

# Filing an Eviction Appeal at the Minnesota Court of Appeals

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This packet is provided as a general guide to the process of appealing from an eviction judgment. These instructions explain the steps to start an appeal and answer common questions, but are not a full guide to the law.

Please read this entire packet carefully. If you do not understand any of the steps or do not know if these forms are right for your situation, you should speak with an attorney for legal advice. Court employees are able to give general information about court rules and procedures, but they cannot give legal advice.

## **This packet includes:**

- Step-by-Step Instructions for Filing an Eviction Appeal
- Form: Notice of Appeal
- Form: Statement of the Case of Appellant
- Form: Appellant's Certificate of Service by Mail of the Notice of Appeal, Statement of the Case, and Judgment
- Form: Appellant's Certificate of Service by Personal Delivery of the Notice of Appeal, Statement of the Case, and Judgment
- Form: Appellant's Certificate of Filing of Notice of Appeal
- Form: Appellant's Certificate of Service by Mail of Brief
- Form: Appellant's Certificate of Service by Personal Delivery of Brief

## **For Additional Assistance:**

Additional helpful materials, including example briefs, can be found on the Minnesota State Law Library website (<https://mncourts.libguides.com/appeals>).

The State Law Library also hosts an Appeals Self-Help Clinic (<https://mn.gov/law-library/services/clinics/appealsclinic.jsp>) where you can get brief free legal advice about your case from a volunteer attorney or get help filling out forms. The Appeals Self-Help Clinic is on the third Thursday of the month from 1:30-4:30 p.m. It is a walk-in clinic, so no appointments are taken. For more information about the Appeals Self-Help Clinic, call (651) 297-7651.

## **Important Information about your Appeal**

### **Court of Appeals Opinions are Available to the Public**

Once your appeal is decided, the Court of Appeals will issue a written decision, called an “opinion,” which will describe your case and the reasons for the court’s decision. **The opinion will be available to the public on the Minnesota Judicial Branch’s website.** After an opinion is filed, it cannot be removed from the internet. This means that anyone who searches for your name on the internet may be able to find and read the opinion, including any reasons you may have been evicted.

### **Parties in an Eviction Appeal**

The party who files the appeal is called the “appellant.” The party or parties who “won” in district court ruled are called the “respondents.”

### **Laws that Apply to your Appeal**

Your appeal is governed by the [Minnesota Rules of Civil Appellate Procedure](#), the [Special Rules of Practice for the Minnesota Court of Appeals](#), and the Minnesota Statutes. [Minnesota Statute section 504B.371](#) applies specifically to eviction appeals.

This packet includes simplified instructions, but you should read the rules and statutes yourself for more information. **If you are representing yourself, you are responsible for researching court rules, case law, and statutes that govern your case.**

You can find the rules and statutes at the Minnesota State Law Library (Room G25, Minnesota Judicial Center, 25 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, MN 55155, or call 651-297-7651), and at public libraries. You can also find the rules at the Minnesota Judicial Branch’s website: <http://www.mncourts.gov/About-The-Courts/SupremeCourt/CourtRules.aspx>.

### **Filing Fees**

The appellant in an eviction matter must either pay a \$550 filing fee to the Clerk of the Appellate Courts, or obtain an order from the district court waiving the filing fee for the appeal. An order waiving the filing fee is sometimes referred to as an order granting permission to proceed “in forma pauperis (IFP).” See [Minn. R. Civ. App. P. 103.01, subd. 1; 109](#).

To get an order waiving the filing fee for the appeal, you must request it in district court. You must request an order waiving the filing fee for the appeal, even if the district court already waived district court fees. Your request can also ask to waive the cost of preparing a transcript for your appeal. If the district court denies your request to waive the filing fee for the appeal, you may then file a motion with the Court of Appeals to review the district court’s denial of your request.

Instructions and forms for requesting an order waiving fees for your appeal are found on the Minnesota Judicial Branch Website: <http://www.mncourts.gov/GetForms.aspx?c=19&p=70>

## Step-by-Step Instructions for Filing an Eviction Appeal

### Step 1: Calculate your appeal deadline

You have 15 days from the date that the district court administrator entered a judgment on the eviction order to file and serve your appeal. **The 15-day appeal period starts to run when the district court *enters* the eviction judgment whether or not you are notified of the entry of judgment on that date.**

#### General Information about “Entry of Judgment”

An *Order for Judgment* is the judge’s written decision telling the court administrator to enter a *Judgment*. After the district judge issues an *Order for Judgment*, the court administrator will take a separate step called “Entry of Judgment.” The court administrator may prepare a separate document titled “Judgment” or “Judgment Roll,” or the court administrator may add a sentence to the order, after the judge’s signature, that says something like “The above conclusions of law and order constitute the judgment of the court.” The court administrator will sign and date this statement (or the separate *Judgment* document) and will record this action. It is this action which constitutes entry of the *Judgment* and starts the 15-day deadline to file and serve your appeal.

