

A06-1507
A06-1757

STATE OF MINNESOTA

IN SUPREME COURT

A06-1507

David Torgelson, Renville County Attorney,

Appellant,

vs.

Real Property known as 17138 880th Ave., Renville County, Minnesota,

Defendant,

Owner: Kent Feigum,

Respondent,

A06-1757

Thomas G. Kramer, Yellow Medicine County Attorney

Appellant,

vs.

Property Located at 860 10th Avenue, Granite Falls, Minnesota 56241, (Lot 7, Block Eighteen, Lathrop's First Addition to the City of Granite Falls, Yellow Medicine County, Minnesota),

Defendant,

Owner: Luverne W. Johnson,

Respondent.

APPELLANTS' REPLY BRIEF

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ARGUMENT

I. IT IS THE LANGUAGE OF THE MINNESOTA CONSTITUTION IN ARTICLE 1, SECTION 12, THAT SHOULD DETERMINE WHETHER DRUG FORFEITURES OF HOMESTEADS ARE BARRED.

Inter Faculty Organization v. Carlson, 478 N.W.2d 192, 194 (Minn. 1991), held, “When interpreting the constitutional provision, we, of course, look first to the specific language of that provision.” Some of respondents’ arguments, which are discussed below, divert attention from the language of art. 1, § 12 of the Minnesota Constitution to various irrelevant considerations, without otherwise adding to the analysis of the question. These arguments, which avoid addressing the language of section 12, should be rejected. If the language of the constitution does not support respondents’ position, the arguments that they muster in lieu of that support must fail.

A. Whether The Minnesota Constitution Bars Drug Forfeitures Does Not Turn Upon Whether Minnesota Is A Farm State Or A Law Enforcement State.

A major premise of one of respondents’ arguments is that farm states, which respondents identify as Kansas and Iowa, have barred the forfeiture of homesteads, whereas states with a law enforcement tradition, which respondents identify as Texas and Alabama, have allowed forfeiture of homesteads. *See* Respondents’ Brief (Resp. Br.) at 7. Respondents conclude that Minnesota is a farm state and that, therefore, drug forfeitures of Minnesota homesteads are barred.

Minnesota certainly has a large number of farms, and some sections are heavily agricultural. Minnesota, on the other hand, is also very concerned about law

enforcement, as exemplified by initiatives on sexual assaults and domestic abuse; in establishing and modifying Minnesota's sentencing guidelines, "the primary consideration of the [sentencing guidelines] commission shall be public safety" Minn. Stat. § 244.08, subd. 5 (2006). But, regardless of whether Minnesota is a "farm state," a "law enforcement state," or both, Minnesota is first and foremost a republic, with a written constitution. The Minnesota Constitution, and in particular its exempt property provision in section 12, determines whether the constitution bars drug forfeitures of homesteads.

Contrary to the thrust of respondents' argument, states that respondents denominate farm or law enforcement states have focused on the language of their relevant constitutional provisions and/or statutes.

The Kansas Supreme Court focused on the language of the Kansas homestead exemption, which provides: "A homestead...shall be exempted from forced sale under process of law,"¹ and held that "the forfeiture of Gilbert's real property . . . was a forced sale in violation of Article 15, § 9 of the state constitution." *State ex rel. Braun v. Tract of Land*, 840 P.2d 453, 455 (Kan. 1992). Likewise, *Matter of Bly*, 456 N.W.2d 195 (Iowa 1990), focused on the Iowa statutory homestead exemption, which provided in the relevant part, "[t]he homestead of every person is exempt from judicial sale where there is no special declaration of statute to the contrary,"² and held "that the term 'judicial sale'

¹ *State ex rel. Braun v. A Tract of Land*, 829 P.2d 600, 602 (Kan. App. 1992), *aff'd* 840 P.2d 453 (Kan. 1992).

² 456 N.W.2d at 198.

as used in chapter 561 was intended to encompass any judicially compelled disposition of the homestead, whether denominated a 'sale' or not . . . [and declined to give] the term 'judicial sale' in section 561.16 a narrow or technical construction dependent upon finding a true 'sale.'" 456 N.W.2d at 199. Neither the Kansas nor the Iowa Supreme Court said that their respective states were farm states or that their respective states had any antipathy toward law enforcement.

