This opinion will be unpublished and may not be cited except as provided by Minn. Stat. § 480A.08, subd. 3 (2016).

STATE OF MINNESOTA
IN COURT OF APPEALS
A17-0572

Jeff Jaglo,
Appellant,

vs.

Ellen Bach, et al.,
Respondents,

ABC Corporation, et al.,
Defendants

Filed January 16, 2018
Affirmed
Worke, Judge

Hennepin County District Court
File No. 27-CV-16-14614

Kelly Griffitts, Griffitts Law Offices, PLLC, Eagan, Minnesota (for appellant)

Eric D. Cook, Wilford, Geske & Cook, P.A., Woodbury, Minnesota (for respondents)

Considered and decided by Rodenberg, Presiding Judge; Worke, Judge; and Toussaint, Judge.*

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to Minn. Const. art. VI, § 10.

U N P U B L I S H E D   O P I N I O N

WORKE, Judge

Appellant argues that the district court erred by determining that appellant failed to redeem real property from respondent, whose judgment lien was superior to appellant's mortgage. We affirm.

D E C I S I O N

There is no dispute as to the underlying facts or procedural history of this lien-priority and mortgage-redemption matter. Rather, we are asked to review the district court's determination that a partially satisfied judgment lien continues after an execution sale.

Appellate courts review a district court's decision on a motion to dismiss de novo. *In re Medtronic, Inc. S'holder Litig.*, 900 N.W.2d 401, 405 (Minn. 2017). We consider only the facts alleged in the complaint and accept those facts as true. *See id.* A pleading will be dismissed "only if it appears to a certainty that no facts, which could be introduced consistent with the pleading, exist which would support granting the relief demanded." *Bahr v. Capella Univ.*, 788 N.W.2d 76, 80 (Minn. 2010) (quotation omitted).

Under Minnesota law, the creditor in a lawsuit for a money judgment can attach a judgment lien against the debtor's real property. Minn. Stat. § 548.09, subd. 1 (2016). This lien attaches to the debtor's property when the judgment is docketed. *Id*. A judgment creditor may collect on the money judgment by executing on the debtor's property. Minn. Stat. § 550.02 (2016). Execution in this context simply means "[j]udicial enforcement of a money judgment," usually by "seizing and selling the judgment debtor's property."

Black's Law Dictionary 689 (10th ed. 2014). The purchaser at an execution sale receives, "upon expiration of the time for redemption, . . . all the right, title, and interest" of the debtor's real property "at the date of the lien upon which the same was sold." Minn. Stat. § 550.22 (2016).

Here, respondent Ellen Bach executed on Thomas Whiteis's property pursuant to her judgment against Whiteis. At a judgment-execution sale, the property was sold to Bach, but the sale only partially satisfied her judgment. Subsequently, a superior mortgage on the property foreclosed and CitiMortgage, Inc. was the successful bidder. Bach redeemed from the mortgage foreclosure by paying CitiMortgage's assignee, respondent Castle Rock Financial Corp., but her remaining unsatisfied judgment lien remained attached to the property.

Although appellant Jeff Jaglo tendered $100 for a junior mortgage on the property, Bach's interest in the property was superior to the junior mortgage. Her redemption from the mortgage-foreclosure sale meant that Jaglo was required to redeem from Bach or avail himself of some other mechanism in order to safeguard his redemption rights. Jaglo failed to do so, resulting in a loss of his redemption rights. Because Jaglo lost his right of redemption, the district court correctly dismissed his case.

Affirmed.