After Judgment is entered, the next step in the district court proceedings is usually that the district court issues a *Writ of Recovery of the Premises and Order to Vacate* (often referred to as the “Writ of Recovery” or just “the Writ”). The *Writ* tells the sheriff or other officials to remove the occupant(s) from the property. The *Writ* is not appealable.

The only decision that can be appealed in an eviction proceeding is the eviction *Judgment*. The *Order for Judgment* is not appealable, but the Court of Appeals will review it as part of your appeal.

The date the district court administrator entered judgment was \_\_\_\_\_.

**Follow the instructions on the next page to calculate your deadline.**

### General Instructions for Calculating Court of Appeals Deadlines

- Appellate court staff cannot calculate your deadline for you. You are responsible for knowing the events that start the time periods for your deadlines and you are responsible for keeping track of all deadlines that apply to your appeal.
- Do not count the day of the event that starts the time period (for example, the date the eviction judgment was entered). Instead, start counting the next day.
- Continue counting calendar days. Do not skip weekends or legal holidays.
- If the last day of the period falls on a Saturday, Sunday, or legal holiday, then the deadline is the next business day. For the purpose of calculating deadlines, legal holidays for the appellate courts are:
  - New Year's Day (January 1);
  - Martin Luther King, Jr.'s birthday (the third Monday in January);
  - Presidents' Day (the third Monday in February);
  - Memorial Day (the last Monday in May);
  - Juneteenth (June 19);
  - Independence Day (July 4);
  - Labor Day (the first Monday in September);
  - Columbus Day (the second Monday in October), even though the appellate courts are open on Columbus Day;
  - Veterans' Day (November 11);
  - Thanksgiving Day (the fourth Thursday in November);
  - The Friday after Thanksgiving; and
  - Christmas Day (December 25).

The deadline for starting my appeal is \_\_\_\_\_.

**Note: The Court of Appeals cannot extend the deadline for appeal.** Before the deadline you calculated in this step, the *Notice of Appeal* must be **filed** with the Clerk of the Appellate Courts and **served** on all respondents (steps 3-5 provide instructions for filing and serving documents).

**If you do not file and serve the *Notice of Appeal* by the deadline, your appeal will be dismissed.**

## Step 2: Fill out the *Notice of Appeal* and *Statement of the Case*

- Fill out the *Notice of Appeal*, which is the document that starts the appeal process in an eviction case. It tells the court and the other party or parties that you intend to appeal. A *Notice of Appeal* form is attached to this packet.
- Fill out the *Statement of the Case*, which should *briefly summarize* the reasons you think the district court’s decision was incorrect. A *Statement of the Case* form is attached to this packet. You do not need to make detailed arguments in the *Statement of the Case*, because you will make detailed arguments later in your *Brief*. Do not attach any additional documents to your *Statement of the Case*.

The party who files the appeal is called the “appellant.” The party or parties who “won” in district court ruled are called the “respondents.”

The *Statement of the Case* asks you to indicate which format you will use when you file your *brief*: formal, informal, or memorandum of law with a short letter argument. Refer to Step 9 on page 14 for information about the different format options for your *brief*.

Fill in all of the blanks on the forms. If you do not fill out all of the blanks, the Clerk of the Appellate Courts may have to return the forms to you, and it may cause you to miss your deadline to appeal.

**Step 3:**  
**File the *Notice of Appeal*, *Statement of the Case*, and a copy of the *Judgment***

“Filing” means submitting or delivering documents to the Office of the Clerk of the Appellate Courts. The first step in your appeal at the Court of Appeals is to file the *Notice of Appeal*.

- Choose your method of filing (see instructions below):

**General Instructions for “Filing”**

Parties **without an attorney** may file documents by any of the following three methods:

1) By **hand-delivering** them to the Clerk of the Appellate Courts during business hours (8:00 a.m. to 4:30 p.m. weekdays, excluding holidays).

2) By **mailing** the documents to the Clerk of the Appellate Courts, addressed to:

Clerk of the Appellate Courts  
305 Minnesota Judicial Center  
25 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155

For filing by postal mail, a document will be considered filed “on time” if it is deposited in the U.S. Mail by the deadline with correct postage and the correct address, even though the Clerk of the Appellate Courts will not receive the document on the day you deposit it in the mail.

3) By **submitting them electronically** through the appellate courts’ e-filing system, E-MACS. Parties who do not have an attorney may use E-MACS, but they do not have to. Once you start to e-file in an appellate case, you must continue to e-file throughout the case – you cannot choose later to file in person or by mail (**Note: All attorneys are required to use E-MACS and cannot file documents by mail or by hand-delivery to the Clerk of the Appellate Courts**).

For information about electronic filing and to submit documents electronically, go to the Clerk of the Appellate Courts’ webpage ([www.mncourts.gov/Clerk-of-Appellate-Courts.aspx#tab05AppellateFiling](http://www.mncourts.gov/Clerk-of-Appellate-Courts.aspx#tab05AppellateFiling)).

**The Clerk’s Office cannot accept your filing by fax or email.** For additional instructions on filing, see [Minn. R. Civ. App. P. 125.01](#).