The same holds true for the states (Texas and Alabama) that respondents denominate law enforcement states. *Lot 39, Section C, Northern Hills Subdivision, Gracen County, Texas v. State*, 85 S.W.3d 429, 431 (Tex. Ct. App. 2002), held that the homestead owners "reliance on the cases from Florida, Illinois, Iowa, and Kansas is misplaced because the homestead provisions in those states contain broader exemption language than the Texas provisions and are, therefore, distinguishable."³ Likewise, in Alabama, where the homestead statute provided that the "homestead of every resident of this state shall be exempt from levy and sale under execution or other process for the collection of debt during his life and occupancy," the bankruptcy court found that, under Alabama law, "the homestead exemption protects a debtor's homestead from execution on contracted debts. It does not protect real estate used in criminal activities." *Matter of Smith*, 176 B.R. 221, 223 (Ala. 1995). In neither the Texas nor the Alabama case was any reliance placed upon any alleged law enforcement traditions in those two states. Moreover, neither Texas or Alabama would likely consider itself any less of a farm state

³ The Texas Constitution provided: "The homestead... shall be, and is hereby protected from forced sale, for the payment of all debts." 85 S.W.3d at 429.

than Minnesota. And, certainly, neither Texas nor Alabama would be considered less of a farm state than Florida, which was one of the states barring drug forfeitures of homesteads. *See Butterworth v. Caggiano*, 605 So.2d 56, 61 (Fla. 1992).

To sum up, on pages 19 and 20 of appellants' main brief, appellants note that respondents did not really address the language in other states' homestead exemptions as it compared to Minnesota's language. Respondents still do not address this point, and instead raise the irrelevant consideration that the case turns on whether one might consider Minnesota to be a farm state or a law enforcement state.

B. The Language Of Section 12, The Exempt Property Section Of The Minnesota Constitution, And, In Particular, The Term "Liability," Is Not Imprecise.

Respondents argue: "One of the problems here is that language can be very imprecise and words like 'liability' can be applied or avoided depending upon the context the user wishes to employ. . . . Precise grammatical analysis is unhelpful here, because the case can be argued either way, and the diction can be made to fit one's argument."

Resp. Br. at 31. To illustrate their point, respondents use, as examples, "liable to seizure of his assets," "liability for one's crimes," "one's debt to society," and "liable to lose one's land." *See* Resp. Br. at 21, 31. This usage of debt and of liability is not, however, the type of debt and liability that is contained in the constitutional provision at issue here, *i.e.*, the seizure or sale of property "for the payment of any debt or liability." In none of the far-fetched examples constructed by respondents is a person's property seized and sold to pay off the debt or liability.

Respondents claim that these shifting cases of liability and debt “can be applied or avoided depending upon the context the user wishes to employ.” Resp. Br. at 31. However, the context here is the language in art. 1, § 12, setting forth seizure or sale for the payment of any debt or liability. Usages of debt or liability that do not fit into the context of section 12’s language are not germane to the discussion. For example, one’s “debt to society” certainly does not refer to a sum of money. Instead it is simply an idiom that is used in a figurative sense and that does not envisage any particular, concrete debt.

This Court in *Denzer v. Prendergast*, 267 Minn. 212, 220-21, 126 N.W.2d 440, 445 (1964), however, had no difficulty in perceiving the meanings of “debt” (which *Denzer* characterized as “an obligation to pay money arising from a contract, express or implied”) and “liability” (characterized by *Denzer* as “arising from a judgment for damages caused by a wrong”) as they are used in section 12. The meaning of these terms as used in this section of our constitution, are manifested as delineated by *Denzer* and by their context.

C. The Meaning Of Liability In The Exempt Property Provision Is Not Limitless.

Respondent’s argue: “Third, the natural use of the term ‘liability’ refers, as the *Denzer* court indicated, to just about any obligation imaginable.” Resp. Br. at 21 In arguing such an expansive meaning of liability, respondents in effect argue for only a partial reading of the constitution: “A reasonable amount of property shall be exempt from seizure or sale,” with the remaining language, “for the payment of any debt or

liability,” either eliminated or ignored. As discussed in appellants’ first brief, however, the presence of the language “for the payment of any debt or liability” must, because of its inclusion, have some meaning and effect, and respondents are certainly wrong when they claim that *Denzer* indicated that liability had the very broad, limitless meaning that respondents attribute to it. *See* App. Br. at 9. In fact, as already discussed, *Denzer* in essence characterized liability as tort liability, i.e., “arising from a judgment for damages caused by a wrong.” 267 Minn at 220-21, 126 N.W.2d at 445.

