

STATE OF MINNESOTA

IN SUPREME COURT

CX-84-2136

PROMULGATION OF AMENDMENTS TO  
THE CONCILIATION COURT RULES

**ORDER**

WHEREAS, the Supreme Court Advisory Committee on Conciliation Court Rules has submitted a report and recommended amendments to the Conciliation Court Rules (Title VI of the General Rules of Practice for District Courts), and

WHEREAS, the Supreme Court held a hearing on the proposed amendments on March 4, 1993, and


WHEREAS, the Supreme Court has reviewed the recommendations and is fully advised in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The attached amendments to the Conciliation Court Rules be, and the same hereby are, prescribed and promulgated for the regulation of practice and procedure in conciliation court matters in the courts of the State of Minnesota.
2. The Hennepin County Conciliation Court Special Rules of Procedure are hereby repealed.
3. The inclusion of Advisory Committee comments is made for convenience and does not reflect court approval of the comments made therein.
4. These amended Conciliation Court Rules shall govern all conciliation court actions filed on or after July 1, 1993.

DATED: June 22, 1993

BY THE COURT:



A.M. Keith  
Chief Justice

OFFICE OF  
APPELLATE COURTS

JUN 22 1993

**FILED**

AMENDMENTS TO THE GENERAL RULES OF PRACTICE  
FOR THE DISTRICT COURTS

TITLE VI -- CONCILIATION COURT RULES

**Rule 501 Applicability of Rules**

Rules 501 through 525 apply to all Conciliation Court proceedings, ~~except in Hennepin and Ramsey counties.~~

**Rule 502 Jurisdiction**

The conciliation court shall have jurisdiction and powers as prescribed by law.

~~**Rule 503 Powers; Issuance of Process**~~

~~The conciliation court may issue process as necessary or proper to carry out the purposes of conciliation court.~~

**Rule 5043 Computation of Time**

~~In computing any period of time prescribed by these rules, the day of the act, event or default, after which the designated period of time begins to run, is not to be included. The last day of the period so computed is to be included unless it falls on a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a holiday. When the period of time prescribed is less than seven days, intervening Saturdays, Sundays and holidays shall be excluded in the computation.~~

(a) General. All time periods shall be measured by starting to count on the first day after any event happens which by these rules starts the running of a time period. If the last day of the time period is anything other than a working week day, then the last day is the next working week day.

(b) Time Periods Less Than Seven Days. When the time period is less than seven days, only working week days shall be counted.

(c) Working Week Day. A "working week day" means a day which is not a Saturday, Sunday or legal holiday. For purposes of this rule, a legal holiday includes all state level judicial branch holidays established pursuant to law and any other day on which county offices in the county in which the conciliation court is held are closed pursuant to law.

1993 Committee Comment

State level judicial branch holidays are defined in Minnesota Statutes, section 645.44, subd. 5 (1990), which includes: New Years Day, January 1; Martin Luther King's Birthday, the third Monday in January; Washington's and Lincoln's Birthday, the third Monday in February; Memorial

Day, the last Monday in May; Independence Day, July 4; Labor Day, the first Monday in September; Veteran's Day, November 11; Thanksgiving Day, the fourth Thursday in November; and Christmas Day, December 25. Section 645.44, subdivision 5 further provides that when New Year's Day, January 1; or Independence Day, July 4; or Veteran's Day, November 11; or Christmas Day, December 25; falls on Sunday, the following day shall be a holiday and that when New Year's Day, January 1; or Independence Day, July 4; or Veteran's Day, November 11; or Christmas Day, December 25; falls on Saturday, the preceding day shall be a holiday. Section 645.44, subdivision 5, also authorizes the judicial branch to designate certain other days as holidays. The 1992 Judicial Branch Personnel Plan designates the Friday after Thanksgiving as a holiday.

Conciliation courts are housed in county buildings, and the county is authorized to close county offices on certain days pursuant to Minnesota Statutes, section 373.052 (1990). Thus, if a county closes its offices under section 373.052 on a day that is not a state level judicial branch holiday, such as Christopher Columbus Day, the second Monday in October, the conciliation court in that county would nevertheless include that day as a holiday for the purpose of computing time under Rule 503. See *Mittelstadt v. Breider*, 286 Minn. 211, 175 N.W.2d 191 (1970) (applying section 373.052 to filing of notice of election contest with district court). If a county does not close its offices on a day that is a state level judicial branch holiday, such as the Friday after Thanksgiving, the conciliation court in that county must still include that day as a holiday for the purpose of computing time under Rule 503.

**Rule 5054 Judge(s); Administrator; Reporting**

(a) **Judges.** The judge(s) and, where authorized by statute, full and part time judicial officers and referees of the district court shall serve as judge(s) of conciliation court for such periods and at such times as the judge(s) shall determine. A judge, judicial officer, or referee so serving shall be known as a conciliation judge.

(b) **Administrator.**

(1) The court administrator shall manage the conciliation court, and may delegate a deputy or deputies to assist in performing the administrator's duties herein prescribed. The court administrator shall keep records and accounts and perform such duties as may be prescribed by the judge(s). The court administrator shall account for, and transmit pay over to the appropriate official entitled thereto, all fees received as required by statute or rule.

(2) Under supervision of the conciliation court judges, the court administrator shall explain to litigants the procedures and functions of the conciliation court and shall on request assist litigants in filling out the forms provided under rules 5087(b) and 518(b) of these rules and on request shall forward properly completed statement of claim and counterclaim forms to the administrator of the appropriate conciliation court

together with the applicable fees, if any. The court administrator shall also advise litigants of the availability of subpoenas to obtain witnesses and documents. The performance of these duties shall not constitute the practice of law.

(c) **Reporting.** Conciliation court trials and proceedings shall not be reported.

#### 1993 Committee Comment

Rule 504(b)(2) requires court administrators to advise litigants of the availability of subpoenas under Rule 512(a). The required advice may be provided orally or in writing (e.g. on the litigant's copy of a court form, an accompanying instruction sheet, or in a brochure).

#### **Rule 5065 Commencement of Action**

An action is commenced against a defendant when a statement of claim as required by Rule 507 complaint is filed with the court administrator of the conciliation court having jurisdiction and the applicable a filing fees as established by rule 507 of these rules ~~is~~ are paid to the administrator or the affidavit in lieu of filing fees prescribed in rule 5076 is filed with the administrator.

#### **Rule 5076 Fees; Affidavit in Lieu of Fees**

The court administrator shall charge and collect a filing fee of ~~\$13.00~~ in the amount established by law and the law library fee, from every plaintiff and from every defendant when the first paper for that party is filed in any conciliation court action. If the plaintiff or defendant who is a natural person signs and files with the court administrator an affidavit claiming ~~no money or property~~ and an inability to pay the applicable a filing fees, ~~no filing fees are~~ is required. If the affiant prevails on a claim or counterclaim, the amount of the filing fees which would have been payable by the affiant must be included in the order for judgment and paid to the administrator of conciliation court by the affiant out of any money recovered by the affiant on the judgment.

#### 1993 Committee Comment

Statewide conciliation court filing fees are established by the legislature (see Minnesota Statutes, section 357.022). The law library fee is established by the local law library board, and these fees typically range from \$0.00 to \$10.00. Minn. Stat. §§ 134A.09-.10 (1990 + 1991 Supp.). The fee waiver procedure under Rule 506 is essentially a clerical process, and the waiver applies to the conciliation court filing and law library fees only. The procedure for waiver of other fees [e.g. service fees under Rule 508(d)(3), subpoena fees under Rule 512(a), and removal/appeal fees under Rule 521(b)(4)] is set forth in Minnesota Statutes, Section 563.01 (1990), which requires a formal application to, and decision by, the court. Only a party who is a natural person may

utilize the fee waiver procedures under section 563.01 and Rule 506.