- If you are filing your documents by hand-delivery or by mail, make copies of the *Notice of Appeal*, *Statement of the Case*, and the *Judgment* that you are appealing. Make enough copies so that there will be a copy of each document for each respondent, as well as one copy of each for yourself. Keep one copy of each document for your records.
- File the original *Notice of Appeal* and *Statement of the Case*, along with a copy of the *Judgment*, with the Clerk of the Appellate Courts.

## Step 4: Serve the documents on respondents

Any time you submit a document to the Clerk of the Appellate Courts for filing, a copy must also be provided to all other parties at or before the time of filing. This is called “service.”

You must also file proof that you have served the document (“proof of service”) with the Clerk of the Appellate Courts. Instructions for proof of service are at Step 5.

**Important: You must file the *Notice of Appeal* and serve it on the respondents by the deadline you calculated in Step 1, or your appeal will be dismissed.**

- Choose your method(s) of service. For each party who you need to serve documents on, follow these steps to decide how to serve that party:

### General Instructions for “Service”

If a party has an attorney, you must serve the attorney rather than the party. If a party does not have an attorney, serve that party directly.

Did you file your *Notice of Appeal* and *Statement of the Case* electronically using EMACS **AND** is the person you are serving registered for electronic service in E-MACS?

If you answered **YES** to both questions above, then you may serve that person electronically using E-MACS.

If you answered **NO** to either question above, then you filed your documents by hand delivery or by U.S. Mail and therefore you must choose one of the options below for service:

- (1) **In person** (“personal service”): Have another person hand-deliver the document. The person who hand-delivers the document must be 18 years or older and not a party to the appeal. **You cannot serve a party in person yourself.**
- (2) **By mail:** Deposit the documents, correctly addressed, in the U.S. Mail, with adequate first-class postage. You may serve documents by mail yourself.
- (3) If the recipient consents to another method of delivery, such as email or fax, you could also use that method for service. For additional instructions on service, see [Minn. R. Civ. App. P. 125.02 and 125.03](#).

- Serve each respondent with a copy of the (1) *Notice of Appeal*, (2) *Statement of the Case*, and (3) *Judgment*.

**Step 5: If you served any documents in person or by mail:  
Fill out and file the *Certificate of Service***

**Every** document submitted to the Clerk of the Appellate Courts for filing must be accompanied by proof that the document was served on the other parties to the appeal. This is called “proof of service.” Documents served electronically do not require a separate document showing proof of service.

**General Instructions for “Proof of Service”**

Did you serve **all** of your documents on **all** parties electronically using E-MACS? If **YES**, then **no separate proof of service is required**, because the Clerk of the Appellate Courts will receive proof (from E-MACS itself) that you have served each document electronically. Skip to Step 6 on page 10.

Did you serve **all** of your documents on **all** parties electronically using E-MACS? If you answered **NO** (you served some documents in person or by mail) then **you must file a separate proof of service**.

Usually, proof of service is (1) a notarized *Affidavit of Service* or (2) a *Certificate of Service*. The difference between an *Affidavit of Service* and a *Certificate of Service* is that a *Certificate of Service* does not need to be signed in front of a notary.

You may file one *Certificate of Service* (or *Affidavit of Service*) listing multiple documents if you serve those documents on the same date and on the same parties.

For additional instructions on proof of service, see Minn. R. Civ. App. P. 125.04.

If you served any documents in person or by mail, follow the checklist on the next page to submit proof of service for those documents.

- The person who served the documents must complete and sign either:
- the form titled *Appellant’s Certificate of Service by Mail of the Notice of Appeal, Statement of the Case, and Judgment*, OR
  - the form titled *Appellant’s Certificate of Service by Personal Delivery of the Notice of Appeal, Statement of the Case, and Judgment*.

The *Certificate of Service* must include, from top to bottom:

1. The parties’ names and case file number;
2. County where the form was signed;
3. The name of the person who served the documents;



4. The titles of the documents that were served (on the forms included with this packet, the titles of the document are already filled in);
5. The date the documents were served;
6. The names of the parties who were served and the addresses to which the documents were mailed or delivered to those parties;
7. The signature of the person who served the documents, the date the form was signed, and the county and state where the form was signed.

**Note: You will need different *Certificate of Service* forms at different steps in the process. Do not fill out or file all of the *Certificate of Service* forms at the same time.**

- File the signed *Certificate of Service* with the Clerk of the Appellate Courts.
  - If you used E-MACS to electronically file your *Notice of Appeal*, *Statement of the Case*, and *Judgment*, you will also file your *Certificate of Service* electronically using E-MACS (even if you served your documents by mail or in person). The *Certificate of Service* must be uploaded as a separate PDF or Word document – do not combine with one of your other documents into a single PDF or Word document.
  - If you filed your *Notice of Appeal*, *Statement of the Case*, and *Judgment* documents by hand delivery or by mail, you may also file your *Certificate of Service* by hand delivery or by mail.
  - See Step 3 on page 6 for additional instructions on how to file documents.

## Step 6: File a copy of the *Notice of Appeal* with the district court

This step lets the district court know that you have started an appeal with the Court of Appeals.

