

Instructions For Limited Removal Of A Conciliation Court Case To District Court

If your request to vacate a default judgment is denied, you may demand "limited" removal of this motion to the district court for re-hearing. A limited removal is also available for appeal of certain other motions.

You must comply with the Conciliation Court Rules 520 and 521 of the Minnesota General Rules of Practice which govern limited removals to district court. If you do not understand what is required, it is suggested that you consult with an attorney.

Keep in mind that this is a limited removal and the judge will decide only the issue of whether or not the default judgment should be vacated and a new trial granted. If the district court judge grants your motion to vacate the default judgment, the case will be returned to conciliation court for new trial of your case. If the judge denies your motion, the judgment stands. However, you may appeal the judge's decision to the Minnesota Court of Appeals within the required time. See the Rules of Civil Appellate Procedure.

Procedure:

1. Obtain the form for a limited removal from court administration. This form has three parts: the "Demand for Limited Removal To District Court", the "Notice of Hearing De Novo" (new hearing), and the "Affidavit of Good Faith." You will also need the "Affidavit of Service for Limited Removal" form.
2. Complete the "Demand for Limited Removal To District Court" 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. Be sure that the conciliation court number and the title are exactly the same as on the Notice of Judgment.
3. Make one photocopy of the form for each party in the case.
4. Ask **someone who is not a party in the action** to serve a copy of the completed form in one of the following ways:
 - a. send by mail to each party;
 - b. personally hand it to each party;
 - c. personally hand it to a person of suitable age (at least) and discretion living at the residence of the party to be served;
 - d. give it to the opposing parties' attorneys in person or by mail; or
 - e. serve it on a corporation by giving it to an officer or authorized representative.
4. Have the person who served or mailed the form complete an affidavit of service for each party and sign it under penalty of perjury.
5. Send the completed forms and the district court civil filing fee to the conciliation court within 23 days of the date the Denial of Motion to Vacate was mailed to you. The date is specified on the Notice. If you cannot afford the filing fee, you may apply for a waiver pursuant to Minn. Stat. § 563.01.

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 your court administrator or call the Minnesota State Law Library at 651-296-2775.