



## 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. If a blank line, fill in the correct party name.
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](http://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. Sign in front of either a Court Clerk or a Notary Public.
8. If the creditor is unfound and you are requesting to pay your judgment into court, you must complete the Affidavit of Unfound Creditor.
9. 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, and sign it in front of either a Court Clerk or Notary Public.
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 24<sup>th</sup> 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.

**Reminder: All costs and fees assessed at the hearing must be received in Room 306, Minneapolis City Hall, 350 South Fifth Street, Minneapolis, MN, no later than 4:00 p.m. on the date of hearing, or any order issued is not effective.**

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 of the above-captioned Court on the \_\_\_ day of \_\_\_, 201\_\_, at \_\_\_ AM/PM, in Room 314, Minneapolis City Hall, 350 South Fifth Street, Minneapolis, Minnesota, for the hearing of such motion, for an Order:

Amending the title to read:

Order allowing payment of judgment into court (attach Affidavit of Unfound Creditor).

Vacating the default judgment, judgment of dismissal with prejudice, entered against \_\_\_ on or about \_\_\_, 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:

\_\_\_\_\_

Subscribed and sworn to before me on \_\_\_, 201\_\_.

Signature of defendant, plaintiff

Daytime Phone \_\_\_\_\_

Court Clerk/Notary

FOURTH JUDICIAL DISTRICT

STATE OF MINNESOTA

CASE # \_\_\_\_\_

**AFFIDAVIT OF SERVICE BY MAIL**

\_\_\_\_\_, being duly sworn, says that on the \_\_\_\_ day of \_\_\_\_\_, 201\_\_, I served the Notice of Motion and Motion upon \_\_\_\_\_ (attorney for \_\_\_\_\_), by placing a true and correct copy thereof in an envelope addressed as follows:

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

(which is the last known address of said party) and depositing the same, with postage prepaid, in the United States mail.

Subscribed and sworn to before  
me on \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
Signature of Server  
Daytime Phone \_\_\_\_\_

\_\_\_\_\_  
*Court Clerk/Notary*

**AFFIDAVIT OF PERSONAL OR SUBSTITUTE SERVICE**

\_\_\_\_\_, being duly sworn, says that on the \_\_\_\_ day of \_\_\_\_\_, 201\_\_, I served the Notice of Motion and Motion upon (plaintiff/defendant) \_\_\_\_\_, personally at their usual abode at \_\_\_\_\_, by handing to and leaving a true and correct copy with the (plaintiff/defendant) \_\_\_\_\_, or with \_\_\_\_\_, a person of suitable age and discretion residing therein.

Subscribed and sworn to before  
me on \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
Signature of Server  
Daytime Phone \_\_\_\_\_

\_\_\_\_\_  
*Court Clerk/Notary*