Like the Court of Appeals, the district courts also allow parties without an attorney to file by mail or hand-delivery to the district court where your case took place. But, the district courts use a different system for electronic filing (called “eFS”), and different district courts may have specific instructions for filing. For more information about filing in district court, contact court administration for the district court where your eviction case was decided.

- File a copy of the *Notice of Appeal* with the district court that entered your *Judgment*.
- To show that you filed the *Notice of Appeal* in district court, choose one of the following options:

(1) Fill out the attached form titled *Appellant’s Certificate of Filing of Notice of Appeal*,

OR

(2) Obtain a copy of the *Notice of Appeal* that has the district court administrator’s filing stamp on it,

OR

(3) Obtain a copy of the receipt from eFS showing that you filed the *Notice of Appeal* electronically in the district court.

File one of the documents above with the Clerk of the Appellate Courts (see Step 3 on page 6 for instructions on filing documents in the appellate courts).

If you want to request to waive the fees for your appeal (by filing a *Motion to Proceed In Forma Pauperis* in district court), you should file this request now. Instructions and forms for requesting an order waiving fees for your appeal are found on the Minnesota Judicial Branch Website: <http://www.mncourts.gov/GetForms.aspx?c=19&p=70>

Note: If the district court grants your request to waive the filing fees for your appeal, it is your responsibility to file a copy of the district court’s order waiving your fees with the Clerk of the Appellate Courts.

## Step 7: Order your *Transcript* (if applicable)

In addition to the parties' briefs, the "district court record" is the only information that the Court of Appeals considers in an appeal. The district court record includes documents filed in the district court and evidence used in the hearings before the district court judge or housing court referee.

The district court record might also include a *transcript* of the hearing(s) before the district court judge. A *transcript* is a typed copy of what all of the witnesses, parties, and the judge said at your hearing. If a district court hearing was held in your case, you can order a *transcript* of the hearing. A *transcript* is not automatically prepared unless it is requested. If you need a transcript for your appeal, you must order it within 14 days from when you filed the *Notice of Appeal*. [Minn. R. Civ. App. P. 110.02](#).

If you can't afford the transcript preparation fees, you can request that they be waived, by filing a *Motion to Proceed In Forma Pauperis* in district court. Instructions and forms for requesting an order waiving fees or transcript costs for appeal are found on the Minnesota Judicial Branch website: <http://www.mncourts.gov/GetForms.aspx?c=19&p=70>

- Decide whether you need a transcript of a district court hearing. If you want the Court of Appeals to consider what was said at a district court hearing as part of the record in your appeal, you will need a transcript of each hearing you want the Court of Appeals to consider.

If you decide you do NOT need a transcript for your appeal, skip to Step 8 on page 13

If you DO need a transcript follow the checklist below.

- For each hearing you are requesting a transcript of, gather this information:

- (1) District court case file number for your eviction case: \_\_\_\_\_
- (2) Names of the parties: \_\_\_\_\_
- (3) Date of the hearing(s): \_\_\_\_\_
- (4) Name of the judge at the hearing(s): \_\_\_\_\_

You will need to provide this information when you request the transcript.

- Call court administration at the district court where your eviction hearing took place for instructions on how to request a transcript. You can find contact information for the district court at <http://www.mncourts.gov/Find-Courts.aspx>.
- Follow court administration's instructions to request a transcript.
- Pay the fee for the transcript or provide a district court order granting a waiver of transcript preparation costs. After you submit your transcript request, the court reporter will contact you and will provide you with an estimated cost to prepare the transcript and the estimated date when the transcript will be complete. Payment must be made before the transcript is prepared.

- Provide the court reporter with the names and contact information for the other parties involved with the appeal, so that the court reporter can provide them with copies of the transcript. **It is the appellant's responsibility to order copies of any transcript being prepared for appeal for all the other parties to the appeal.**
  
- The court reporter will fill out a *Certificate as to Transcript*, which you and the court reporter both sign. The *Certificate as to Transcript* tells the Court of Appeals that you have requested the transcript and will pay the court reporter. See [Minn. R. Civ. App. P. 110.02](#). The *Certificate as to Transcript* must include:
  - (1) The date you requested the transcript from the court reporter
  - (2) An estimated date that the court reporter will complete the transcript, deliver it to the parties, and file it with the district court;
  - (3) Your signature (if you are acting as your own attorney); and
  - (4) The signature of the court reporter.
  
- File and serve the *Certificate as to Transcript* with the Clerk of the Appellate Courts, or verify that the court reporter plans to file and serve it for you.

After the court reporter receives payment, they will prepare the transcript and provide it to you and the other parties electronically or by mail. The court reporter will also file a copy of the transcript in the district court and will file a *Transcript Delivery Certificate* with the Clerk of the Appellate Courts verifying that the transcript was filed in district court.

## Step 8: Calculate the Deadline for your Brief

Your written argument on appeal is called a “brief.” As the appellant (appealing party), **you must file a brief by the deadline and serve it on the other parties, or your appeal will be dismissed.** See [Minn. R. Civ. App. P. 142.02](#). You are responsible for calculating and keeping track of your own deadlines – appellate court staff cannot do it for you.

