

INSTRUCTIONS

Appealing a Conciliation Court Judgment in District Court

Important Notices and Resources

The Court has forms and instructions, for some types of cases, as a general guide to the court process. These instructions explain the steps in more detail and answer common questions but are not a full guide to the law. Court employees may be able to give general information on court rules and procedures, but they cannot give legal advice.

Have questions about court forms or instructions?

- Visit www.MNCourts.gov/SelfHelp
- Call the Statewide Self-Help Center at 651-435-6535

Not sure what to do about a legal issue or need advice?

- Talk with a lawyer
- Visit www.MNCourts.gov/Find-a-Lawyer.aspx

Helpful materials may be found at your public county law library. For a directory, see <http://mn.gov/law-library/research-links/county-law-libraries.jsp>. For more information, contact court administration or call the Minnesota State Law Library at 651-297-7651.

DO THIS BEFORE THE DEADLINE SPECIFIED IN THE *NOTICE OF CONCILIATION COURT ORDER/ENTRY OF JUDGMENT* MAILED TO YOU

Failure to follow all the requirements of the laws and rules for a removal, which is appealing a judgment granted in a conciliation court action, governing removal to District Court may result in dismissal of your appeal.

The appeal forms are available free of charge at any Court Administrator's office and online at <https://mncourts.gov/GetForms.aspx?c=10&p=39>, and must be completed by you or your attorney. You must pay the civil filing fee when filing your *Demand for Removal/Appeal from Conciliation Court to District Court*. A person who is unable to pay the filing fee may apply for a fee waiver (see <https://mncourts.gov/Help-Topics/Fee-Waiver-IFP.aspx>).

The following is a brief explanation of the requirements for filing an appeal. You or your attorney must perform these steps by the date specified on the *Notice of Conciliation Court Order/Entry of Judgment*, which was mailed or delivered to you.

Step 1

Fill Out Demand for Removal/Appeal from Conciliation Court to District Court and Affidavit of Good Faith (CCT402)

Fill out the Demand for Removal/Appeal from Conciliation Court to District Court and Affidavit of Good Faith form (CCT402). Use the same names of the parties as they appear on the *Notice of Conciliation Court Order/Entry of Judgment* that you received.

The plaintiffs remain the plaintiffs and the defendants remain the defendants when completing the *Demand for Removal/Appeal* form.

Leave the Court File Number blank as a new District Court File number will be assigned by court administration when you file the document.

Include the Conciliation Court File Number on the form so court administration can copy certain documents from the Conciliation Court case into the new District Court case.

The *Demand for Removal* tells the court and the other party that you want to start over with a new trial where you will again bring your evidence and make your legal arguments. You must have a good faith reason for requesting a new trial.

Check the box indicating if you want a trial by the court or by jury. If you want a trial by jury, you must include the fee for a jury trial.

Signature Block

Date and sign the completed *Demand for Removal* form, then print your contact information underneath your signature. When you sign the *Demand for Removal* form, you are signing under penalty of perjury. Perjury is the crime of intentionally lying or misrepresenting the truth, punishable by jail or other sanctions.

If a lawyer represents the appealing party, the lawyer's name, address and phone number must be printed on the form. If the appealing party is a corporation, a lawyer must represent the corporation and the lawyer must sign the form. **If the appealing party is self-represented, the party must sign the form and list their address and telephone number.**

Step 2

Make Copies

Make a copy of the completed and signed form for each party to the action, including yourself.

Step 3

Serve the Other Parties

A copy of the *Demand for Removal/Appeal from Conciliation Court to District Court and Affidavit of Good Faith* must be served on each opposing party or their attorney if represented, by first class mail or by electronic means as set forth in the Rules of General Practice 14 and 521(b)(1).

Service may also be by personal service. See Minnesota Rules of Court, Rules of Civil Procedure, Rule 4.03 Personal Service. Personal service must be made by someone at least eighteen (18) years of age and not a party to the action. Papers cannot be served on legal holidays as defined in [Minn. Stat. § 645.44, subd. 5](#) (revisor.mn.gov/statutes/cite/645.44).

Step 4

Fill Out the *Affidavit of Service* (CCT103)

The [Affidavit of Service](#) (mncourts.gov/GetForms.aspx?c=10&f=172) tells the Court who served the papers on the other parties and how and when the papers were served.

Service must be completed within 21 days of the date that the Court mailed or delivered the *Notice of Conciliation Court Order/Entry of Judgment* to you and before the deadline specified in the *Notice*.

The person who served the papers (by mail or by personal service) should complete the *Affidavit of Service* form and sign it under penalty of perjury. Perjury is the crime of intentionally lying or misrepresenting the truth, punishable by jail or other sanctions.

Step 5

File Your Forms with the District Court

The *Demand for Removal/Appeal* form with a completed *Affidavit of Service* form must be filed with the Court Administrator of district court.

This is a new court action to be heard in District Court. Do not file the *Demand for Removal/Appeal* and *Affidavit of Service* in the Conciliation Court case.

A filing fee must be paid at the time of filing, or a fee waiver request must be completed and approved by a judicial officer. See <https://mncourts.gov/Help-Topics/Fee-Waiver-IFP.aspx>.

You or your attorney must perform all of these steps by the date specified on the *Notice of Conciliation Court Order/Entry of Judgment* that was mailed or delivered to you.

If you do not understand the procedures or are unable to prepare the necessary forms, you should [talk to an attorney](#) (mncourts.gov/Help-Topics/Find-a-Lawyer.aspx).