In conclusion, liability is not a vague, all-encompassing term. Its meaning and scope were readily ascertained in *Denzer*. Therefore, it is the language of section 12 that should be addressed here, not whether Minnesota is a farm or law enforcement state or whether it is possible to come up with unsuitable and nonapplicable idioms or usages of “liability”.

II. RESPONDENT’S ANALYSIS OF “LIABILITY” IS MISTAKEN.

The dispositive issue in this case is whether, when a homestead is seized for forfeiture, this seizure is for the payment of any liability. Yet respondents do not even address this dispositive issue until page 19 of their brief, where they characterize the issue as “the only *remaining* question.” (Emphasis added).

Respondents argue that there are four enumerated, and one unenumerated, reasons why “liability” encompasses drug forfeitures. These arguments should be rejected.

The first argument respondents raise is that the inclusion of “liability” in section 12 means that more seizures than just seizures for payment of debts are barred. This is true, and this is precisely what *Denzer* held in that not only contract debt, but also tort

liability, was protected against seizures for payment of debt of liability. *See* 267 Minn. at 220-21, 126 N.W.2d at 445. However, just because liability is more expansive than debt does not mean that it includes everything for which a homestead might be seized. Otherwise, as argued in appellants' first brief, there would be no reason to have the words "for the payment of debt or liability" in section 12; and the constitutional language would have simply prohibited any seizure or sale of exempt property. *See* App. Br. at 9.

Respondents point to the language of *Denzer* that the constitutional provision means "debts or liabilities of every kind or description, without exception," and then argue that this means that "liability includes virtually every *obligation* a homesteader may have." *See* Resp. Br. at 19. (Emphasis added). But *Denzer* simply did not say or use "obligation." If *Denzer* intended to include virtually every *obligation* a homesteader may have, it would have said so, instead of using the more limited, although still quite broad, terminology of "*debts and liabilities* of every kind or description, without exception." *See* 267 Minn. at 220, 126 N.W.2d at 445. (Emphasis added).

The second reason respondents give is the fact that section 12 is right next to Article 1, § 11, which provides:

No bill of attainder, ex post facto law, or any law impairing the obligation of contracts shall be passed, and no conviction shall work corruption of blood or forfeiture of estate.

Respondents argue that these two provisions should be read *in pari materia* with the result that the prohibition of "forfeiture of estate" in section 11 would add forfeitures to the debts and liabilities in section 12. However, sections 11 and 12 are not *in pari materia*.

“The doctrine of *in pari materia* is a tool of statutory construction that allows two statutes with common purposes and subject matter to be construed together to determine the meaning of ambiguous statutory language.” *State v. Lucas*, 589 N.W.2d 91, 94 (Minn. 1999). Thus, in order for the doctrine to be used, the two statutes must have common purposes and subject matter, and there must also be some ambiguity. Assuming for the sake of argument that *in pari materia* also applies to constitutional provisions (and respondent provides no authority that such is the case), it is clear that his argument fails on both prerequisites for *in pari materia*. On the first prerequisite of *in pari materia*, sections 11 and 12 do not have common purposes and subject matter. Section 11’s prohibition of bills of attainder and similar arbitrary and/or harsh measures are a different subject than section 12’s provision allowing debtors to exempt a portion of their property from sale and execution. Regarding the second *in pari materia* prerequisite, there is no ambiguity, particularly as it pertains to the issue in this case. Sections 11 and 12 say nothing at all regarding *in rem* actions against property.

Respondents’ third reason is their claim that *Denzer* indicated that liability includes “just about any obligation imaginable.” This argument has already been addressed in response to Respondents’ first point, *supra* at 6-7.

Respondents’ fourth reason is that the Minnesota legislature took no action when some states held that their homestead exemptions barred drug forfeitures of homesteads. There is no reason, however, that the legislature would have considered this to be any kind of a potential problem. First, the states barring the forfeiture of homesteads had

much more expansive homestead exemptions than Minnesota. Second, just as many states had refused to bar the drug forfeitures of homesteads.

Respondents' final (or unenumerated) fifth point is that public policy supports their position. However, respondents fail to articulate the connection between their policy reasons and the meaning of the term "liability" in art. 1, § 12. In effect, their argument is circular: because respondents believe that public policy requires barring the forfeiture of their homesteads, "liability" must have a meaning that accommodates this.