**Rule 5087 Statement of Claim and Counterclaim ~~Complaint~~; Contents; Verification**

(a) **Claim; Verification; Contents.** Each statement of claim and each counterclaim ~~The complaint~~ shall be made in the form approved by the court and shall contain a brief statement of the amount, ~~date of accrual~~ and nature of the claim, including relevant dates, and the name and address of the plaintiff and the defendant. The court administrator shall assist with the completion of the statement of claim and counterclaim ~~complaint~~ upon request. Each statement of claim and each counterclaim ~~The complaint~~ shall also be verified signed and sworn to by the ~~plaintiff~~ party, or the lawyer representing the party, in the presence of a notary public or the court administrator.

(b) **Uniform Statement of Claim ~~Complaint~~ or Counterclaim; Acceptance by Court.** A statement of claim ~~complaint~~ or counterclaim in the uniform form prescribed in the appendix to these rules ~~prescribed by the Supreme Court~~ shall be accepted by any conciliation court administrator when properly completed and filed with the applicable fees, if any and shall be forwarded together with the entire filing fee, if any, to the court administrator of the appropriate conciliation court. ~~Every conciliation court shall accept a uniform complaint or counterclaim which has been properly completed and which has been properly forwarded to the court by another conciliation court.~~

**1993 Committee Comment**

Rule 507(b) requires that all courts accept a statement of claim or counterclaim properly completed on the form set forth in the appendix. Rule 507(a) authorizes a court to tailor the forms that it makes available to litigants for use in that court or to approve forms prepared by the litigants. This rule allows both the court and the litigants to benefit from increased efficiency through the use of various pre-printed forms and word processor or computer generated forms. Courts using tailored forms cannot, however, reject a statement of claim or counterclaim properly completed on the form set forth in the appendix.

**Rule 5098 Summons; Trial Date**

(a) **Trial Date.** When an action has been properly commenced, the court administrator shall set a trial date, and prepare a summons, and cause it to be served upon the parties by first class mail. Unless otherwise ordered by a judge, the trial date shall not be less than 10 days from the date of mailing or service of the summons.

(b) **Contents of Summons.** The summons shall state the amount and nature of the claim; require the defendant to appear at the trial hearing in person or if a corporation, by officer or agent and without lawyer except by leave of the court; shall specify that if the defendant does not appear judgment by default will may be entered for the relief demanded amount due the plaintiff, including fees, expenses and other items provided by statute or by agreement, and where applicable, for the

return of property demanded by the plaintiff; and shall summarize the requirements for filing a counterclaim. ~~Unless otherwise ordered by a judge, the hearing date shall be not less than 10 days from the date of mailing or service of the summons.~~

(c) Service on Plaintiff. The court administrator shall summon the plaintiff by first class mail.

(d) Service on Defendant.

(1) If the defendant's address as shown on the statement of claim is within the county, the administrator shall summon the defendant by first class mail, except that if the claim exceeds \$2,500 the summons must be served by the plaintiff by certified mail, and proof of service must be filed with the administrator. If the summons is not properly served and proof of service filed within 60 days after issuance of the summons, the action shall be dismissed without prejudice.

(2) If the defendant's address as shown on the statement of claim is outside the county but within the state, and the law provides for service of the summons anywhere within the state, the administrator shall summon the defendant by first class mail, except that if the claim exceeds \$2,500 the summons must be served by the plaintiff by certified mail, and proof of service must be filed with the administrator. If the summons is not properly served and proof of service filed within 60 days after issuance of the summons, the action shall be dismissed without prejudice.

(3) If the defendant's address as shown on the statement of claim is outside the state, the administrator shall forward the summons to the plaintiff who, within 60 days after issuance of the summons, shall cause it to be served on the defendant and file proof of service with the administrator. If the summons is not properly served and proof of service filed within 60 days after issuance of the summons, the action shall be dismissed without prejudice. A party who is unable to pay the fees for service of a summons may apply for permission to proceed without payment of fees pursuant to the procedure set forth in Minnesota Statutes Section 563.01.

### 1993 Committee Comment

The territorial jurisdiction of conciliation court is limited to the county boundaries, and a summons cannot be issued outside the county except in certain situations, including: recovery of certain student loans by educational institutions located within the county; recovery of alleged dishonored checks issued within the county; certain claims arising out of rental property located within the county; actions against two or more defendants when one defendant resides in the county; actions against foreign corporations doing business in this state; and actions against non-residents other than foreign corporations when the state has jurisdiction under Minnesota Statutes, section 543.19. Minn. Stat. § 491A.01, subds. 3, 6-10 (Supp. 1993). In situations in which the address of the defendant as shown on the statement of claim is outside the state, the summons is forwarded to the plaintiff who is then responsible for causing service of the summons on the defendant in the manner provided

by law and filing proof of service with the court within 60 days of issuance of the summons.

Various laws govern the service of a summons on nonresident defendants. See, e.g. Minn. Stat. §§ 45.028 (foreign insurance entities doing business in this state); 303.13 (foreign corporations doing business in this state); 543.19 (other nonresident defendants subject to the jurisdiction of Minnesota's courts). The procedure under each of these laws is different, and it is the plaintiff's responsibility to ensure that the appropriate procedures are followed. For example, service on a unregistered foreign corporation pursuant to Minn. Stat. § 303.13 (1991 Supp.) can be accomplished by delivering three copies of the summons to the secretary of state and payment of a \$35.00 fee. The Secretary of state then mails a copy to the defendant corporation and keeps a record of the mailing. Rule 508(d) requires that the plaintiff file an affidavit of compliance which should be accompanied by the fee receipt from the secretary of state's office or a copy of the summons bearing the date and time of filing with the secretary of state. Service on a unregistered foreign insurance entity pursuant to Minn. Stat. § 45.028, subd. 2 (1990), may be accomplished by: (1) delivering a single copy of the summons to the commissioner of commerce (as of August 1, 1992, there is no filing fee); and (2) the plaintiff mailing a copy of the summons and notice of service to the foreign insurance company by certified mail; and (3) filing of an affidavit of compliance with the court. Service is not effective until all steps are completed, including the filing of the affidavit of compliance, which should be accompanied by receipts or other proof of mailing and filing with the commissioner of commerce. Finally, service on other non-residents pursuant to Minn. Stat. § 543.19 (1990) requires that the summons be "personally served" on the nonresident and proof of service filed with the court. Such "personal service" may only be made by a sheriff or any other person not less than 18 years of age who is not a party to the action. *Reichel v. Hefner*, 472 N.W.2d 346 (Minn. App. 1991) (applying rule 4.02 of the rules of civil procedure for the district courts).

When service on a foreign corporation has been made under Minn. Stat. § 303.13 through the office of the secretary of state, the defendant corporation so served shall have thirty days from the date of mailing by the secretary of state in which to answer the complaint. Thus, the conciliation court trial date must be scheduled to allow the defendant the full thirty days to appear. Similarly, when certain foreign insurance entities are served under Minn. Stat. § 45.028, subd. 2, the law also provides a thirty day response period [see, e.g., Minn. Stat. § 64B.35, subd. 2 (fraternal benefit societies)] or prohibits default judgments until the expiration of thirty days from the filing of the affidavit of compliance. Minn. Stat. § 60A.21, subd. 1(4) (unauthorized foreign insurer)].

Rule 508(d) recognizes that in most situations involving resident defendants, first class mail is a sufficient method of notifying the defendant of the claim. If for some reason the summons cannot be delivered by mail, the last sentence of rule 508(a) recognizes that personal service of the summons pursuant to the rules of civil procedure for the district court is always an effective means of providing notice of the claim. The party filing the claim is responsible for obtaining personal service, including any costs involved. As indicated above, "personal service" may only be made by a sheriff or any other person not less than 18 years of age who is not a party to the action.