The deadline for your *brief* depends on whether you requested a transcript (See [Minn. R. Civ. App. P. 131.01, subd. 1](#)):

**Did you request a transcript  
for your appeal?**

If you answered **NO**, then the deadline for filing and serving your *brief* is **30 calendar days** from the date you filed the *Notice of Appeal*.

Date you filed the *Notice of Appeal*: \_\_\_\_\_.

**ADD 30 days**

The deadline for my *brief* is \_\_\_\_\_.

**Did you request a transcript  
for your appeal?**

If you answered **YES**, was the transcript provided to you **electronically** or **by mail**?

If you received the transcript **ELECTRONICALLY**, then the deadline for filing and serving your *brief* is **30 calendar days** from when you received the transcript, or **30 calendar days + 1 business day** if you received the transcript after 5:00 p.m.

Date and time you received the transcript: \_\_\_\_\_

If you received the transcript **BY MAIL**, then the deadline for filing and serving your *brief* is **30 calendar days + 3 business days** from when the court reporter mailed the transcript to you.

Date the transcript was mailed to you (postmark date): \_\_\_\_\_

The deadline for my *brief* is \_\_\_\_\_

**See Step 1 above for instructions on counting days to calculate a deadline.**

## Step 9: Prepare your Brief

In an eviction appeal, you have three options for the format of your *brief*:

- (1) **Formal Brief:** A formal brief includes a table of contents, a statement of the legal issues, a statement of the case and the facts, an argument, a conclusion, and an addendum. See [Minn. R. Civ. App. P. 128.02](#).
- (2) **Informal Brief:** If the court gives permission to file an informal brief, it must include a written argument and addendum. See [Minn. R. Civ. App. P. 128.01, subd. 1](#). To receive permission to file an informal brief, you would need to file a motion requesting permission. See page 16 for more information about motions.
- (3) **Memorandum of Law and Short Letter Argument:** If you submitted a written *Memorandum of Law* during your district court proceeding, you may file that Memorandum as your brief, along with a short letter argument that addresses the decision and an addendum. See [Minn. R. Civ. App. P. 128.01, subd. 2](#). If this is the type of brief you wish to file, you must have selected this option on the *Statement of the Case*.

- Choose the format for your *brief* (formal, informal with permission from the court, or memorandum of law with short letter argument).
- Write your *brief*. The Minnesota State Law Library website has helpful information about writing briefs and example briefs you can read (<http://mncourts.libguides.com/appeals/briefs>).
- Prepare the addendum to your *brief*. No matter what type of *brief* you file, your *brief* must include an addendum that contains a copy of the decision that you are appealing.

The addendum *may* also include documents from the record before the district court, if there are specific parts of the record that you want to point out to the Court of Appeals. However, **you cannot include any new evidence that was not presented to the district court judge**. If you choose to include additional documents from the record, the page limit is 50 pages and your addendum should include a table of contents. See [Minn. R. Civ. App. P. 130.02](#) for additional instructions about the addendum.

## Step 10: File and serve your *brief*

- File your brief with the Clerk of the Appellate Courts (see Step 3 above for instructions on how to file documents).

If you have already **e-filed** documents using the appellate courts' E-MACS system, you will e-file your brief, too. During the e-filing process you should e-serve your brief on any parties to your case who have registered for e-filing.

If you are filing **in person or by mail** (instead of using the appellate courts' E-MACS system), you will need to file a printed hard copy of your brief.

- If needed, serve paper hard copies of your brief on other parties to your case. There are two situations where you would need to print hard copies of your brief to serve on parties to your case:

- 1) If you filed your brief in person or by mail (instead of using the appellate courts' E-MACS system), you will need to serve a hard copy of your brief on all of the other parties to the case. Make enough hard copies of your briefs for all respondents on the case.
- 2) If you e-filed your brief using the appellate courts' E-MACS system, but there were any parties who you could not e-serve through E-MACS and they have not agreed to some other form of e-service (such as email), you will need to serve those parties with a hard copy of your brief. Make enough hard copies of your brief for all parties who could not be e-served.

- If you needed to serve any hard copies of your brief, the person who served the hard copies of the brief must fill out and sign the form titled ***Certificate of Service by Mail of Brief*** (see Steps 4 & 5 above for instructions about service and proof of service).

- If you needed to serve any hard copies of your brief, file the ***Certificate of Service by Mail of Brief*** with the Clerk of the Appellate Courts (see Step 3 above for instructions on how to file documents).

## General Information about “Motions”

If you cannot serve and file your brief by the deadline you calculated and you need more time, or if you want to make any other request of the court, you must serve and file a signed, written request asking the court for the relief you need. This formal request is called a “motion.”

The motion must state (1) what you are requesting and (2) the reason(s) for that request. The requirements for a motion are found in [Minn. R. Civ. App. P. 127](#) and specific instructions for requesting a briefing extension are found in [Minn. R. Civ. App. P. 131.02](#).