Respondents argue in another part of their brief that "virtually every seizure results from a civil or criminal liability." *See* Resp. Br. at 30. This argument (1) is factually incorrect, (2) uses liability in a different sense than it is used in article 1, § 12, and (3) in any event, does not, even if true, inexorably support respondents' position.

First, the seizure of evidence either under a search warrant or in a warrantless search is not the type of seizure contemplated by section 12. Moreover, evidence is often seized from people who have no criminal liability, but happen to possess evidence of a crime. A common example is seizing a defendant's financial records from a bank.

Second, "criminal liability" is not the liability referred to in section 12. "Criminal liability" means that one is subject to being convicted for a crime, and if convicted, fined, placed on probation, or sent to prison. Sales of forfeited property are not used to "pay" for this criminal liability. *See also* appellants' discussion of this issue in App. Br. at 10-11.

Third, section 12 does not provide that "every seizure [that] *results* from a civil or criminal liability" is exempt property. *See* Resp. Br. at 30 (emphasis added). Instead

section 12 provides that the property is exempt only if it has been seized *to pay* the debt or liability.

III. A NUMBER OF ARGUMENTS RAISED BY RESPONDENTS ARE IRRELEVANT.

Respondents raise a number of arguments that are irrelevant to the question of whether the exempt property section bars drug forfeitures of homesteads. In particular, they are irrelevant to the question of whether forfeitures are seizures or sales for the *payment* of any debt or *liability*.

A. The Inclusion Of Homestead Property As Exempt Property Is A Statutory Exemption.

Respondents argue at some length that, even if Minn. Stat. § 510.01 (2006) did not include homesteads as exempt properties, the constitution would require the homestead exemption. *See* Resp. Br. at 2-8. However, since the legislature has provided that homesteads are exempt property, it is irrelevant whether they would have been exempt in the absence of such a statutory enactment.

Although irrelevant, it should be noted that respondents' argument is also not correct. If the framers of the constitution had wished to ensure that homesteads were included as exempt property they would have so provided explicitly. Therefore, it was up to the legislature, in determining "[t]he amount of such exemption" as provided by art. 1, § 12, to decide whether or not exempt property included homesteads. The legislature decided that homesteads were exempt property. Appellants acknowledge that homesteads are exempt property. The only issue here is whether a drug forfeiture seizure

and sale is a seizure or sale for the payment of any liability. Respondents' extensive arguments on a non-contested issue only serve to confuse the matter.

B. Wives And Children.

Appellant argues: "Even more importantly, drug users often have wives and children." Resp. Br. at 24. While respondents' general assertion is unquestionably true, there simply is no evidence of any wives or children in either of these cases.⁴ Importantly, if a drug dealer were married, and his wife was not involved in the drug trafficking, she would have an innocent-owner defense to the forfeiture, regardless of whether the homestead exemption barred forfeitures. *See* Minn. Stat. § 609.5311, subd. 3 (2006). Thus, respondents' argument on this point has little application to the analysis.

C. Rehabilitation.

Respondents appear to argue that there is some implicit provision in art. 1, § 12 that saves the homestead in the interest of rehabilitating criminals. If that is their argument, that simply is not the case. Art. 1, § 12 protects against seizure or sale for the payment of any debt or liability and if the seizure is for that purpose, the homestead is protected. If it is not for that purpose, the homestead is not exempt. In any event, whether or not this is an important public policy consideration is a question for the legislature.

⁴ Moreover, the use of terminology "drug users" is inaccurate, given the fact that the 23 pounds of marijuana and first-degree amounts of methamphetamine in these cases are consistent with those who sell, not merely use, drugs.

D. Proportionality, Excessive Fines, And Double Jeopardy.

Respondents argue that there is no proportionality between the amount of drugs and “the size of the defendant’s loss.” Resp. Br. at 25. Respondents also argue that forfeiture laws are suspect under the double jeopardy and excessive fines clauses. *See* Resp. Br. at 36. None of these claims, however, have anything to do with the issue here. These claims can be raised regarding both homestead and non-homestead property. The analysis of those issues is not affected by whether the property is a homestead or not. If respondents had a defense under any of these doctrines, respondents could have raised them, regardless of whether they raised their homestead exemption claim. As it is, respondents raised no such claims in these cases, and therefore they are irrelevant.