The provisions requiring service by certified mail were added in order to make the Rules consistent with statutes. See Minn. Stat. § 491A.01, subd. 3(b) (Supp. 1993). If the claim exceeds \$2,500, the plaintiff is responsible for causing service of the summons on the defendant by certified mail, and filing proof of service with the court within 60 days of issuance of the summons.

#### **Rule 51009 Counterclaim**

(a) Counterclaims Allowed. The defendant may ~~assert~~ ~~interpose~~ a counterclaim within jurisdiction of conciliation court which the defendant has against the plaintiff, whether or not arising out of the transaction or occurrence which is the subject matter of plaintiff's claim.

(b) Assertion of Counterclaim. ~~To assert a~~ ~~The counterclaim the~~ ~~shall be interposed by~~ ~~defendant shall perform all the following not less than five days prior to the date set for trial of plaintiff's claim:~~

~~(1) filing with the court administrator a counterclaim required by Rule 507; brief statement of the amount, date of accrual and nature of the counterclaim, verified by the defendant, and by payment of defendant of~~

~~(2) pay to the court administrator the applicable a filing fees as established by rule 507 of these rules to the court administrator or by filing with the administrator the affidavit in lieu of filing fees prescribed in rule 5076.~~

(c) Administrator's Duties. The court administrator shall assist with the preparation of the counterclaim on request. When the counterclaim has been properly asserted, ~~t~~The court administrator shall note the filing of the counterclaim on the original claim, promptly mail notice of the counterclaim to notify plaintiff by mail thereof and set the counterclaim for trial hearing on the same date as the original claim.

(d) Late Filing. No counterclaim shall be heard if filed less than five days before the trial date of plaintiff's claim except by permission of the judge, who has discretion to allow a filing within the said five day period. Should a continuance be requested by and granted to plaintiff because of the such late filing, the judge may require payment of costs by defendant, absolute or conditional, not to exceed \$2550.00.



### **Rule 510 Counterclaim in Excess of Court's Jurisdiction**

(a) The court administrator shall strike plaintiff's action from the calendar if the defendant not less than five days prior to of the date set for trial of plaintiff's claim ~~complaint~~, files with the court administrator an affidavit stating that:

(a1) the defendant has a counterclaim against plaintiff arising out of the same transaction or occurrence as plaintiff's claim, the amount of which is beyond monetary jurisdiction of the conciliation court, and

(b2) the defendant has filed ~~commenced~~ or ~~will commence~~ intends to file within 30 days an action against plaintiff in a court of competent jurisdiction based on such claim, ~~the court administrator shall strike plaintiff's action from the calendar, advising plaintiff by mail.~~

(b) ~~Said striking~~ The plaintiff's action shall be subject to reinstatement on the trial calendar at any time after thirty days and up to three years, upon the filing by plaintiff of an affidavit showing that the plaintiff has not been served with a summons by defendant. If the action is reinstated, the court administrator shall set the case for trial and mail notice of the trial date to the parties by first class mail ~~summon the defendant as originally whereupon the court shall hear and determine the matter.~~

(c) Absolute or conditional costs, not to exceed \$50.00, may be imposed against the defendant if the defendant fails to commence an action as provided in paragraph (a)(2) of this rule, and the court determines that the defendant caused the plaintiff's action to be stricken from the calendar in bad faith or solely to delay the proceedings or to harass.

### **Rule 511 Notice of Settlement**

If the parties agree on a settlement prior to trial, each party who has made a claim or counterclaim shall promptly advise the court in writing that the claim or counterclaim has been settled and that it may be dismissed.

### **Rule 512 Trial**

(a) Subpoenas. Upon request of a party and payment of the applicable fee, the court administrator shall issue subpoenas for the attendance of witnesses and production of documentary evidence at the trial. Minnesota Rules of Civil Procedure 45.01, 45.02, 45.03, 45.05, 45.06, and 45.07 apply to subpoenas issued under this rule. A party who is unable to pay the fees for issuance and service of a summons may apply for permission to proceed without payment of fees pursuant to the procedure set forth in Minnesota Statutes Section 563.01.

(ab) Testimony and Exhibits. ~~Subject to part (d) of this rule,~~ the judge shall hear testimony of the parties, their witnesses, and shall consider exhibits offered by the parties. The party offering an exhibit shall mark the party's name on the exhibit in a manner that will not obscure the exhibit. All exhibits will be returned to the parties at the conclusion of the trial unless otherwise ordered by the judge.

(bc) Appearances. ~~Appearances in conciliation court shall be by the parties, without lawyers, except by leave of the court, a removal of the cause to district court, however, as provided in these rules, may be~~

taken through a lawyer. The parties shall appear in person, unless otherwise authorized by the court, and may be represented by a lawyer admitted to practice law before the courts of this state. A lawyer representing a party in conciliation court may participate in the trial to the extent and in the manner that the judge, in the judge's discretion, deems helpful.

A corporation, partnership, limited liability company, sole proprietorship, or association may be represented in conciliation court by an officer, manager, or partner or may appoint a natural person who is an employee of the party to appear on its behalf or settle a claim in conciliation court. In the case of an officer or employee, an authorized power of attorney, corporate authorization resolution, corporate by-law or other evidence of authority acceptable to the court must be filed with the claim or presented at the trial. The authority shall remain in full force and effect only as long as the case is active in conciliation court.

**(ed) Evidence.** The judge shall normally receive only evidence admissible under the rules of evidence, but in the exercise of discretion and in the interests of justice, may receive otherwise inadmissible evidence.

**(de) Conciliation; Judgment.** The judge may attempt to conciliate disputes and encourage fair settlements among the parties. If at the trial the parties agree on a settlement the judge shall order judgment in accordance therewith the settlement. If no agreement is reached, the judge shall summarily hear, determine the cause, and order judgment. Written findings of fact or conclusions of law shall not be required.

**(ef) Failure of Defendant to Appear.** If the defendant fails to appear at the trial time set for hearing, after being summoned as provided in these rules, the judge in his or her discretion may either hear the plaintiff and may:

(1) order default judgment to be entered in the amount due the plaintiff, including fees, expenses and other items provided by law or by agreement, and where applicable, order return of property to the plaintiff or

(2) otherwise dispose of the matter continue the matter to a later date, notice of said subsequent trial date to be given by the court administrator to defendant by mail.

**(fg) Failure of Plaintiff to Appear, Defendant Present.** Should plaintiff fail to appear at the trial, but defendant appears, the judge may hear the defendant and may:

(1) either order judgment of dismissal on the merits, or order a dismissal without prejudice on the plaintiff's statement of claim, and, where applicable, order judgment on defendant's counterclaim in the amount due the defendant, including fees, expenses and other items provided by law or by agreement, and where applicable, order return of property to the defendant, or

(2) otherwise dispose of the matter continue the trial to a later date. If the matter is continued to a later date, the court administrator shall promptly notify the plaintiff thereof by mail.

**(gh) Continuances.** On proper showing of good cause, a continuance may be granted by the court on request motion of either party. The court may require payment of costs, absolute or conditional, not to exceed ~~\$25.00~~ \$50.00, as a condition of such an order. On proper showing of good cause, requests for continuance that are made at least five days prior to the trial may be granted by the court administrator.

Continuances granted by the court administrator shall be limited to one continuance per party.

### 1993 Committee Comment

Rule 512(a) authorizes the issuance of subpoenas to secure the attendance of witnesses and production of documentary evidence. The attendance of the parties is required by Rule 512(c).

The fee for issuing a subpoena is \$3.00. Minn. Stat. §§ 357.021, subd. 2(3) (1990). A subpoena may be served by the sheriff, a deputy sheriff, or any other person not less than 18 years of age who is not a party to the action. Minn.R.Civ.P. 4.02; 45.03. The sheriff's fees and mileage reimbursement rate for service of a subpoena are set by the county board. Minn. Stat. § 357.09 (1990).

