

INSTRUCTIONS

Breach of Rental Agreement for Storage Space Forms

Important Notices and Resources

The Court has forms and instructions, for some types of cases, as a general guide to the court process. These instructions explain the steps in more detail and answer common questions, but are not a full guide to the law. Court employees may be able to give general information on court rules and procedures, but they cannot give legal advice.

Have questions about court forms or instructions?

- Visit www.MNCourts.gov/SelfHelp
- Call the Statewide Self-Help Center at 651-435-6535

Not sure what to do about a legal issue or need advice?

- Talk with a lawyer
- Visit www.MNCourts.gov/Find-a-Lawyer.aspx

Forms You May Need

- *Complaint – Breach of Rental Agreement for Storage Space* (CIV1003);
- *Motion for Expedited Hearing* (CIV1004) (only if asking for an expedited hearing when the occupant is causing a nuisance or engaging in illegal or other behavior that seriously endangers the safety of others, others' property, or the storage facility's property);
- *Affidavit in Support of Motion for Expedited Hearing* (CIV1005) (only if asking for an expedited hearing); and
- *Affidavit of Service* (SOP102).

Forms are available online at www.mncourts.gov/forms (choose the "Civil" category).

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 court administration or call the Minnesota State Law Library at 651-297-7651.

General Information

According to Minn. Stat. § 514.977 (<https://www.revisor.mn.gov/statutes/cite/514.977>), if the occupant of a storage space does not pay rent, or otherwise breaches the rental agreement, the owner of the storage space may sue the occupant for the following:

- To terminate the rental agreement;
- To recover possession of the storage space;
- To remove the occupant; and
- To dispose of the stored personal property.

This action is limited to only requesting the relief set forth above. This is a separate action from an eviction action.

Procedure

1. The owner fills out the *Complaint* form (CIV1003).
2. The owner files the *Complaint* with court administration and pays the filing fee (or asks for a fee waiver).
3. Court administration issues a *Summons* that will include a hearing date.
4. The owner has to arrange for service of the *Summons* and *Complaint* on the occupant at least 7 days before the date of the hearing.
5. The owner has to file proof of service with court administration.

Expedited Hearing (See Step 2 below)

The owner can ask for an expedited hearing if the occupant is:

- Causing a nuisance;
- Doing something illegal; or
- Behaving in such a way that seriously endangers the safety of others, others' property, or the storage facility's property.

The owner has to follow the procedure described above, but also has to fill out and file a *Motion for Expedited Hearing* (CIV1004) and an *Affidavit in Support of Motion for Expedited Hearing* (CIV1005). Then, the owner has to arrange for service of the *Summons*, *Complaint*, *Motion*, and *Affidavit* on the occupant within 24 hours of court administration issuing the *Summons*.

Do you have all the information you need to fill out the forms?

The *Complaint* form (CIV1003) asks for a description of complaints against the occupant (defendant).

The *Motion* and *Affidavit* forms ask for the following:

- A statement alleging that the occupant is causing a nuisance and/or engaging in illegal or other behavior that seriously endangers the safety of others, others' property, or the storage facility's property.

- Facts that support that statement.

Step 1
Fill Out Complaint – Breach of Rental Agreement for Storage Space (CIV1003)

<p>State of Minnesota</p> <p>County A</p> <hr/> <p>Plaintiff C</p> <p style="text-align: center;">vs</p> <hr/> <p>Defendant D</p>	<p style="text-align: right;">District Court</p> <p>Judicial District: B _____</p> <p>Court File Number: _____</p> <p>Case Type: _____ Civil – Other</p> <p style="text-align: center;">Complaint – Breach of Rental Agreement for Storage Space</p> <p style="text-align: center;">Minn. Stat. § 514.977</p>
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The “Caption”

- A. List the county where you will be filing your Breach of Rental Agreement for Storage Space case. If you are not sure where you should file, please talk to an attorney. Court staff cannot tell you where to file your case.
- B. List the Judicial District. Each county belongs in one of ten judicial districts. If you need help, see <http://www.mncourts.gov/Find-Courts.aspx>.
- C. List the storage space owner’s name as the Plaintiff.
- D. The occupant of the storage space is the Defendant.

Use full names when possible (first, middle, last).

The Plaintiff makes the following complaints against the Defendant:

1. _____

2. _____

In this section, you are giving details about the complaints you have against the Defendant (occupant). There is space for 4 complaints. If you have more than 4 complaints, please add more paper.

Remember, this is a limited cause of action and the court may not hear complaints that go beyond what the statute includes. Do not write in the margins or on the back of the page.