You must serve the written motion on the respondents. When you file your motion with the Clerk of the Appellate Courts, you must also file proof of service (such as a Certificate of Service). See Steps 4 & 5 for more instructions about service and proof of service.

If you are requesting a deadline extension, your motion should be served and filed before the deadline you wish to extend. **Reminder: the Court of Appeals cannot extend the deadline to serve and file the *Notice of Appeal*.**

## What Happens Next?

### Court of Appeals Receives the Evidentiary Record and Briefs

The district court sends the record from your case to the Court of Appeals, including any transcript you requested.

The respondent(s) also have the opportunity to submit a brief to the Court of Appeals. If a respondent’s brief raises a new topic that your brief did not address, you may (but do not have to) file a reply brief. A reply brief is not required and is not commonly filed in eviction appeals. If you choose to file a reply brief, your deadline for filing and serving the reply brief is as follows:

- If the respondent’s brief was served on you in person or electronically via E-MACS, the deadline for your reply brief is 14 days after the date the respondent’s brief was served on you.
- If the respondent’s brief was served on you by mail, the deadline for your reply brief is 14 calendar days + 3 business days from the date the respondent’s brief was mailed to you (not when you received it).

### Oral Argument or Non-Oral Consideration

After the parties have filed their briefs, your appeal will be submitted to a panel of three Court of Appeals judges for either oral argument or non-oral consideration. If you are not represented by an attorney, the Court of Appeals will not hold an oral argument. [Minn. R. Civ. App. P. 134.01](#).

You will receive a *Notice* of the date of oral argument or non-oral consideration by the panel. This notice will also include the names of the judges assigned to decide your case.



### **Opinion is Issued**

The Court of Appeals will issue a written decision, called an “opinion,” within 90 days after the oral argument or non-oral conference date. **All appellate court opinions are public and will be available on the Judicial Branch website.**

If you wish to appeal the Court of Appeals decision, you have 30 days after the opinion is issued to file a *petition for further review (PFR)* by the Minnesota Supreme Court. See [Minn. R. Civ. App. P. 117](#). After an appeal has been decided, the party who prevailed may be able to ask the court to order the party that lost the appeal to pay the winning party’s costs related to the appeal. See [Minn. R. Civ. App. P. 139.01-139.03](#).

### **How to Ask to Stop (“Stay”) Eviction during your Appeal**

Filing an appeal does not automatically stop or delay (“stay”) enforcement of the eviction judgment. This means you can be removed from the property even if you are in the middle of appealing your eviction. If you want to remain in or at the property while the eviction appeal is being decided, you will need to file a *motion to stay enforcement of the eviction judgment*, also known as a *motion for a stay pending appeal*, in the district court. The district court will apply [Minn. Stat. § 504B.371](#) to decide whether to grant a stay and how much security you will be required to provide if a stay is granted.

For help with a *motion to stay enforcement of the eviction judgment*, contact court administration in the district court where your eviction case took place, or contact the Minnesota Courts’ Statewide Self-Help Center at (651) 435-6535.

**FORM 103A. NOTICE OF APPEAL  
(COURT OF APPEALS)**

STATE OF MINNESOTA  
COUNTY OF \_\_\_\_\_

DISTRICT COURT  
JUDICIAL DISTRICT \_\_\_\_\_

CASE TITLE:

\_\_\_\_\_ ,

vs.

\_\_\_\_\_ ,

**NOTICE OF APPEAL  
TO COURT OF APPEALS**  
(Revised April 16, 2019)

**DISTRICT COURT CASE NUMBER**

\_\_\_\_\_

**DATE JUDGMENT ENTERED**

\_\_\_\_\_

TO: Clerk of the Appellate Courts  
305 Minnesota Judicial Center  
25 Rev. Dr. Martin Luther King Jr. Blvd.  
Saint Paul, MN 55155

Please take notice that the above-named  plaintiff  defendant appeals to the Court of Appeals of the State of Minnesota from an entry of judgment in an eviction action, dated as shown as above.

Name of party appealing: \_\_\_\_\_

Attorney name (if represented): \_\_\_\_\_

Address: \_\_\_\_\_

Email address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Attorney Registration License Number (if applicable): \_\_\_\_\_

Signature: \_\_\_\_\_ Dated: \_\_\_\_\_  
(appellant, or attorney, if represented)

(The district court caption is used on the notice of appeal. Subsequent documents shall bear the appropriate appellate court caption. [RCAP 103.01, subd. 1](#) specifies the contents of the notice of appeal and filings required to perfect an appeal, including filing fees. [RCAP 103.03](#) sets forth judgments and orders which are appealable to the Court of Appeals. [RCAP 104.01](#) specifies time limits for filing and service of the notice of appeal. [RCAP 108.01](#) provides for a supersedeas bond. This document must be accompanied by a completed statement of the case. [RCAP 133.03](#).)

**STATE OF MINNESOTA  
IN THE COURT OF APPEALS**

**CASE TITLE:**

(The lines below should match the names in the case title on your district court paperwork.)