E. *Blakely v. Washington*

Appellant contends that “the statute is likely to create *Blakely* problems unless subjected to Article I § 12 and Minn. Stat. § 510.01.” Resp. Br. at 25. Since forfeitures are civil, not criminal matters, *Blakely* is not implicated. But, in any event, even if *Blakely* were implicated, respondents have not raised that issue in these cases.

F. “Compelling Reasons” And “Compelling State Interests”.

Respondents argue that the state has not provided “compelling reasons” why respondents homestead should be forfeited. *See* Resp. Br. at 26. Respondents also argue that forfeiture laws do not reflect a “compelling state interest.” *See* Resp. Br. at 33. Respondents provide no reason or authority for their use of this terminology. In particular, these terms are of no relevance here, where the issue is whether the forfeiture is a seizure or sale for the payment of any liability. The presence of “compelling

reasons” and a “compelling state interest” would not mean that something that was a liability would, because of the “compelling” nature, be changed into something that was not a liability. In other words, if the homestead exemption bars drug forfeitures of homesteads, it would still bar those forfeitures regardless of whether there were compelling reasons and a compelling state interest in obtaining those forfeitures. On the other hand, the absence of a compelling state interest or compelling reasons does not *ipso facto* convert something that is not a liability into a liability.

G. “Genuine” And “Incidental” Instrumentalities Of Drug Trafficking.

Respondents argue that “[i]t is important to distinguish here between genuine drug instrumentalities and incidental drug instrumentalities.” Resp. Br. at 35. However, respondents then implicitly admit that this distinction is irrelevant by arguing that forfeiture of homesteads are not necessary in either situation. *Id.* at 35-37. In any event, whether an instrumentality is “genuine” or “incidental,” as characterized by respondents, has nothing to do with whether the seizure or sale is for the payment of a liability.

IV. RESPONDENTS’ ANALYSIS OF THE DECISIONS IN OTHER STATES FAILS TO SUPPORT THEIR CLAIM HERE.

A. Minnesota’s Exemption Language Differs From The Language In Other States.

Respondents extensively quote, discuss, and argue from the decisions in other states that have addressed whether their homestead exemptions bar drug forfeitures of homesteads. *See* Resp. Br. at 9-19. Appellants’ brief pointed out that, in the court of appeals, respondents also discussed the decisions of other states at length. *See* App. Br. at 19-20. Appellants pointed out, however, (1) that respondents did not point out any

state that had the same, or essentially the same, language as Minnesota and (2) that respondents have failed to point out any other states that address “liabilities” or “payment of any liability” in a homestead exemption. Indeed, respondents still do not address these points.

Respondents point out differences between the homestead provisions in states allowing the forfeiture of homesteads and Minnesota’s provision. However, Minnesota’s provision also differs from those states that have barred homestead provisions, particularly the presence of Minnesota’s language “for the payment of any debt or liability.”

Lot 39 succinctly evaluated the holdings in other states barring forfeiture as follows, which respondents also quote as a succinct analysis of the homestead exemption language in states where that exemption has barred drug forfeitures of homesteads:

We find the reasoning of the courts in Arizona, Colorado, and Washington to be persuasive. We note that Helm’s reliance on the cases from Florida, Illinois, Iowa, and Kansas is misplaced because the homestead provisions in those states contain broader exemption language than the Texas provisions and are, therefore, distinguishable. In Florida, homesteads are exempt from forced sale under process of any court. In Illinois, homesteads are exempt from attachment or judgment for the payment of debts or other purposes. In Iowa, homesteads are exempt from judicial sale unless there is a special statutory declaration to the contrary. In Kansas, homesteads are exempt from forced sale under any process of law. *In none of those states is the homestead exemption limited to seizures based upon the owner’s debts.* We concede, however, that the homestead exemption in Oklahoma is limited to seizures based upon the owner’s debts and that the homestead provision is not distinguishable from ours. However, we disagree with the Oklahoma court’s holding in *State ex rel. Means* in which the court disregarded the limiting language of the homestead provision and held that the homestead was protected and that the homestead exemption was not limited to forced sales for the payment of debts.

85 S.W.3d at 431-32 (emphasis added).

Lot 39's analysis of the Florida, Illinois, Iowa, and Kansas cases applies here as well, except that *Lot 39's* analysis would be changed as follows to apply to Minnesota's language: "In none of those states is the homestead exemption limited to seizures for the payment of the owner's debts and liabilities."

