



# MINNESOTA GUIDE & FILE

## Next Steps: Eviction Action Complaint

Printing at end of interview

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- **Save the email and password you used for your Guide & File account;** you will need this information later to go back to your Guide & File account or to go to the eFS System (Minnesota Judicial Branch's web-based system that allows you to eFile documents in Minnesota district courts).
- Below are the next steps for filing an **Eviction Action Complaint** when choosing to eFile your forms at the end of the interview.

### STEP 1: Review the Completed Form

- Guide & File will create the *Eviction Action Complaint* (HOU102) at the end of the interview. Depending on your case, it may also create the *Additional Litigants Form* (HOU120).
- Carefully read through your answers on all the forms. Are your forms complete? Is the information true and correct? If you find any errors, go back into the interview (<https://minnesota.tylertech.cloud/SRL>) and make changes.
- Print all of the forms and the *Next Steps* that you see listed on the **Summary Page** in the interview.

### STEP 2: Sign and Date the forms

- Sign and date the *Eviction Action Complaint* (HOU102) form under penalty of perjury. This means you are saying that everything in the form is true; if you know something in the form is not true when you sign it, you could be found guilty of the crime of perjury (see Minn. Stat. § 609.48, <https://www.revisor.mn.gov/statutes/?id=609.48>). If there is more than one plaintiff, **each** plaintiff must sign HOU102.
- Businesses filing in District Court must be represented by an attorney. **The exception would be if filing in Hennepin County.** The attorney filing on behalf of the business must complete the contact information on the signature page. If you are not sure if this applies to you, then you should talk with an attorney for legal advice.
- Note – if you plan to electronically file your form, you can type your signature on the downloaded form. Type a “/s/” before your name to create a typographical signature. Otherwise, you can scan your hand-signed forms to upload.

### STEP 3: File Your Forms with Court Administration

- Once your forms are signed, you are ready to file it with the court. It is a good idea to make a copy of your signed forms for your own records before filing. Copy fees may apply for extra copies from court administration. How you file your forms is explained below.

## At the Courthouse:

- File the original *Eviction Action Complaint* (HOU102) with court administration. You may also need to file the *Additional Litigants Form* (HOU120) depending on your situation.
- If filing on behalf of business in **Hennepin County**, be sure to include a completed *Power of Authority* when you file your forms.
- This can be done either in person at the courthouse or by mail. Addresses for courthouses are online at <https://www.mncourts.gov/Find-Courts.aspx>.

## Electronic Filing through eFS System:

- The eFS System allows you to eFile your forms. This is a separate website from Guide & File. However, your eFS System login information is the same as your Guide & File login and password. Information for eFiling is on the MN Judicial Branch website at <https://www.mncourts.gov/eFile> under the “eFile and eServe Training” tab.
- Once you choose to eFile, you will need to continue to use the eFS System for the rest of the case. See Minn. Gen. R. Prac. 14.01(b)(5)(i) ([https://www.revisor.mn.gov/court\\_rules/gp/id/14/](https://www.revisor.mn.gov/court_rules/gp/id/14/)).
- You will need to upload a signed copy of your forms that you saved to your computer.
- If filing on behalf of business in **Hennepin County**, be sure to include a completed *Power of Authority* when you file your forms.

## STEP 4: Court Administration will issue a *Summons*

- The Court will create a ***Summons***. A *Summons* is a written notice telling the Tenant that a legal action has been filed and will be heard in court on a certain day. It also states that if the Tenant disagrees with the action or wants to tell a different side of the story, they must appear in court at the time of the hearing. **You will need a copy of the *Summons* for each Tenant.**
- If you filed your forms at the courthouse by paper, court administration will mail you the *Summons*.
- If you eFiled your forms and signed up for eService, copies will be sent through eService. The *Summons* will be available in the eFS System for download for **30 days**. If you do not download the *Summons* within 30 days, you will need to contact court administration to get a copy, and you may have to pay a copy fee.

## STEP 5: Serve the *Summons* and *Eviction Action Complaint*

- You (the Plaintiff) **cannot be the person who serves the *Summons* and *Complaint***. If you gave Power of Authority to an agent, do not ask the agent to serve the papers. It is best not to ask the building manager to serve papers. Use a neutral person who is over the age of 18, or pay a service of process agency or the Sheriff to serve the papers.
- Service of the *Summons* and *Complaint* must be completed **at least 7 days before** the hearing date. **Example:** If court is on Friday, the last day to serve is Friday of the week before.
- A *Summons* and *Complaint* cannot be served on a legal holiday.