\_\_\_\_\_ ,

vs.

\_\_\_\_\_ ,

**STATEMENT OF THE CASE  
OF APPELLANT**

(Revised April 16, 2019)

**Appellate Case #** \_\_\_\_\_

*This form is provided for the benefit of self-represented litigants, and conforms to the Statement of the Case form required by Rule 133.03 of the Minnesota Rules of Civil Appellate Procedure and to Form 133, found at the end of the Minnesota Rules of Civil Appellate Procedure. Some questions on this form may require you to complete some basic legal research about your appeal before you can complete them. Instructions for completing this form are available at <https://mncourts.gov/Clerk-of-Appellate-Courts.aspx#tab04Forms>.*

**1. Court of case origination:** \_\_\_\_\_ County District Court  
(county name)

Name of presiding judge: \_\_\_\_\_

**2. Jurisdictional Statement:** Appeal from district court.

a. Statute, rule, or other authority authorizing appeal: [Minn. R. Civ. App. P. 103.03\(a\)](#); [Minn. Stat. § 504B.371, subd. 2.](#)

b. Date of entry of judgment, or date of service of notice of filing of order from which appeal is taken: \_\_\_\_\_

c. Authority fixing time limit for filing notice of appeal (specify applicable rule or statute): [Minn. Stat. § 504B.371, subd. 2.](#)

d. Date of filing any motion that tolls appeal time: \_\_\_\_\_

Date of filing of order deciding tolling motion: \_\_\_\_\_

e. Date of service of notice of filing of order deciding tolling motion: \_\_\_\_\_

**3. State type of litigation and designate any statutes at issue:**

a. Type of litigation: Eviction

b. Statute(s) at issue: \_\_\_\_\_

**4. Short description of issues that were raised in the district court, and how the district court judge decided those issues:**

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**5. Short description of the issues you are raising in this appeal** (Summarize why you are appealing in a sentence or two. You can make a detailed argument in the brief that you will be filing later):

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**6. Related appeals:**

a. List any prior or pending appeals arising from the same district court case as this appeal (write appeal numbers, or write "none"):

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b. List any pending appeals arising from different district court cases that raise similar issues to this appeal (write appeal numbers, or write "none known"):

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**7. Contents of record:**

a. Is a transcript necessary to review the issues on appeal?  Yes  No

b. If yes, is it a full transcript of the hearing(s) before the district court judge or housing court referee, or a partial transcript?  Full transcript  Partial transcript

c. Has the transcript already been delivered to the parties and filed with the district court administrator?  Yes  No

d. If not, has it been ordered from the court reporter?  Yes  No

e. If a transcript is unavailable, is a statement of the proceedings under [Rule 110.03](#) necessary?  Yes  No

f. In lieu of the record as defined in [Rule 110.01](#), have the parties agreed to prepare a statement of the record pursuant to [Rule 110.04](#)?  Yes  No

**8. Oral argument** (Only attorneys can make oral argument. If you do not have an attorney, neither you nor respondents will have oral argument):

a. If you have an attorney, is oral argument requested?  Yes  No  
 I do not have an attorney

- b. If yes, where is oral argument requested:  
 Minnesota Judicial Center in St. Paul **OR**   
Other: \_\_\_\_\_

**9. Type of brief to be filed (choose one):**

- Formal brief under [Rule 128.02](#)  
*(A formal brief includes a table of contents, a statement of the legal issues, a statement of the case and the facts, an argument, a conclusion, and an addendum. \*)*
- Informal brief under [Rule 128.01, subd. 1.](#)  
*(Before filing an informal brief, you must file a motion requesting permission to do so. An informal brief contains a concise statement of your argument and an addendum. \*)*
- Trial memoranda, supplemented by a short letter argument under [Rule 128.01, subd. 2.](#), and an addendum.  
*(If you filed a written Memorandum of Law in the district court, you may file that Memorandum as your brief in this court, along with a short argument in letter format that addresses the decision of the district court judge. This must include an addendum. \*)*

*\* No matter what type of brief an appellant files, the appellant's brief **must** include an addendum. Respondents **may**, but do not have to, include an addendum with their brief. The requirements for an addendum are listed in [Minn. R. Civ. App. P. 130.02](#). In addition to the documents that rule 130.02 **requires** be included in an addendum, an addendum may contain up to 50 additional pages of documents from the record or statutes, rules, cases or other authorities that would be helpful to the court when reading your brief. **An addendum cannot include new evidence that was not presented to the district court judge.***

**10. Names, addresses, and telephone numbers of appellant and respondent (or attorneys, if any):**

Appellant or appellant's attorney:

Print name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Email address: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Signature: \_\_\_\_\_

Respondent or respondent's attorney:

Print name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Email address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

**STATE OF MINNESOTA  
IN THE COURT OF APPEALS**

CASE TITLE:

\_\_\_\_\_,'

vs.

