversion of funds, or failure of performance that arose directly out of a transaction that occurred between the Applicant and the Licensee when the Licensee was licensed and performing any of the special skills enumerated under Minn. Stat. § 326B.802, subdivision 15 (2008);

6. All proceedings on the judgment specified in item three have either been pursued and concluded or have been foregone, and there are no reviews or appeals pending in any court.

7. The amount of the Applicant's actual and direct out-of-pocket loss on the residential real estate or the leased residential real estate, or on new residential real estate that has never been occupied or that was occupied by the Licensee for less than one year prior to purchase by the Applicant, is \$_____;

8. The residential real estate is located at _____ (address) ,
City of _____, County of _____, State of Minnesota,
_____ (zip code);

9. The Applicant is not the spouse of the Licensee or the personal representative of the Licensee;

10. The Applicant knows of no other party who would be liable to the Applicant in the transaction for which the Applicant is seeking recovery from the Contractor Recovery Fund.
OR Other parties that are liable, or may be liable, to the Applicant in the transaction for which the Applicant is seeking recovery from the Contractor Recovery Fund are: (Cross out the sentence that does not apply.)

_____;

11. The Applicant filed a claim with their homeowner's insurance carrier on _____
_____, based upon the facts alleged in the Final Judgment the Applicant
obtained against the Licensee, and received \$_____ for their claim/the claim is

pending/the claim has been denied (circle one). **OR** The Applicant has not filed a claim with their homeowner's insurance carrier; (Cross out the sentence that does not apply.)

12. The Applicant filed a claim with the Licensee's insurance carrier on _____, based upon the facts alleged in the Final Judgment the Applicant obtained against the Licensee, and received \$ _____ for that claim/the claim is pending/the claim has been denied (circle one). **OR** The Applicant has not filed a claim with the Licensee's insurance carrier; (Cross out the sentence that does not apply.)

13. This verified application is served upon the Commissioner of the Minnesota Department of Labor and Industry within two years of the date the Final Judgment specified in item three became final; and

14. The Applicant has have complied with all the requirements of Minn. Stat. § 326B.89 (2008).

NOW, THEREFORE, the Applicant requests the following.

An Agreement or Order directing payment from the Contractor Recovery Fund to the Applicant herein in the amount of \$ _____, said amount being equal to the Applicant's actual and direct out-of-pocket loss/amount of the Final Judgment (circle one), but excluding attorney's fees, any costs and disbursements incurred in obtaining the judgment and applying to the Fund, costs awarded under Minn. Stat. § 549.02, any interest on the loss, and any pre-judgment and post-judgment interest.

Dated: _____

By: _____
Attorney for Plaintiff/Applicant

Minnesota Department of Labor and Industry
Contractor Recovery Fund
443 Lafayette Road N.
St. Paul, MN 55155
(651) 284-5859

**VERIFIED APPLICATION FOR
COMPENSATION FROM THE
CONTRACTOR RECOVERY FUND
USING THE STANDARD PROCEDURE**

Name of Owner/Lessee (Applicant/s): _____

Address _____

Name of Contractor (Licensee): _____

Contractor License Number _____

PURSUANT TO Minnesota Statutes, section 326B.89 (2008) the Applicant, for their verified application for compensation from the Contractor Recovery Fund using the standard procedure, state and affirm as follows:

1. The Applicant is an Owner of residential real estate or a Lessee of residential real estate that is eligible for payment of compensation from the Contractor Recovery Fund;

2. The specific grounds upon which the Applicant seeks to recover from the fund are:

_____;

3. The Applicant obtained a Final Judgment in the amount of \$_____ in a court of competent jurisdiction against the Licensee, which was entered on _____, and docketed on _____, and is incorporated herein by reference;

4. The Applicant received \$ _____ toward the amount of the Final Judgment on _____ **OR** The Applicant has not received any payment toward the amount of the Final Judgment; (Cross out the sentence that does not apply.)
5. The Final Judgment against the Licensee was obtained on the grounds of fraudulent, deceptive, or dishonest practices, conversion of funds, or failure of performance that arose directly out of a transaction that occurred between the Applicant and the Licensee when the Licensee was licensed and performing any of the special skills enumerated under Minn. Stat. § 326B.02, subdivision 15 (2008);
6. All proceedings on the judgment specified in item three have either been pursued and concluded or have been foregone, and there are no reviews or appeals pending in any court.
7. The amount of the Applicant's actual and direct out-of-pocket loss on the residential real estate or the leased residential real estate, or on new residential real estate that has never been occupied or that was occupied by the Licensee for less than one year prior to purchase by the Applicant, is \$ _____;
8. The residential real estate is located at _____ (address) ,
City of _____, County of _____, State of Minnesota,
_____ (zip code);
9. The Applicant is not the spouse of the Licensee or the personal representative of the Licensee;
10. The Applicant knows of no other party who would be liable to the Applicant in the transaction for which the Applicant is seeking recovery from the Contractor Recovery Fund. **OR** Other parties that are liable, or may be liable, to the Applicant in the transaction for which the Applicant is seeking recovery from the Contractor Recovery Fund are: (Cross out the sentence that does not apply.)

_____;

11. The Applicant filed a claim with their homeowner's insurance carrier on _____, based upon the facts alleged in the Final Judgment the Applicant obtained against the Licensee, and received \$ _____ for their claim/the claim is pending/the claim has been denied (circle one). **OR** The Applicant has not filed a claim with their homeowner's insurance carrier; (Cross out the sentence that does not apply.)

12. The Applicant filed a claim with the Licensee's insurance carrier on _____, based upon the facts alleged in the Final Judgment the Applicant obtained against the Licensee, and received \$ _____ for that claim/the claim is pending/the claim has been denied (circle one). **OR** The Applicant has not filed a claim with the Licensee's insurance carrier; (Cross out the sentence that does not apply.)

13. This verified application is served upon the Commissioner of the Minnesota Department of Labor and Industry within two years of the date the Final Judgment specified in item three became final; and

14. The Applicant has complied with all the requirements of Minn. Stat. § 326B.89 (2008).

NOW, THEREFORE, the Applicant requests the following.

An Agreement or Order directing payment from the Contractor Recovery Fund to the Applicant herein in the amount of \$ _____, said amount being equal to the Applicant's actual and direct out-of-pocket loss/amount of the Final Judgment (circle one), but excluding attorney's fees, any costs and disbursements incurred in obtaining the judgment and applying to the Fund, costs awarded under Minn. Stat. § 549.02, any interest on the loss, and any pre-judgment and post-judgment interest.

Dated: _____

By: _____
Attorney for Plaintiff/Applicant

STATE OF MINNESOTA)
) ss.
COUNTY OF _____)

VERIFICATION

On this the _____ day of _____, 20____: before me, a notary public in and for the State of _____ personally came _____, to me known to be the person herein described and subscribing hereto, and as having signed the foregoing form of application, and in oath deposing and affirming that all the statements herein made are true.

Signature of applicant/s

Applicant

Day Time Telephone

Applicant

Day Time Telephone

Subscribed and sworn to before me on this the _____ day of _____, 20____.

Notary Public

My commission expires on _____.