



Instructions for Filing a Special Term Motion

Notice of Motion and Motion and Affidavit

1. List all parties on Notice of Motion as shown on the original claim (the party listed as plaintiff on the claim remains the plaintiff on the Motion etc).
2. List addresses for each party. **If your address has changed, write your current address.**
3. Put the Conciliation Court case/file number in the upper right hand corner.
4. When noted (Plaintiff/Defendant), circle whichever applies. Fill in correct party name on the blank line.
5. Special Term Motions are usually held two days each month. For the current schedule of dates, please visit the Conciliation Court page on our website at: www.mncourts.gov/district/4, or call our office at 612-348-2713.
6. Check the reason for your Motion, and if vacating, fill in your reasons on the blank lines.
7. If the creditor is unfound and you are requesting to pay your judgment into court, you must also complete the Affidavit of Unfound Creditor.
8. Make a copy of all documents for each party in the case.

Service Papers

1. Copies of the Notice of Motion and Motion (and if applicable, Affidavit of Unfound Creditor) must be served upon each party named in the case.
2. Service must be made by someone who is not a party to the action and is at least 18 years of age. All named parties must be notified of the Motion hearing and must be sent a copy by mail at least 17 days before the hearing date, or served personally at least 14 days before the hearing date. **REMEMBER**, this paperwork cannot be personally served on a Legal Holiday.
3. The person serving the paperwork must fill out the appropriate Affidavit of Service.
4. The completed original Notice of Motion and Motion and Affidavit of Service must be returned a minimum of 7 days before the scheduled hearing date. If you do not serve and file timely, your hearing may be cancelled. You must also include the [correct filing fee](#), if you have not previously paid the filing fee.

Office Information

1. Conciliation Court office hours are 8:00 a.m. to 4:30 p.m., Monday - Friday. The telephone number is 612-348-2713.
2. The Hennepin County Law Library is located on the 24th floor of the Court Tower in the Hennepin County Government Center. It is open to the public during business hours. The laws and rules referred to in these instructions are available there for your reference. We suggest that if you do not understand the procedures or if you are unable to prepare the necessary forms, you need to consult with an attorney of your choice. The court clerks are not attorneys and cannot assist you in preparing your paperwork.

Additional costs and fees may be assessed if the motion is granted. All costs and fees assessed at the hearing must be received in Room 306, Minneapolis City Hall, 350 South 5th Street, Minneapolis, MN no later than 4:00 p.m. on the date of the hearing or any order issued from that hearing is not effective.

STATE OF MINNESOTA

FOURTH JUDICIAL DISTRICT

COUNTY OF HENNEPIN

CONCILIATION COURT

NOTICE OF MOTION AND MOTION
AND AFFIDAVIT

Plaintiff(s)

VS

Case No. _____

Defendant(s)

TO: _____

Plaintiff Defendant herein

YOU WILL PLEASE TAKE NOTICE that the defendant plaintiff above-named will move at a Special Term Calendar of the above-captioned Court on the _____ day of _____, 20____, at 9:00 AM, in Room 314, Minneapolis City Hall, 350 South Fifth Street, Minneapolis, Minnesota, for the hearing of such motion, for an Order:

Order allowing the filing of a late appeal

Order allowing payment of judgment into court (Affidavit of Unfound Creditor is attached to this Motion)

Amending the title to read:

vs _____

Vacating the default judgment judgment of dismissal with prejudice entered against _____ on or about _____ (date) and setting the matter for hearing. Said motion will be made upon the grounds that defendant's plaintiff's failure to appear for the hearing on the originally scheduled date was for the following reason:

and they have therefore lost the opportunity to present the following defense claim:

OTHER (Briefly describe): _____

I declare under penalty of perjury that everything that I have stated in this document is true and correct. Minn. Stat. 358.116.

Date: _____

Signature of defendant plaintiff

County and State where Signed

Name: _____

Address: _____

Telephone: _____

STATE OF MINNESOTA

FOURTH JUDICIAL DISTRICT

COUNTY OF HENNEPIN

CONCILIATION COURT

_____(Printed name of person filling out form), states that I am over eighteen years of age and not a party to the action and:

SERVICE BY MAIL

On the _____ day of _____, 20 ____, I served the Notice of Motion and Motion upon _____, the plaintiff / defendant (circle one) or the attorney for the plaintiff / defendant (circle one) by placing a true and correct copy of it in an envelope addressed as follows:

Name: _____

Street Address: _____

City / State / Zip: _____

which is the last known address of said party or attorney and depositing the same in the United States mail with first class postage.

PERSONAL OR SUBSTITUTE SERVICE

On the _____ day of _____, 20 ____, I served the Notice of Motion and Motion upon _____, the plaintiff / defendant (circle one) or the attorney for the plaintiff / defendant (circle one) personally at their usual abode at:

Street Address: _____

City / State / Zip: _____

by handing to and leaving a true and correct copy with the plaintiff / defendant (circle one) or with _____ a person of suitable age and discretion residing therein.

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116.

Dated: _____

Signature

County and State where signed

Name: _____

Address: _____

City/State/Zip: _____

Telephone: _____

Email address: _____