\_\_\_\_\_,'

**APPELLANT'S CERTIFICATE OF  
SERVICE BY MAIL OF NOTICE OF  
APPEAL, STATEMENT OF THE  
CASE, AND JUDGMENT**

(Revised April 16, 2019)

**Appellate Case #** \_\_\_\_\_

**STATE OF MINNESOTA  
COUNTY OF** \_\_\_\_\_

I, \_\_\_\_\_ (Name), certify that on \_\_\_\_\_ (Date), I served the attached **Notice of Appeal, Statement of the Case, and Judgment** on the following parties by mailing to each of them a copy thereof, enclosed in an envelope, postage pre-paid, and by depositing the same in the United States Mail, directed to each party as follows (**List the name and address of each party to whom the documents were mailed**):

1. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I declare under penalty of perjury that everything I have stated in this document is true and correct.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(County where certificate was signed)

\_\_\_\_\_  
(Date of signature)

\_\_\_\_\_  
(State where certificate was signed)

**STATE OF MINNESOTA  
IN THE COURT OF APPEALS**

CASE TITLE:

\_\_\_\_\_ ,

vs.

\_\_\_\_\_ ,

**APPELLANT'S CERTIFICATE OF  
SERVICE BY PERSONAL  
DELIVERY OF NOTICE OF  
APPEAL, STATEMENT OF THE  
CASE, AND JUDGMENT**

(Revised April 16, 2019)

**Appellate Case #** \_\_\_\_\_

**STATE OF MINNESOTA**  
**COUNTY OF** \_\_\_\_\_

I, \_\_\_\_\_ (Name), certify that on \_\_\_\_\_ (Date), I served the attached **Notice of Appeal, Statement of the Case, and Judgment** in the above entitled case, by personally handing to and leaving with the following person(s) (**List the name of each person who received documents and their address**):

1. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I declare under penalty of perjury that everything I have stated in this document is true and correct.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(County where certificate was signed)

\_\_\_\_\_  
(Date of signature)

\_\_\_\_\_  
(State where certificate was signed)

**STATE OF MINNESOTA  
IN THE COURT OF APPEALS**

CASE TITLE:

\_\_\_\_\_ ,

vs.

\_\_\_\_\_ ,

**APPELLANT'S CERTIFICATE OF  
FILING OF NOTICE OF APPEAL  
IN THE DISTRICT COURT**

(Revised April 16, 2019)

**Appellate Case #** \_\_\_\_\_

**STATE OF MINNESOTA  
COUNTY OF** \_\_\_\_\_

I, \_\_\_\_\_ (Name), certify that on \_\_\_\_\_ (Date), I filed the attached **Notice of Appeal** in the \_\_\_\_\_ (County name) District Court by (choose one):

mailing a copy of the **Notice of Appeal**, enclosed in an envelope, postage pre-paid, and by depositing the same in the United States Mail, directed to the district court at the following address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

delivering a copy of the **Notice of Appeal** in person to district court administration.

electronically filing the **Notice of Appeal** using the district court e-filing system.

I declare under penalty of perjury that everything I have stated in this document is true and correct.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(County where certificate was signed)

\_\_\_\_\_  
(Date of signature)

\_\_\_\_\_  
(State where certificate was signed)



**STATE OF MINNESOTA  
IN THE COURT OF APPEALS**

CASE TITLE:

\_\_\_\_\_ ,

vs.

\_\_\_\_\_ ,

**APPELLANT'S CERTIFICATE OF  
SERVICE BY MAIL OF BRIEF**

(Revised April 16, 2019)

**Appellate Case #** \_\_\_\_\_

**STATE OF MINNESOTA  
COUNTY OF** \_\_\_\_\_

I, \_\_\_\_\_ (**Name**), certify that on \_\_\_\_\_ (**Date**), I served the attached **Brief** on the following parties by mailing to each of them a copy thereof, enclosed in an envelope, postage pre-paid, and by depositing the same in the United States Mail, directed to each party as follows (**List the name and address of each party to whom the brief was mailed**):

1. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I declare under penalty of perjury that everything I have stated in this document is true and correct.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(County where certificate was signed)

\_\_\_\_\_  
(Date of signature)

\_\_\_\_\_  
(State where certificate was signed)

**STATE OF MINNESOTA  
IN THE COURT OF APPEALS**

CASE TITLE:

\_\_\_\_\_ ,

vs.

\_\_\_\_\_ ,

**APPELLANT'S CERTIFICATE OF  
SERVICE BY PERSONAL  
DELIVERY OF BRIEF**

(Revised April 16, 2019)

**Appellate Case #** \_\_\_\_\_

**STATE OF MINNESOTA**  
**COUNTY OF** \_\_\_\_\_

I, \_\_\_\_\_ (Name), certify that on \_\_\_\_\_ (Date), I served the attached **Brief** in the above entitled case, by personally handing to and leaving with the following person(s) (**List the name of each person who received documents and their address**):

1. \_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_
2. \_\_\_\_\_  
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3. \_\_\_\_\_  
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\_\_\_\_\_

I declare under penalty of perjury that everything I have stated in this document is true and correct.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(County where certificate was signed)

\_\_\_\_\_  
(Date of signature)

\_\_\_\_\_  
(State where certificate was signed)