Witnesses are also entitled to attendance fees and travel fees, and, unless otherwise ordered by the court, a witness need not attend at the trial unless the party requesting the subpoena pays the witness one day's attendance and travel fees in advance of the trial. Minn. Stat. § 357.22 (1990) (\$10.00 per day attendance fee, \$.24 per mile mileage fee, to and from courthouse, measured from witness' residence, if within state, or from state boundary line, if residence is outside the state); Minn.R.Civ.P. 45.03.

A witness who is not a party or an employee of a party and who is required to provide testimony or documents relating to a profession, business, or trade, or relating to knowledge, information, or facts obtained as a result of such profession, business or trade (e.g., a banker witness subpoenaed to produce bank records), is entitled to reasonable compensation for the time and expense involved in preparing for and giving such testimony or producing such documents. The party requesting the subpoena must make arrangements for such compensation prior to the trial. Minn.R.Civ.P. 45.06; D. Herr, R. Haydock, 2 Minnesota Practice, Civil Rules Annotated, § 45.14 (1985). With respect to any subpoena requiring the production of documents, the court may also require the party requesting the subpoena to pay the reasonable costs of producing the documentary evidence. Minn.R.Civ.P. 45.02.

Rule 512(e) does not preclude a court from providing the parties with a written explanation for the court's decision. Explanations, regardless of their brevity, are strongly encouraged. Explanations provide litigants with some degree of assurance that their case received thoughtful consideration, and may help avoid unnecessary appeals. Explanations may be inserted on Form UCF-9, appended to the rules, in either the Order for Judgment section on the front of the form or in the Memorandum section on the reverse side of the court's copy of the form.

### **Rule 513 Absolute or Conditional Costs; Filing of Orders**

In any case in which payment of absolute or conditional costs has been ordered as a condition of an order under any provision of these rules, the amount so ordered shall be paid to the court administrator before the order becomes effective or is filed. Conditional costs shall be held by the court administrator to ~~abide~~ be paid in accordance with the final order to be entered in the case; absolute costs shall be promptly transmitted ~~paid over~~ by the court administrator ~~forthwith~~ to the other party as that party's absolute property.

### **Rule 514 Notice of Order for Judgment**

The court administrator shall promptly mail to each party a notice of the order for judgment entered by the judge. The notice shall state the ~~number of last days allowed~~ for obtaining an order to vacate (where there has been a default) or for removing the cause to the civil division of district court under these rules. The notice shall also contain a statement that if the cause is removed to district court, the court ~~will~~ may, in its discretion, allow the prevailing party to recover from the aggrieved party ~~an amount not to exceed \$200.00~~ \$50.00 as costs if the prevailing party on appeal is not the aggrieved party in the original action as provided in Rule 524.

### **1993 Committee Comment**

Rules 515, 520(a), and 521(b) of these rules establish a uniform twenty day time period for obtaining an order to vacate or for removing the case to district court. The twenty days is measured from the mailing of the notice of judgment, and the law requires that an additional three days be added to the time period when notice is served by mail. *Wilkins v. City of Glencoe*, 479 N.W.2d 430 (Minn. App. 1992) (construing rule 6.05 of the Minnesota Rules of Civil Procedure). Computing the deadline can be difficult and confusing for lay persons, and Rule 514 attempts to alleviate this problem by requiring the court administrator to perform the computation and specify the resulting date in the notice of order for judgment, taking into consideration applicable rules, including rule 503 of these rules and rule 6.05 of the Minnesota Rules of Civil Procedure.

### **Rule 515 Entry of Judgment**

The court administrator shall promptly enter judgment ~~forthwith~~ as ordered by the judge. The judgment shall be dated as of the date notice is sent to the parties. The judgment so entered becomes finally effective twenty days after mailing of the notice, unless:

- (a) payment has been made in full, or
- (b) removal to district court has been perfected, or
- (c) an order vacating the prior order for judgment has been filed, or
- (d) ordered by a judge.

As authorized by law, any judgment ordered may provide for satisfaction by payment in installments in amounts and at times, as the judge determines. Should any installment not be paid when due, the

entire unpaid balance of the judgment ordered, becomes immediately due and payable.

### 1993 Committee Comment

Rule 515 provides that a judgment becomes finally effective twenty days after notice of judgment is mailed to the parties, and the law requires that an additional three days be added to the time period when notice is served by mail. *Wilkins v. City of Glencoe*, 479 N.W.2d 430 (Minn. App. 1992) (construing rule 6.05 of the Minnesota Rules of Civil Procedure). Computing the effective date of the judgment can be difficult and confusing for lay persons, and Rule 514 attempts to alleviate this problem by requiring the court administrator to perform the computation and specify the resulting date in the notice of order for judgment, taking into consideration applicable rules, including rule 503 of these rules and rule 6.05 of the Minnesota Rules of Civil Procedure. The purpose of the twenty day time period specified in Rule 515 is to permit a party to obtain an order to vacate under Rule 520(a) or effect removal of the case to district court under Rule 521(b).

The legislature has determined that any judgment ordered may provide for satisfaction by payment in installments in amounts and at such times, not exceeding one year for the last installment, as the judge determines to be just and reasonable. Minn. Stat. § 491A.02, subd. 5 (Supp. 1993). Rule 512(e) recognizes that the one year limit on installment payments may be waived by the parties as part of a settlement.

#### **Rule 516 Costs and Disbursements**

There shall be included in the order for judgment shall include the filing fees paid or payable by the prevailing party pursuant to rules 506 and 508(d)(3) of these rules. Additionally the judge and, in the discretion of the court, may include therein all or part of disbursements incurred by the prevailing party which would be taxable in district court. The order for judgment also may include or be adjusted by the amount of and any conditional costs previously ordered to be paid by either party.

#### **Rule 517 Payment of Judgment**

The non-prevailing party may pay all or any part of the judgment to the court administrator for benefit of the prevailing party or may pay the prevailing party directly. The court administrator shall enter on the court's records any payment made to the administrator or the prevailing party directly when satisfied that the said direct payments have in fact been made.

#### **Rule 518 Docketing of Judgment in District Court; Enforcement**

(a) **Docketing.** Except as otherwise provided in Rule 519 with respect to installment judgments, wWhen a judgment has become finally

effective as defined in Rule 515 of these rules the judgment creditor may obtain a transcript of the judgment from the court administrator on payment of a the applicable statutory fee of \$7.50 and file it in ~~transcribe the judgment to~~ district court ~~without additional fee~~. Once filed in district court the judgment becomes and is enforceable as a judgment of district court, and the judgment will be docketed by the court administrator upon presentation of an affidavit of identification. No writ of execution or garnishment summons shall be issued out of conciliation court.

(b) **Enforcement.** Unless the parties have otherwise agreed, if a conciliation court judgment has been docketed in district court for a period of at least 30 days and the judgment is not satisfied, the district court shall upon request of the judgment creditor order the judgment debtor to mail to the judgment creditor information as to the nature, amount, identity, and location of all the debtor's assets, liabilities, and personal earnings. The information shall be provided on a form prescribed by the Supreme Court (see form UCF-22 appended to these rules), and the information shall be sufficiently detailed to enable the judgment creditor to obtain satisfaction of the judgment by way of execution on nonexempt assets and earnings of the judgment debtor. The order shall contain a notice that failure to complete the form and mail it to the judgment creditor within ten days after service of the order may result in a citation for civil contempt of court. Cash bail posted as a result of being cited for civil contempt of court order under this rule may be ordered payable to the creditor to satisfy the judgment, either partially or fully.