Given the fact that none of the other states have the same exemption language as Minnesota, their usefulness is limited. However, respondents attempt to read factors, other than the exemption language, into these other states' decisions and then apply those extraneous factors to Minnesota. (One example, the alleged dichotomy between farm and law enforcement states, has already been discussed. *See* discussion *supra* at 1-4.)

B. The Issue Here And In the Other States Is Not Whether The Policy Favoring Homesteads Or The Policy Favoring Drug Forfeitures Is More Important.

Respondents argue:

As noted, the factor which was most critical in determining whether a given state would rule in favor of the homestead or of the government was whether the state court viewed that state's policy in favor of homesteads to be more important than the policy in favor of drug forfeitures, or vice-versa.

Resp. Br. at 15. However, respondents do not, after making this argument, quote or point out any specific place in any of these cases where a conflict between the policies for drug forfeitures and for homesteads was analyzed as a factor at all, let alone a more critical factor than the homestead exemption language itself. Nor should it be considered as a factor here.

The policy in favor of homesteads is important to ensure that bills incurred because of, for example, death, disability, loss of job, high medical bills, and/or an underinsured car accident do not cause a family or other homeowner to lose their home. The policy in favor of drug forfeitures is important because forfeitures hinder a drug trafficker's business. *See* App. Br. at 16-18. Resolving the issue here does not require a conclusive determination as to whether the homestead exemption in general or drug forfeitures in general are more important. The conflict only arises when a drug trafficker uses his homestead to conduct his business. There should be no public policy determination that drug traffickers should be able to work out of their homes and use them for a base of operation, storage and security.

Respondents cite no cases or statutes holding or providing that public policy favors drug traffickers using their homes to conduct their illegal businesses. Indeed, respondents agree that the exemption provisions do not prevent the seizure of a homestead used to manufacture bombs or otherwise create a public nuisance. *See* Resp. Br. at 33, 34. Respondents argue that seizures of homesteads in these cases are "addressed by other statutes and remedies, and is easily distinguishable from the facts [in these cases]." Resp. Br. at 34. However, in spite of respondent's claim that drug forfeitures are "easily distinguishable" from these situations, respondents do not explain how the language of the exemption provision ("seizure or sale for payment of any liability") allows the seizure of nuisance homesteads but not the seizure of drug trafficking homesteads.

The legislature has provided several defenses and exemptions to forfeitures, but has not provided an exemption for forfeitures.⁵ The issue here is not whether homestead exemptions or drug forfeitures are more favored, but rather whether the drug forfeitures are seizures and sales for the payment of any liability.

Respondents also argue that the decisions in other states “appear to be rather result-oriented, and perhaps even somewhat political.” Resp. Br. at 15. If respondents’ assertion is true, those decisions should be judged to be of little value to the decision that this Court needs to make.

C. “Seizure” And “Liability” Are Not Present In Other States’ Homestead Exemptions.

Respondents argue, that because Article 1, § 12 contains both the words “seizure” and “liability,” it “is much closer in form to the law cited in Illinois, Iowa, Kansas and Florida than the laws of Texas, Alabama, Arizona, Washington or Colorado.” Resp. Br. at 17. Respondents’ characterization of the laws in Illinois, Iowa, Kansas, and Florida in this regard is not correct. Neither Illinois, Iowa, Kansas, nor Florida law contains the words “seizure” and “liability” in their respective homestead exemptions. *See People v. One Residence Located at 1403 East Parham Street*, 621 N.E.2d 1026, 1028 (Ill. Ct. App. 1993); *Matter of Bly*, 456 N.W.2d 195, 198 (Iowa 1990); *State ex rel. Braun v. A Tract of Land*, 829 P.2d 600, 602 (Kan. Ct. App. 1992), *aff’d* 840 P.2d 453 (Kan. 1992); *Butterworth v. Caggiano*, 605 So.2d 56, 58 (Fla. 1992).

⁵ The legislature, for example, has provided exemptions for innocent owners and for parents of drug-dealer children. *See* Minn. Stat. § 609.5311, subd. 3(d) and (g) (2006).

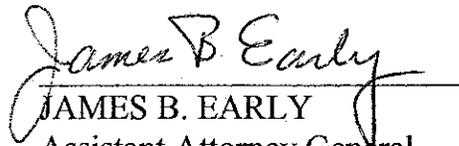
CONCLUSION

The court of appeals erred. Its decision should be reversed, and the judgments of the district courts forfeiting the property should be reinstated.

Dated: December 10, 2007

Respectfully submitted,

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