

# Instructions

## Request for Expedited Hearing for Eviction

### 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](http://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](http://www.MNCourts.gov/Find-a-Lawyer.aspx)

Helpful materials may be found at your public county law library. For a directory, see <https://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.

### Forms You Need

- *Affidavit in Support of Request for Expedited Hearing* (HOU105)

Forms are available online at [www.mncourts.gov/forms](http://www.mncourts.gov/forms) under the “Housing / Landlord-Tenant” Category.

Helpful information about Landlord-Tenant issues including Frequently Asked Questions (FAQs), links to court forms, and related laws can be found on the Landlord Help Topic at [www.mncourts.gov/help-topics.aspx](http://www.mncourts.gov/help-topics.aspx) under “Landlord Resources.”

### What You Need to Do

Each “step” in the Instructions is described in more detail below.

1. Carefully read through “General Information for Requesting an Expedited Hearing” to see if your situation may qualify for an expedited hearing.

2. Fill out and sign the *Affidavit in Support for Request for Expedited Hearing*, following all of the steps in these instructions.
3. File this form along with your *Eviction Action Complaint* (HOU102) Forms (electronically or at the courthouse) and pay the filing fee (or ask for a fee waiver if you cannot afford to pay the fee). A judicial officer will review your request.
4. If an expedited hearing is granted, you must have someone (not you) serve a copy of the *Summons, Complaint*, the *Order granting the Expedited Hearing*, your *Affidavit*, and any attachments on each tenant within 24 hours.
5. Go to the court hearing.

## General Information for Requesting an Expedited Hearing

### Expedited Hearings for Eviction Actions

You may qualify for an expedited hearing if you are filing for an Eviction for the following reasons:

- The Defendant violates the covenant (lease) not to allow unlawful activities that are defined in Minn. Stat. § 504B.171; **or**
- The residential tenant engages in behavior that seriously endangers the safety of other residents; **or**
- The residential tenant intentionally or seriously damages the property of the landlord or a tenant.

The *Affidavit* needs to be specific, including the dates, the names, and exactly what happened and why an expedited hearing is needed. If you have police reports, you may attach them to your *Affidavit* when filing. Don't rely on police reports alone, though. You need to describe in your own words exactly what happened. Specifically:

- What unlawful activities took place;
- How the behavior endangers the safety of others; or
- How the behavior intentionally or seriously damages the property; and

Why you need an expedited hearing to remove the tenant from the property. If the Court grants your request, the first hearing will be scheduled 5 to 7 days after the Court issues the *Summons*. You must then have the Defendant **personally served** within 24 hours of the Court issuing the *Summons*, unless the Court orders otherwise.

**Please note:** If the Court grants this request and later finds that the request was filed in bad faith; was an abuse of the expedited hearing process; or finds that you had no basis to believe the facts claimed in the *Affidavit* are true, you **will** have to pay up to a \$500 civil penalty.

## Step 1

### Fill out the *Affidavit in Support of Request for Expedited Hearing* (HOU105)

The *Affidavit* is broken up into sections below to help you fill out the form. This guide is not meant to be legal advice. If you have questions on how to fill out a question you should speak with a lawyer for legal advice.

#### The Caption

<b>State of Minnesota</b>	<b>District Court</b>
County of: _____	Court File Number: _____
Judicial District: _____	Case Type: <u>Eviction</u>

At the very top of the page of the *Affidavit*, you will fill in 2 lines:

- The **county** where the property is located; and
- The **judicial district number**. Each county belongs in one of ten judicial districts. If you need help finding the correct judicial district number, see <http://www.mncourts.gov/Find-Courts.aspx>.
- Leave the court file number blank. The court will assign a number after you file the paperwork.

_____
_____
Plaintiffs (Landlord)
VS.
_____
_____
_____
_____
Defendants (Tenant)

- Fill in the names of each of the Plaintiffs (Landlords) and Defendants (Tenants). The names must be the same as you listed them on the *Eviction Action Complaint*. There is space for 4 names for each.

#### Fill out the rest of form

**Affidavit in Support of Request for Expedited Hearing**

Minn. Stat. § 504B.321, subd. 2

\_\_\_\_\_, states the following:

1. I am the Plaintiff, or an authorized agent of the Plaintiff, in this Eviction action and request an Expedited Hearing.
2. I understand that if the Court grants this request and later finds that this request was either filed in bad faith; was an abuse of the expedited hearing process; or finds that I had no basis to believe that the facts claimed in this *Affidavit* are true, the court **will** impose a penalty of up to \$500.

- Fill in your name on the line.
- Read the statements of 1 and 2. If you are not sure if you should ask for an expedited hearing or if you qualify, you should talk with an attorney for legal advice.

3. I am filing an Eviction under Minn. Stat. § 504B.171 (unlawful activities of the residential tenant), **or** on the basis that the residential tenant engaged in behavior that seriously endangered the safety of other residents, **or** intentionally and seriously damaged the property of the landlord or a tenant.

The following facts support my request for an expedited hearing. (Include as many details as possible with facts and dates of exactly what happened. Include proof as needed.)