#### 1993 Committee Comment

The party in whose favor the judgment was entered (the "judgment creditor") is responsible for enforcing the judgment if the other party (the "judgment debtor") does not voluntarily comply with the judgment. Obtaining a transcript of the judgment and filing it in district court under rule 518(a) is the first step in enforcing a judgment. A judgment requiring the payment of money (as opposed to a judgment requiring the return of property) will also be docketed by the court administrator upon transcription if the statutorily required affidavit of identification (Minn. Stat. § 548.09, subd. 2 (1990)) is presented. Docketing a money judgment creates a lien against all real property of the debtor in the county in which it is docketed, except for registered land, which requires an additional filing (pursuant to Minn. Stat. §§ 508.63 and 508A.63) to create a lien. Docketing must be accomplished before the judgment creditor is permitted to use the disclosure provisions of rule 518(b), which may assist in locating assets of the judgment debtor. Additional information on enforcement of judgments against non-exempt assets of the debtor is set forth in brochures and forms available from local court administration and legal aid offices.

Specific fee amounts have been deleted from these rules as the fees are subject to modification by the legislature. Minn. Stat. § 357.021 (1990) (\$7.50 transcription fee).

Whether a separate fee in addition to the transcription fee is required for filing and docketing is also subject to legislative modification. Under current law, no separate fee may be charged for filing and docketing a conciliation court judgment in the district court of the county in which the judgment was rendered.

**Rule 519 Docketing of Judgment Payable in Installments**

No transcript of a judgment of conciliation court payable in installments shall be issued and filed until 20 days after default in payment of an installment due.

**Rule 520 Vacation of Judgment Order and Judgment**

(a) **Vacation of Order for Judgment Within 20 Days.** When a default judgment or judgment of dismissal on the merits has been ordered for failure to appear, the judge within twenty days after notice was mailed may vacate said judgment order ex parte and grant a new trial hearing on a proper showing by the defaulting party of lack of notice, mistake, inadvertence or excusable neglect as the cause of that party's failure to appear. Absolute or conditional costs not to exceed ~~\$25.00~~ \$50.00 to the other party may be ordered as a prerequisite to that relief.

(b) **Vacation of Judgment After 20 days.** A default judgment may be vacated by the judge ~~more than ten days after finally effective~~ upon a proper showing by the defendant that: (1) the defendant did not receive a summons before the trial hearing within sufficient time to permit a defense and did not receive notice of the order for default judgment within sufficient time to permit application for relief within twenty days after notice, or (2) upon other good cause shown. Application for relief pursuant to this Rule 520(b) shall be made within a reasonable time after the applicant learns of the existence of the judgment and shall be made by motion in accordance with the procedure governing motions in the district court, except that the motion is filed with the court administrator of conciliation court. Said vacation, if ordered, The order vacating the judgment shall grant a new trial on the merits and may be conditioned upon payment of absolute or conditional costs not to exceed ~~\$25.00~~50.00.

(c) **Notice.** The court administrator shall promptly notify the parties by mail of a new trial date ~~created pursuant to this rule.~~

**1993 Committee Comment**

Rule 520(a) establishes a twenty day time period for obtaining an order to vacate a default judgment order or order for judgment of dismissal. The twenty days is measured from the mailing of the notice of judgment, and the law requires that an additional three days be added to the time period when notice is served by mail. Wilkins v. City of Glencoe, 479 N.W.2d 430 (Minn. App. 1992) (construing rule 6.05 of the Minnesota Rules of Civil Procedure). Computing the deadline can be difficult and confusing for lay persons, and Rule 514 attempts to alleviate this problem by requiring the court administrator to perform the computation and specify the resulting date in the notice of order for judgment, taking

into consideration applicable rules, including rule 503 of these rules and rule 6.05 of the Minnesota Rules of Civil Procedure.

Rule 520(a) authorizes an informal, ex parte proceeding (involving appearance of one party only), which typically includes the presentation of an affidavit establishing lack of notice, mistake, inadvertence or excusable neglect as the cause of that party's failure to appear. In contrast, Rule 520(b) requires compliance with the formal requirements for making a motion in the district court. See Minnesota Rules of Civil Procedure 4.02, 5.02, 6.05; Minnesota General Rules of Practice for the District Courts 115.01, .02, .04-.10. Forms and instructions are available from the conciliation court.

**Rule 521 Removal (Appeal) to District Court, ~~Appeal~~**

(a) **Trial de novo.** Any person aggrieved by an order for judgment entered in conciliation court after contested trial hearing may remove the cause to district court for trial de novo (new trial). An "aggrieved person" may be either the judgment debtor or creditor.

(b) **Removal Procedure.** To effect removal, the aggrieved party must perform all the following within twenty days after the date the court administrator mailed to that party notice of the judgment order:

- (1) Serve on the opposing party or the opposing party's lawyer, by personal service or by mail, a demand for removal of the cause to district court for trial de novo. Service shall be by first class mail. Service may also be by personal service in accordance with the provisions for personal service of a summons in district court. The demand for removal shall state, stating whether trial demanded is to be by court or jury, and, the demand shall indicate the name, address, and telephone number of the aggrieved party's lawyer, if any.
- (2) File with the court administrator the original demand for removal with proof of service. If the opposing party or the opposing party's lawyer cannot be found for service of the demand within the twenty day period, the aggrieved party may file with the court administrator within the said twenty day period the original and copy of the demand together with an affidavit by the party or the party's lawyer showing that after due and diligent search the opposing party or opposing party's lawyer cannot be located. This affidavit shall serve in lieu of making service and filing proof of service. When an affidavit is filed, Thereupon the court administrator shall mail the copy of the demand to the opposing party at the party's last known residence address.
- (3) File with the court administrator an affidavit by the aggrieved party or that party's lawyer stating that the removal is made in good faith and not for purposes of delay.
- (4) Pay to the court administrator as the fee for removal the amount prescribed by law for filing a civil action in district court, and if

~~(5)~~ If a jury trial is demanded under Rule 521 (b) (1) of these rules, pay to the court administrator the amount prescribed by law for requesting a jury trial in a civil action in district



court. A party who is unable to pay the fees may apply for permission to proceed without payment of fees pursuant to the procedure set forth in Minnesota Statutes Section 563.01.

(c) **Limited Removal.**

- ~~(1) When a motion for vacation of an order for judgment, or judgment under Rule 520 (a) or (b) of these rules, is denied, the aggrieved party may demand limited removal to the district court for hearing de novo. Procedure for service and filing of the demand for limited removal and notice of hearing de novo and proof of service thereof and procedure in case of inability of the aggrieved party to make service on the opposing party or the opposing party's lawyer shall be in the same manner prescribed in part (b) of this Rule. The fee payable by the aggrieved party to the court administrator for limited removal shall be the same as the filing fee prescribed by law for filing of a civil action in district court. The court administrator shall then place the matter on the special term calendar for the date specified in the notice. At the hearing in district court, either party may be represented by a lawyer.~~
- ~~(2) A judge other than the conciliation court judge who denied the motion, shall hear the motion de novo and may (A) deny the motion or (B) grant the motion. In determining the motion the judge shall consider the entire file plus any affidavits submitted by either party or their lawyers.~~
- ~~(3) The court administrator shall send by mail a copy of the order made in district court after de novo hearing to both parties and the venue shall be transferred back to conciliation court.~~

~~(d) Demand for Jury Trial. Where no jury trial is demanded on removal under Rule 521(b) by the aggrieved party, if the opposing party desires a jury trial that party shall perform all the following within twenty ten days after the demand for removal was served on the party or lawyer:~~

- ~~(1) Serve a jury trial demand by first class mail therefor upon the aggrieved party or that party's lawyer. Service may also be by personal service in accordance with the provisions for personal service of a summons in district court.~~
- ~~(2) File the original jury trial demand and with proof of service thereon with the court administrator.~~
- ~~(3) Pay to the court administrator the amount prescribed by law for requesting a jury trial in a civil action in district court and, if the demand is the first paper filed by the party in the district court proceeding, pay to the administrator the amount prescribed by law for filing a civil action in district court. A party who is unable to pay the fees may apply for permission to proceed without payment of fees pursuant to the procedure set forth in Minnesota Statutes Section 563.01.~~

~~(ed) **Removal Perfected; Vacating of Judgment; Transmitting File.**~~

~~When all removal papers have been filed properly and all requisite fees paid as provided under Rule 521(b), the removal is perfected; the original judge shall prepare and file, and the court shall issue an order vacating the order for judgment in conciliation court, and together with a certificate setting out generally proceedings had, issues tried and the order entered in conciliation court.~~

~~(f) Court Administrator's Duties Upon Removal. Upon filing of the judge's order and certificate under part (e) of this rule the court administrator shall file in district court the whole contents of the conciliation court file of the cause shall be filed in district court.~~

~~(g) Trial Setting. The matter shall be set for trial in district court as other civil actions.~~

(e) Limited Removal.

