

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. **Get the forms** from court administration or online (<http://mncourts.gov/GetForms.aspx?c=10#subcat88>):
 - a. *Demand for Limited Removal to District Court, Affidavit of Good Faith, and Notice of Hearing De Novo (New Hearing)* (CCT502);
 - b. *Affidavit of Service for Limited Removal* (CCT503) **OR** the *Conciliation Court Affidavit of Service* (CCT103).
 2. **Fill Out the *Demand for Limited Removal to District Court...*** 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 case number and the caption (__ vs. __) are exactly the same as on the *Notice of Judgment*.
 3. **Make copies.** Make one copy of the form for each party in the case, including yourself.
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The next 3 steps (4-6) are about *servicing* and *filing*.

- *Servicing* is the making sure all the other parties in your case receive a copy of your *Demand*.
- *Filing* means giving your *Demand* (and *Affidavit of Service*, explained below) to court administration and paying the filing fee.

If you cannot afford the filing fee, you may apply for a waiver pursuant to Minn. Stat. § 563.01. See <http://mncourts.gov/Help-Topics/Fee-Waiver-IFP.aspx>.

Your **deadline for servicing and filing** the completed forms **depends on how you received the *Notice of Denial of Motion to Vacate***:

*If the court gave you the *Notice of the Denial* to you **electronically or in person**, serve and file the completed forms with the conciliation court within **21 days** of the date the *Notice of Denial of Motion to Vacate* was sent electronically or given to you in person. The date is specified on the *Notice*.*

If the court sent the Notice to you **through the mail**, then you add an extra 3 days, so you would have to serve and file the completed forms within **24 days** of the date the Notice was sent to you.

4. **SERVE a Copy of the Completed Demand Form.**

A copy of your *Demand for Limited Removal to District Court* must be served on each opposing party or their attorney by first class mail or by personal service. Personal service must be done by someone at least 18 years old and not a party to the case. Papers cannot be served on legal holidays as defined in Minn. Stat. § 645.44, subd. 5

(<https://www.revisor.mn.gov/statutes/cite/645.44#stat.645.44.5>).

5. **Complete the Affidavit of Service (CCT103) or Affidavit of Service for Limited Removal (CCT503).**

The *Affidavit of Service* tells the Court who served the papers on the other parties and how and when the papers were served.

The person who served the papers (by mail or by personal service) should complete the *Affidavit of Service* form (CCT103 or CCT503) and sign it under penalty of perjury. Perjury is the crime of intentionally lying or misrepresenting the truth, punishable by jail or other sanctions.

6. **FILE the Forms with the Conciliation Court.** You will need to pay the district court filing fee or ask for a fee waiver.

<p>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 651-297-7651.</p>