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

- For question 3 explain, in detail, why you believe an expedited hearing is needed. Give as many details as possible with facts, dates, and exactly what happened. If police were called you can attach a copy of the police report to your *Affidavit* but do **not** rely solely on the police report to give the facts.

**Step 3**

**Sign the *Affidavit***

1. Sign the *Affidavit* under penalty of perjury. By signing the *Affidavit* under penalty of perjury, you are stating that the information in the document is true to the best of your knowledge. Perjury is the crime of intentionally lying or misrepresenting the truth.
2. The *Affidavit* must be signed by the owner, a licensed attorney, or the person entitled to possession of the property.
3. *Fill in* your name, title if filing on behalf of a plaintiff, and your address, city, state, zip, phone number, and email address. An email address is required if documents are served or filed using electronic means.

**Note:** If the owner of the property is a business, an attorney must sign the *Affidavit* and appear in court with the owner or owner’s agent. There is an exception in filing in Hennepin County Housing Court and

Ramsey County Housing Court. You can read the [Housing Court Rules](https://mncourts.gov/mncourtsgov/media/Appellate/Supreme%20Court/Court%20Rules/GRP-Tit-VII.pdf) online (<https://mncourts.gov/mncourtsgov/media/Appellate/Supreme%20Court/Court%20Rules/GRP-Tit-VII.pdf>). See Step 6 for more information on attorneys representing businesses in court.

#### **Step 4**

### **Make Copies of the *Affidavit***

Make a copy of the signed *Affidavit* with attachments, if any, for each tenant named in the *Eviction Action Complaint*. You should be sure to make a copy for yourself as well.

#### **Step 5**

### **File with the Court**

File the following documents with court administration:

- *Affidavit in Support of Request for Expedited Hearing* (HOU105);
- *Eviction Action Complaint* (HOU102); AND
- Any attachments necessary for your situation, such as a copy of the written lease; AND
- A copy of the notice to vacate or *Written Notice of Possible Eviction Action* (HOU121), if necessary for your situation; AND
- *Power of Authority* (HOU103) (used only in Hennepin County or Ramsey County), if necessary for your situation; AND
- *Additional Litigants Form* (HOU125), if necessary for your situation.

### **Fee**

There will be a fee due when you file your paperwork. Visit [www.mncourts.gov/fees](http://www.mncourts.gov/fees) to find the fees online. Click on District Court Fees, then choose your county in the drop-down menu. The Fee Category will be "Housing."

If you cannot afford to pay the fee, you can ask for a fee waiver by filing Fee Waiver forms along with your *Eviction Complaint*. Fee Waiver forms are available online at [www.mncourts.gov/forms](http://www.mncourts.gov/forms) under the "Fee Waiver" category. If a judicial officer does not grant your fee waiver, you will need to pay the fee to move forward.

### **How to File**

- **At the Courthouse**

This can be done either in person at the courthouse or by mail. Addresses for courthouses are online at <https://mncourts.gov/Find-Courts.aspx>. Use the drop-down menu or map to find your county.

- **Electronic Filing through the eFS System**

The eFS System allows you to eFile your completed forms. Information on eFiling is on the MN Judicial Branch website at <https://www.mncourts.gov/eFile>.

Once you choose to eFile, you must eFile for the rest of the case. See [Minn. Gen. R. Prac. 14.01\(b\)\(5\)\(i\)](#) ([revisor.mn.gov/court\\_rules/gp/id/14/](http://revisor.mn.gov/court_rules/gp/id/14/)).

### **Interpreter needed?**

If you need an interpreter at the hearing, tell court administration when you file. If you think your tenant needs an interpreter, consider asking the tenant to call court administration. Generally, 48 hours (2 full days) notice is needed, not including weekends and holidays, to schedule an interpreter. Less notice may cause a delay or a rescheduling of the hearing.

## **Step 6**

### **Serve the *Summons* and *Eviction Action Complaint* on the Tenant**

If the Expedited Hearing is granted, 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. You will need to have each tenant served. You need to have the person who serves attempt personal service before any other method of service.**

- 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 **within 24 hours of the Court issuing the *Summons***, unless the court orders otherwise.
- 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.
- A separate *Affidavit of Service* **for each tenant** must be filed with the Court at least **3 days before** the court hearing (when counting the 3 days, don't count Saturdays, Sundays, or legal holidays). **There is more information about the *Affidavit of Service* below.**

- 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.

### **Personal Service of *Summons* and *Complaint***

- **Personal Service:** 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 within 24 hours of the Court issuing the *Summons*.

### **Step 7**

### ***Affidavits of Personal Service (HOU106)***

The person who served the tenants (server) must fill out one *Affidavit of Personal Service (HOU106)* **for each** tenant. The server must sign the *Affidavit of Service* under penalty of perjury. Perjury is the crime of intentionally lying or misrepresenting the truth. The *Affidavits of Service* are your proof that you had the tenant served.

**File the completed *Affidavits* with the court at least 3 days before the hearing** (not counting Saturdays, Sundays, or legal holidays).