- (1) When a motion for vacation of an order for judgment, or judgment under Rule 520 (a) or (b) of these rules, is denied, the aggrieved party may demand limited removal to the district court for hearing de novo (new hearing) on the motion. Procedure for service and filing of the demand for limited removal and notice of hearing de novo, proof of service of the notice, and procedure in case of inability of the aggrieved party to make service on the opposing party or the opposing party's lawyer shall be in the same manner prescribed in part (b) of this Rule. The fee payable by the aggrieved party to the court administrator for limited removal shall be the same as the filing fee prescribed by law for filing of a civil action in district court. The court administrator shall then place the matter on the special term calendar for the date specified in the notice. At the hearing in district court, either party may be represented by a lawyer.
- (2) A judge other than the conciliation court judge who denied the motion, shall hear the motion de novo (anew) and may (A) deny the motion or (B) grant the motion. In determining the motion the judge shall consider the entire file plus any affidavits submitted by either party or their lawyers.
- (3) The court administrator shall send by mail a copy of the order made in district court after de novo hearing to both parties and the venue shall be transferred back to conciliation court.

**Cross Reference:** Minn. R. Civ. P. 4.02, 4.06, 5.02, 6.01, 6.02, and 6.05.

1993 Committee Comment

Rule 521(b) establishes a twenty day time period for removing the case to district court. The twenty days is measured from the mailing of the notice of judgment, and the law requires that an additional three days be added to the time period when notice is served by mail. *Wilkins v. City of Glencoe*, 479 N.W.2d 430 (Minn. App. 1992) (construing rule 6.05 of the Minnesota Rules of Civil Procedure). Computing the deadline can be difficult and confusing for lay persons, and Rule 514 attempts to alleviate this problem by requiring the court administrator to perform the computation and specify the resulting date in the notice of order for judgment, taking into consideration applicable rules, including rule 503 of these rules and rule 6.05 of the Minnesota Rules of Civil Procedure.

In district court, personal service may only be made by a sheriff or any other person not less than 18 years of age

who is not a party to the action. Reichel v. Hefner, 472 N.W.2d 346 (Minn. App. 1991). This applies to personal service under this Rule 521. Service may not be made on Sunday, a legal holiday, or election day. Minn. Stat. §§ 624.04; 645.44, subd. 5 (1990); Minn. Const. art. VII, § 4.

#### **Rule 522 Pleadings Issues, Amendments in District Court**

~~Issues for trial in district court shall be those in conciliation court as set out in the judge's certificate; however, amendments to the issues may be granted in district court on motion therein brought in the usual manner for such motions; granting or denial of such motions shall be in the discretion of the judge of district court. Provided, however, that if either party seeks to increase the amount of a claim or counterclaim, the party seeking the increase shall give notice to the opposing party by serving upon that party a formal complaint, as provided by the Minnesota Rules of Civil Procedure.~~

The pleadings in conciliation court shall constitute the pleadings in district court. Any party may amend its statement of claim or counterclaim if, within 30 days after removal is perfected, the party seeking the amendment serves on the opposing party and files with the court a formal complaint conforming to the Minnesota Rules of Civil Procedure. If the opposing party fails to serve and file an answer within the time permitted by the Minnesota Rules of Civil Procedure, the allegations of the formal complaint are deemed denied. On the motion of any party or on its own initiative, the court may order either or both parties to prepare, serve and file formal pleadings.

#### **Rule 523 Procedure in District Court**

~~Trial Proceedings in the district court shall, except as otherwise expressly provided in these rules, be in accordance with as if originally commenced therein, and according to the Minnesota Rules of Civil Procedure and the General Rules of Practice for the District Courts. The judge who presided in conciliation court shall not preside in district court the appeal.~~

#### **1993 Committee Comment**

The Minnesota Supreme Court has determined that a corporation must be represented by a licensed attorney when appearing in district court regardless of the fact that the action originated in conciliation court. Nicollet Restoration, Inc. v. Turnham, 486 N.W.2d 753 (Minn. 1992).

#### **Rule 524 Mandatory Costs in District Court**

(a) ~~For the purposes of this rule, "removing party" means the party who demands removal to district court or the first party who serves or files a demand for removal, if another party also demands removal. "Opposing party" means any party as to whom the removing party seeks a reversal in whole or in part.~~

(b) If the removing party prevails in district court, the removing party may recover costs from the opposing party as though the action

were commenced in district court. If the removing party does not prevail, the court shall award the opposing party an additional ~~\$200.00~~ \$50.00 as costs. If the removing party is eligible to proceed under Minnesota Statutes Section 563.01, the \$50 costs may be waived if the court determines that a hardship exists and that the case was removed in good faith.

(c) For purposes of this rule, the removing party prevails in district court if:

(1) the removing party recovers at least \$500.00 or 50 percent of the amount or value of property that the removing party requested on removal, whichever is less, when the removing party was denied any recovery in conciliation court;

(2) the opposing party does not recover any amount or any property from the removing party in district court when the opposing party recovered some amount or some property in conciliation court;

(3) the removing party recovers an amount or value of property in district court that exceeds the amount or value of property that the removing party recovered in conciliation court by at least \$500.00 or 50 percent, whichever is less; or

(4) the amount or value of property that the opposing party recovers from the removing party in district court is reduced from the amount or value of property that the opposing party recovered in conciliation court by at least \$500.00 or 50 percent, whichever is less.

(d) Costs or disbursements in conciliation or district court shall not be considered in determining whether there was a recovery by either party in either court or in determining the difference in recovery under this rule.

#### 1993 Committee Comment

Rule 524 simply repeats, for the benefit of litigants, the requirements set forth by the legislature. Minn. Stat. § 491A.02, subd. 7 (Supp. 1993). Statutory costs normally available in district court pursuant to Minnesota Statutes section 549.02 do not apply to conciliation court matters that have been removed to district court. Minn. Stat. § 549.02 (1992).

#### **Rule 525 Appeal From District Court**

The judgment of the district court on removal from conciliation court in any cause may be appealed to the ~~e~~Court of ~~a~~Appeals as in other civil cases.

#### 1993 Committee Comment

An appeal may not be taken directly from conciliation court to the court of appeals. *McConnell v. Beseres*, 358 N.W.2d 113 (1984). Removal under Rule 521(b) or limited removal under Rule 521(c), and a ruling on the removal by the district court, are jurisdictional prerequisites for an appeal to the court of appeals from an action initiated in conciliation court. *Id.*

## APPENDIX OF FORMS

[Forms UCF\_8, UCF\_9, and UCF\_10 consist of three parts. Part 1 is the original copy, and parts 2 and 3 are the plaintiff's and defendant's copies. Only part 1 of the three part forms is shown in this Appendix.]