- Each named Tenant must be served. **Example:** if there are 3 tenants, each tenant must be served with a separate copy of the *Summons* and *Complaint*. If there is a husband and wife and 2 children, the husband and wife must each be served with a separate copy of the *Summons* and *Complaint*. Minor children should not be named as defendants or served.
- If Section 8 is involved, the contract between the landlord and the Housing Authority may require the landlord to serve a copy of the *Summons* and *Complaint* on the Housing Authority at the same time the papers are served on each tenant.

### The Tenants can be served in the following ways:

#### Personal Service of *Summons* & *Complaint*

- An adult who is not involved with the case may act as the server and may hand the *Summons* and *Complaint* directly to the Tenant at least seven days before the courtdate.

OR

#### Substitute Service of *Summons* & *Complaint*

- An adult who is not involved with the case may “serve” the *Summons* and *Complaint* by leaving a copy of the documents with a responsible person who lives with the Tenant. This person is then responsible for delivering the *Summons* and *Complaint* to the Tenant. **Example:** Joe and John are adult roommates. If only Joe is home, the server can leave 2 copies of the *Summons* and *Complaint* with Joe, one for Joe and one for John.

Once the Tenants have been served, the server fills out one *Affidavit of Personal or Substitute Service* (HOU106) for **each** Tenant. The server must sign the *Affidavit* under penalty of perjury. Perjury is the crime of intentionally lying or misrepresenting the truth. This is proof that you had each Tenant served.



It is always best if the Tenant is personally served with the *Summons* and *Complaint*. However, if you cannot find the Tenant, you may be able to have Tenant served in another way called *Mailing and Posting*.

#### Mailing and Posting of *Summons* & *Complaint*

##### Use this method of service when:

1. Tenants cannot be found in the county **AND**
2. Personal or substitute service has been tried at least twice on different days with at least one of the attempts at service made between 6 and 10 p.m.

If the property is commercial instead of residential, the attempts to serve are not required. Instead, there must be proof that the commercial property is not occupied.

3. See the form *Instructions – Service by Mail and Post* (HOU107) for instructions on using this form of service online, as well as the other forms you will need to fill out at <http://www.mncourts.gov/GetForms.aspx?c=23&p=81>.

## Step 6. File Proof of Service

The *Affidavit of Service for each Tenant* must be filed with the Court at least **3 working days before** the court hearing.

## Using Minnesota Guide & File:

- Log into your Guide & File account at <https://minnesota.tylertech.cloud/SRL> by clicking on the person icon in the top right corner and choose “log in.”
- Go to “Start a Filing” and choose the “eFiling the Affidavit of Service” interview.
- You will need the completed *Affidavit of Service* (HOU106) form saved as a flattened PDF to upload. You will also need a court file number (also known as the case number) to verify you are uploading to the correct file.

## Using the eFS System:

- Sign in to the eFS System (<https://minnesota.tylertech.cloud/ofswab>) using your Guide & File account information.
- If you filed a *Request for a Fee Waiver* you will need to add a payment account in the eFS System (even if there is no filing fee). If your *Fee Waiver* was denied, you may need to pay the filing fee to start the case, if you haven’t already done so.
- Upload your completed *Affidavit of Service* form, saved as a flattened PDF. Follow the instructions in the [QRG: eFiling and eServing an Existing Case](#).

## Step 5: Prepare for the hearing, then go to court

- The Landlord or Landlord’s attorney must attend the hearing or your case may be dismissed. If the Landlord is a business, you must have an attorney in court. There is one exception to this rule. In Hennepin County, an officer or agent with *Power of Authority* (signed and filed with the court) may appear and represent the business without an attorney, in Housing Court. If a decision is appealed to a judge or appellate court, an attorney will be required.
- If you or the tenant need interpreter services for the hearing call court administration right away. The court generally needs 48 hours notice (2 full business days) to schedule an interpreter.
- You may find it helpful to read the “How to Prepare for Trial in Housing Court” booklet which is available on the Landlord/Housing Help Topics, along with a lot of other helpful resources online at <http://www.mncourts.gov/Help-Topics/Landlord-and-Tenant-Issues.aspx#tab07ToolsAndResources>.
- Many eviction cases settle at court. The landlord and tenant should try to work out an agreement. In some counties, if a trial with witnesses and evidence is needed, the trial will be scheduled for a separate date. In other counties, you may be expected to have your witnesses ready at the first hearing date. For more information about what to expect at an eviction hearing, contact court administration for the county where you are filing, and/or look at the court’s website at <http://www.mncourts.gov/Find-Courts.aspx> and then pick your District/County.

## Need Help?

- Contact the Statewide Self-Help Center at 651-435-6535, or <http://mncourts.gov/Help-Topics/Self-Help-Centers/Self-Help-Centers-Contact.aspx>.
- For help with the eFS System (Step 3 and Step 6), contact the eFS Support Center at 612-902-9585 or 1-844-918-1724 (if calling long distance from a landline phone), or <https://www.mncourts.gov/eFS-Support>