



## EXPUNGING AN EVICTION CASE

### WHAT DOES “EXPUNGEMENT” MEAN?

Expungement means removing the record of a case from the **public** view. If your eviction case is expunged, then someone searching court files cannot find a record of your case. Eviction cases used to be called “unlawful detainers” (UDs). Some records might show that you have UD. Courts can expunge eviction cases or UD, but only in some situations.

### WHEN CAN THE COURT EXPUNGE AN EVICTION CASE?

You can ask for an expungement when the landlord filed a bad eviction case and it would be unfair to keep it on your record. Minnesota law says expungements are allowed when:

- The landlord’s case was “sufficiently without basis in fact or law,” including when you are not properly given (“served”) the court papers,
- It is “clearly in the interests of justice”, **and**
- There is little reason for the public or other landlords to know about the case.

### WHAT IF I PAID UP THE RENT AFTER THE CASE WAS FILED?

Then you usually **cannot** get an expungement because, at the time the landlord filed the case, there was a good legal reason – the rent was not paid.

### WHAT ARE EXAMPLES OF GOOD CASES FOR EXPUNGEMENT?

- You won the case. The court found that the only reason the landlord filed was to get back at you for calling the housing inspector, or for asking for repairs. This is called “retaliation”.
- You won the case. The landlord said that you had violated the lease, but the court found that you did not. Or you paid the rent into court **because of repair problems**, and the court ordered the landlord to make repairs and gave some of the rent back to you.
- You settled the case at the courthouse with a written agreement and the landlord agreed either that they had filed it because of a misunderstanding, or that you had defenses.
- The court dismissed the case against you because the papers were not served on you the right way, or because no eviction papers were served on you at all and that is why you did not go to court.



### HOW DO I GET AN EXPUNGEMENT?

1. Look at the court decision in your eviction case. If you do not have a copy, go to your courthouse and ask for one. There may be a cost for copies. Does the decision show that the landlord did not have a good case?
2. There is an Expungement Motion form at the end of this fact sheet.

At the top, fill in:

- The name of the county
  - The landlord’s name (where it says “Plaintiff”) and your name (where it says “Defendant”)
  - The file number of your eviction case
- Do not fill in the “Notice of Motion” section until the court gives you a hearing date.
  - Write your statements for numbers 3, 4 and 5 on the form.
  - Sign your Motion in front of a notary (usually a court clerk can be the notary).
  - Attach copies of any documents that will help your case.
3. Go to District Court to file your Motion.
- Ask the clerk for a court date and write this date on the “Notice of Motion”.
  - Check with clerk to see if a judgment was “entered” in your case. If so, some clerks also want you to fill out a motion to vacate the judgment. The clerk will tell you if you need to do this and give you a form, or you can call legal aid.
  - Ask the clerk for instructions on how to serve the “Motion” on your landlord
4. There is a filing fee for an expungement motion. You can file an “inability to pay” (IFP) form if you have a low income. Bring proof of your income, like pay stubs, or proof of government assistance.
5. Go to the hearing prepared. Bring any documents that you included with your Motion, and anything else that might help you prove your case. Bring any witnesses who can support your story.



### WHAT SHOULD I DO AFTER I GET AN EXPUNGEMENT?

Check your court record to be sure that the case was expunged. The court clerk will tell you when your case will be expunged and how to check the record to make sure. The law says that a screening company can’t report an eviction once the company knows it has been expunged. You should send a copy of your expungement order to all of the tenant screening agencies listed on our fact sheet, [H-4 Tenant Screening](#). If you get turned down for an apartment, find out what tenant screening agency the landlord used. Call that screening company to make sure they are not reporting the expunged eviction case.

### WHAT SHOULD I DO IF I CAN’T GET AN EXPUNGEMENT?

See our fact sheets [H-3 Looking for an Apartment](#) and [H-4 Tenant Screening](#), about finding an apartment with an eviction on your record. Try to apply only to landlords who don’t charge application fees and don’t use tenant screening services. You have the right to add a statement to your tenant screening record explaining any evictions on your record. Also, make sure your tenant screening report is correct. It may have other wrong information about you. Ask the company to correct any errors in the report. Tenant screening companies can report evictions for 7 years, and landlords can check court files directly for as long as the court keeps records of old eviction cases.

To find other Legal Aid Society materials, including the fact sheets mentioned in this document, go to [www.lawhelpmn.org/LASMfactsheets](http://www.lawhelpmn.org/LASMfactsheets)

\_\_\_\_\_  
Plaintiff (Landlord)

v.

**NOTICE OF MOTION AND  
MOTION FOR EXPUNGEMENT**  
MINN. STAT. § 484.014

\_\_\_\_\_  
Defendant (Tenant)

**FILE NO.:** \_\_\_\_\_

**NOTICE OF MOTION**

At \_\_\_ a.m./p.m. on \_\_\_\_\_, there will be a hearing on this Motion before the Honorable \_\_\_\_\_  
\_\_\_\_\_, Referee or Judge of District Court, at \_\_\_\_\_  
\_\_\_\_\_.

**MOTION**

1. I, the tenant, ask the Court to order expungement of this eviction case court file.
2. The Court, may order expungement when the “plaintiff’s case is sufficiently without basis in fact or law . . . that expungement is clearly in the interests of justice and those interests are not outweighed by the public’s interest in knowing about the record.” MINN. STAT. § 484.014.
3. The landlord’s case is sufficiently without basis in fact or law (*explain why the landlord did not have any good and legal reason to evict you*): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Expungement is clearly in the interests of justice (*explain why it is fair to expunge the case, and unfair to leave it on the record*):\_\_\_\_\_

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5. The interests of justice are not outweighed by the public's interest in knowing about the record (*why is it not important for the public to be able to find out about this eviction case*):\_\_\_\_\_

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6. I certify that, to the best of my knowledge:

- this motion is not being filed for an improper reason, such as harassment or delay;
- my claims are supported by the law; and
- there is evidence for my claims.

I know that I may fined or sanctioned by the Court if this statement is false.

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

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

Subscribed and sworn to before me

this \_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Tenant Name:_____
_____
Current Address:_____
_____
Phone:_____
_____