# UCF-8 STATEMENT OF CLAIM AND SUMMONS

UCF-8 (SCAO 6/93) Statement of Claim and Summons

Minn.Gen.R.Prac. 507; 508

<b>State of Minnesota</b>		<b>Conciliation Court</b>	
COUNTY _____		JUDICIAL DISTRICT _____	CASE NO. _____
Plaintiff #1	Name and Address _____ _____	Plaintiff #2	Name and Address _____ _____
	ZIP _____		ZIP _____
	vs.		vs.
Defendant #1	Name and Address _____ _____	Defendant #2	Name and Address _____ _____
	ZIP _____		ZIP _____

Name \_\_\_\_\_ Title \_\_\_\_\_  
 being duly sworn says that: s/he is the above named plaintiff/plaintiff's attorney; each defendant listed above is at least 18 years old; is not now in the Military Services; defendant #1 is a resident of \_\_\_\_\_ County, State of \_\_\_\_\_; defendant #2 is a resident of \_\_\_\_\_ County, State of \_\_\_\_\_; and alleges that the defendant(s) is (are) indebted to the plaintiff(s) in the amount of \$ \_\_\_\_\_ plus \$ \_\_\_\_\_ filing fee, totaling \$ \_\_\_\_\_ plus disbursements, by reason of the following FACTS:

STATEMENT  
OF  
CLAIM

NOTARY STAMP OR COURT SEAL   DO NOT WRITE BELOW THIS LINE	SUBSCRIBED AND SWORN TO BEFORE ME ON:  DATE _____  _____ SIGNATURE	THE ABOVE STATEMENT OF CLAIM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE  SIGNATURE _____  TELEPHONE _____
--	---	--

**THE STATE OF MINNESOTA TO THE ABOVE NAMED DEFENDANT**

YOU ARE HEREBY SUMMONED to appear at the hearing of the above entitled case at \_\_\_\_\_ m., on \_\_\_\_\_, at \_\_\_\_\_  

Date
Place

**Dated:** \_\_\_\_\_ **Court Administrator/Deputy:** \_\_\_\_\_

SUMMONS  
NOTICE  
OF HEARING

FAILURE TO  
APPEAR

**Failure of defendant to appear at the hearing may result in a default judgment being entered for the plaintiff, and failure of the plaintiff to appear may result in dismissal of the action or a default judgment being entered in favor of the defendant on any counterclaim that has been asserted.**

## Memoranda of Proceedings

Judgment becomes final and time for removal expires on \_\_\_\_\_, 19\_\_\_\_.

ACTION	DATE	ACTION	DATE
Claim filed		Notices Mailed	
Hearing set for		Stricken-Settled	
Notices mailed		Order of Dismissal	
Notice returned/not delivered		Judgment entered	
Notice re-mailed		Notice of Judgment mailed	
Answer/Offer filed		Judgment satisfied	
Counterclaim filed		Removal/Appeal perfected	
Notices mailed		Order Vacating Judgment	
Hearing continued/reset to		Transcript issued	
Notices mailed		Exhibit Inf. (date filed)	
Hearing continued/reset to		Exhibits returned	

### Settlement Agreement

Minn. Gen. R. Prac. 512(e)

The parties hereto have agreed upon a settlement of the within controversy, which agreement is as follows:

---



---



---



---



---

The parties further agree that they will abide the judgment to be entered herein based upon this agreement, without removal, appeal or further litigation.

\_\_\_\_\_  
Plaintiff

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Plaintiff

\_\_\_\_\_  
Defendant

Dated: \_\_\_\_\_

\_\_\_\_\_  
Judge

# UCF-9 JUDGMENT AND NOTICE OF JUDGMENT

UCF-9 (SCAO 6/93) Judgment and Notice of Judgment

Minn.Gen.R.Prac. 514

State of Minnesota

Conciliation Court

COUNTY

JUDICIAL DISTRICT

CASE NO.

NAME AND ADDRESS

NAME AND ADDRESS

Plaintiff #1

Plaintiff #2

ZIP

ZIP

vs.

vs.

NAME AND ADDRESS

NAME AND ADDRESS

Defendant #1

Defendant #2

ZIP

ZIP

Appearances:  Plaintiff  Defendant  Neither Party  Contested  Default

Upon evidence received, IT IS HEREBY ORDERED:

\_\_\_\_\_ is entitled to judgment against \_\_\_\_\_ for the sum of \$ \_\_\_\_\_, plus fees of \$ \_\_\_\_\_, disbursements of \$ \_\_\_\_\_, and conditional costs of \$ \_\_\_\_\_, for a total of \$ \_\_\_\_\_.

judgment shall be entered in favor of \_\_\_\_\_ (without damages).

\_\_\_\_\_'s claim is dismissed without prejudice.

\_\_\_\_\_'s claim is dismissed with prejudice.

\_\_\_\_\_ shall immediately return \_\_\_\_\_

ORDER FOR JUDGMENT ON CLAIM AND COUNTER CLAIM

\_\_\_\_\_ to the \_\_\_\_\_, and that the Sheriff of the county in which the property is located is authorized and directed to effect repossession of such property according to M.S. § 491A.01 subd.5, and turn the property over to \_\_\_\_\_.

Other /  Memo \_\_\_\_\_

Dated: \_\_\_\_\_ Judge: \_\_\_\_\_

JUDGMENT

JUDGMENT is hereby declared and entered as stated in the Court's Order for Judgment set forth above, and the judgment shall become finally effective on the date specified in the notice of judgment set forth below.

Dated: \_\_\_\_\_ Court Administrator/Deputy: \_\_\_\_\_

NOTICE OF JUDGMENT

THE PARTIES ARE HEREBY notified that Judgment has been entered as indicated above, but the Judgment is stayed by law until

\_\_\_\_\_, \_\_\_\_\_ p.m. (to allow time for an appeal/removal if desired).  
DATE TIME

THE PARTIES ARE FURTHER NOTIFIED that if the cause is removed to district court and the removing party does not prevail as provided in Rule 524 of the Minnesota General Rules of Practice for the District Courts, the opposing party will be awarded \$50 as costs.

Dated: \_\_\_\_\_ Court Administrator/Deputy: \_\_\_\_\_

TRANSCRIPT OF JUDGMENT

I certify that the above is a correct transcript of the Judgment entered by this Court.

Dated: \_\_\_\_\_ Court Administrator/Deputy: \_\_\_\_\_



FILE # \_\_\_\_\_

VS

PLAINTIFF

DEFENDANT

**MEMORANDUM**

DATED: \_\_\_\_\_

Judge

**Order Vacating Judgment For Cause**

Minn. Gen. R. Prac. 520

Upon cause shown by the  Plaintiff  Defendant, the written judgment is hereby vacated and costs in the amount of

\$ \_\_\_\_\_ is hereby assessed against the  Plaintiff  Defendant as  Absolute/  Conditional costs.

DATED: \_\_\_\_\_

JUDGE

**Order Vacating Judgment Upon Removal/Appeal**

Minn. Gen. R. Prac. 521(e)

Removal/Appeal by the  Plaintiff  Defendant having been perfected, the within judgment is hereby vacated.

DATED: \_\_\_\_\_

JUDGE

# UCF-10 DEFENDANT'S COUNTERCLAIM

<b>State of Minnesota</b>		<b>Conciliation Court</b>	
COUNTY _____		JUDICIAL DISTRICT _____	CASE NO. _____
Plaintiff #1	NAME AND ADDRESS _____	Plaintiff #2	NAME AND ADDRESS _____
	_____		_____
	ZIP _____		ZIP _____
vs.		vs.	
Defendant #1	NAME AND ADDRESS _____	Defendant #2	NAME AND ADDRESS _____
	_____		_____
	ZIP _____		ZIP _____

Name \_\_\_\_\_ Title \_\_\_\_\_  
 being duly sworn says that: s/he is the above named defendant/defendant's attorney; each plaintiff listed above is at least 18 years old; is not now in the Military Services; and alleges that the plaintiff(s) is (are) indebted to the defendant(s) in the amount of \$ \_\_\_\_\_ plus \$ \_\_\_\_\_ filing fee, totaling \$ \_\_\_\_\_ plus disbursements, by reason of the following FACTS:

STATEMENT  
OF  
CLAIM

DO NOT  
WRITE  
BELOW  
THIS LINE

NOTARY STAMP OR COURT SEAL	SUBSCRIBED AND SWORN TO BEFORE ME ON:  DATE _____  _____ SIGNATURE	THE ABOVE STATEMENT OF CLAIM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE  SIGNATURE _____  TELEPHONE _____
----------------------------	--	---

SUMMONS  
NOTICE  
OF HEARING

**THE STATE OF MINNESOTA TO THE ABOVE NAMED PLAINTIFF**

YOU ARE HEREBY SUMMONED to appear at the hearing of the above entitled case at \_\_\_\_\_ m., on \_\_\_\_\_, at \_\_\_\_\_.

Date Place

Dated: \_\_\_\_\_ Court Administrator/Deputy: \_\_\_\_\_

FAILURE TO  
APPEAR

**Failure of defendant to appear at the hearing may result in a default judgment being entered for the plaintiff, and failure of the plaintiff to appear may result in dismissal of the action or a default judgment being entered in favor of the defendant on any counterclaim that has been asserted.**

The purpose of this Financial Disclosure Form is to tell the JUDGMENT CREDITOR what money and property you have which may be used to pay the judgment the creditor obtained against you in the lawsuit. It also allows you to tell the creditor that some or all of your property and money is "exempt," which means that it cannot be taken to pay the judgment. You must answer every question on this form. If you need additional space, continue your answer on the back of the form or attach additional sheets if necessary. If you do not understand the questions or don't know how to fill out the form, call the court administrator for assistance or consult with an attorney.

**WARNING: IF YOU CLAIM AN EXEMPTION IN BAD FAITH, OR IF THE JUDGMENT CREDITOR WRONGLY OBJECTS TO AN EXEMPTION IN BAD FAITH, THE COURT MAY ORDER THE PERSON WHO ACTED IN BAD FAITH TO PAY COSTS, ACTUAL DAMAGES, ATTORNEY FEES, AND AN ADDITIONAL AMOUNT OF UP TO \$100.**

1. JUDGMENT DEBTOR Name		2. <input type="checkbox"/> Individual <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation <input type="checkbox"/> Other _____										
3. Street Address	4. City	5. State	6. Zip									
7. Date of Birth	8. If Married, Spouse's Full Name		9. Home Telephone Number (    )									
10. Employer or Business		11. Work Telephone Number (    )										
12. Street Address	13. City	14. State	15. Zip									
16. What are your total wages, salary, or commissions per pay period? \$ _____		17. How often are you paid? <input type="checkbox"/> Daily <input type="checkbox"/> Weekly <input type="checkbox"/> Twice a month <input type="checkbox"/> Monthly <input type="checkbox"/> Other _____										
18. Do you have income from any other source? <input type="checkbox"/> Yes <input type="checkbox"/> No    If yes, give the source and amount of the income: _____ _____												
19. By answering this question, you will be able to claim the exemptions you have for wages and income. The first exemption is already checked for you, check all others that apply: <input type="checkbox"/> I claim that 75% of my disposable (after-tax) earnings or 40 times the federal minimum wage (now equals \$170 for 40-hour week) is exempt (whichever is greater). <input type="checkbox"/> I am presently receiving or have received relief based on need in the past 6 months so all my wages are exempt. Type of relief you receive _____ <input type="checkbox"/> I have been an inmate in a correctional institution within the past 6 months so all my wages are exempt. Name institution and release date _____ <input type="checkbox"/> My income is exempt because it is: <input type="checkbox"/> Unemployment Comp. <input type="checkbox"/> Worker's Comp. <input type="checkbox"/> V.A. Benefits <input type="checkbox"/> Social Security <input type="checkbox"/> Accident or Disability Benefits <input type="checkbox"/> Retirement Benefits <input type="checkbox"/> Other (specify) _____												
20. Do you have a checking or savings account? (This includes any account whether you have it by yourself or with someone else, or whether it is in your name or any other name) <input type="checkbox"/> Yes <input type="checkbox"/> No    For each, provide the following information: <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:60%; text-align: left;">Name and Address of Bank, Credit Union or Financial Institution</th> <th style="width:20%; text-align: left;">Type of Account</th> <th style="width:20%; text-align: left;">Account Number</th> </tr> </thead> <tbody> <tr> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>_____</td> <td>_____</td> <td>_____</td> </tr> </tbody> </table>				Name and Address of Bank, Credit Union or Financial Institution	Type of Account	Account Number	_____	_____	_____	_____	_____	_____
Name and Address of Bank, Credit Union or Financial Institution	Type of Account	Account Number										
_____	_____	_____										
_____	_____	_____										
21. If you claimed an exemption for your wages or income, you may claim an exemption when your money is deposited in a bank. Claim your exemptions by checking the boxes that apply to you: <input type="checkbox"/> The money in my account is from exempt wages, income, or benefits. <input type="checkbox"/> The money in my account is from the exempt sale of my homestead within the past year. <input type="checkbox"/> The money in my account is from exempt life insurance received on the death of a spouse or parent. <input type="checkbox"/> The money in my account is from other exempt property (specify) _____												
22. Do you have any stocks, bonds, securities, certificates of deposit, mutual funds, money market account, etc.? (This includes any whether owned by you alone or with any other person, or whether it is in your name or any other name.) <input type="checkbox"/> Yes <input type="checkbox"/> No    If yes, itemize these and the location of each: _____ _____												

23. Do you own your home?  Yes  No Your homestead (house owned and occupied by you) is exempt. Do you own any other houses, land, or real estate?  Yes  No For each, give the following information:

Location	Estimated Value	Amount Owed (if any)	To Whom
_____	_____	_____	_____
_____	_____	_____	_____

24. Do you own any motor vehicles, motorcycles, boats, snowmobiles, trailers, etc.?  Yes  No For each, provide the following:

Make	Model	Year	Lic. Plate No.	Market Value	Amount You Owe (if any)
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

One motor vehicle worth up to \$3,000 after subtracting what you owe is exempt. Which vehicle do you want to claim as exempt?  
\_\_\_\_\_

25. Do you own any of the following property?

- |   |  |  |  |
|---|--|--|--|
| Cash or travelers checks  | <input type="checkbox"/> Yes <input type="checkbox"/> No | Farm supplies, implements, livestock, grain worth more than \$13,000 | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Household goods, furnishings, and personal effects that are worth more than \$6,750 total | <input type="checkbox"/> Yes <input type="checkbox"/> No | Business equipment, tools, machinery worth more than \$7,500 total   | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Jewelry   | <input type="checkbox"/> Yes <input type="checkbox"/> No | Inventory  | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Coins or stamp collections  | <input type="checkbox"/> Yes <input type="checkbox"/> No | Accounts receivable/claims   | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Firearms/Guns   | <input type="checkbox"/> Yes <input type="checkbox"/> No | Are you the owner or partner in any business not already listed      | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Life insurance policy with a cash (surrender) value more than \$6,000                     | <input type="checkbox"/> Yes <input type="checkbox"/> No | Any other property please specify _____                              | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Any property that you are selling on a contract for deed                                  | <input type="checkbox"/> Yes <input type="checkbox"/> No |  |  |

If you answered yes to any item in question 25, provide the following information:

Description and location of property (if not at residence)	Estimated Value	Amount Owed (if any)	To Whom
_____	_____	_____	_____
_____	_____	_____	_____

If you need additional space to answer the questions, continue your answers here. Indicate the question number you are answering. Attach additional sheets if necessary.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The above information is true and correct to the best of my knowledge.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

**NOTE: YOU MUST COMPLETE, SIGN, AND RETURN THIS FORM TO THE JUDGMENT CREDITOR WITHIN 10 DAYS.**