Based on the complaints above, Plaintiff demands the following relief:

1. To terminate the rental agreement;
2. To recover possession of the storage space;
3. To remove the occupant from the storage space;
4. To dispose of the stored personal property; and
5. For any other relief the court deems fair and equitable.

In this section, you are telling the Defendant and the court what you are asking for. Check the boxes that apply to your situation.

Signature Block

Sign and date the *Complaint* form, and print your contact information in the blanks under the signature line. When you sign the *Complaint*, you are signing under *penalty of perjury*. This means you are saying that everything in the form is true and correct; if you know something in the form is not true when you sign it, you could be found guilty of the crime of perjury (see Minn. Stat. § 609.48, <https://www.revisor.mn.gov/statutes/cite/609.48>).

Copies of the *Complaint*

You will need to make one copy of the *Complaint* for each party, including yourself.

Step 2

OPTIONAL

Fill Out the *Motion for Expedited Hearing* (CIV1004) and the *Affidavit in Support of Motion for Expedited Hearing* (CIV1005)

The Plaintiff can ask for an expedited hearing if the occupant is:

- Causing a nuisance;
- Doing something illegal; or
- Behaving in such a way that seriously endangers the safety of others, others' property, or the storage facility's property.

If you need to get into court as soon as possible because the occupant's behavior is causing a nuisance, illegal, or seriously endangers others' safety or property, you can fill out the *Motion for Expedited Hearing* (CIV1004) and *Affidavit in Support of Motion for Expedited Hearing* (CIV1005).

MOTION FOR EXPEDITED HEARING (CIV1004)

Fill out the **caption** the same way you did in the *Complaint*.

TO: Defendant (name and address): Jane Doe 1234 Main Street Winona, MN 55987
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In the **"TO"** section, add the name and address of the Defendant.

The "MOTION" section is already filled out for you. Read the "ACKNOWLEDGMENT," and if all of the statements are true, then sign and date the *Motion* form and include your contact information under your signature.

AFFIDAVIT IN SUPPORT OF MOTION FOR EXPEDITED HEARING (CIV1005)

Fill out the **caption** the same way you did in the *Complaint* and *Motion*.

<p>Minn. Stat. § 514.977, subd. 4, sets forth that as owner of the storage space, I may request an expedited hearing when the occupant is causing a nuisance or engaging in illegal or other behavior that seriously endangers the safety of others, others' property, or the storage facility's property.</p> <p><input type="checkbox"/> The occupant is causing a nuisance. 1</p> <p>2 <input type="checkbox"/> The occupant is engaging in illegal or other behavior that seriously endangers the safety of others, others' property, or the storage facility's property.</p>

There are 2 reasons why a judicial officer will have an expedited hearing in your case. In the first part of the *Affidavit*, you are checking the box(es) stating your reason(s) for asking for an expedited hearing.

1. Check the first box if the occupant is causing a nuisance.
2. Check the second box if the occupant is doing something illegal, or is behaving in a way that seriously endangers the safety of others, others' property, or the storage facility's property.

NOTE: If you cannot check at least 1 of the 2 boxes, you may want to get legal advice to see if you have adequate reasons for asking for an expedited hearing.

3

The following is my statement of facts that support my request for an expedited hearing in my breach of rental agreement for storage space case:

- Next, give the details that support your request for an expedited hearing. For example, if you checked the first box above, then at #3, you will describe the occupant's behavior and how the occupant is causing a nuisance.

Signature Block

Sign and date the *Affidavit* form, and print your contact information in the blanks under the signature line. When you sign the *Affidavit*, you are signing under *penalty of perjury*. This means you are saying that everything in the form is true and correct; if you know something in the form is not true when you sign it, you could be found guilty of the crime of perjury (see Minn. Stat. § 609.48, <https://www.revisor.mn.gov/statutes/cite/609.48>).

Copies of the *Motion* and *Affidavit*

Make one copy of the *Motion* and one copy of the *Affidavit* for each party, including yourself.

Step 3

File the Forms with Court Administration
Get the *Summons* from Court Administration

In this step, you will be filing the forms (the *Complaint*, and possibly the *Motion* and *Affidavit*) you have created with Court Administration. There will be a filing fee due when you file. You can contact Court Administration (<https://mncourts.gov/Find-Courts.aspx>) to ask what the filing fee is, or you can look online at <https://mncourts.gov/Help-Topics/Court-Fees/District-Court-Fees.aspx>.

Fee Waiver / In Forma Pauperis (IFP)

If you cannot afford to pay the filing fee, you can ask the court to waive it. For more information about this process, including links to the forms you need, see <https://mncourts.gov/Help-Topics/Fee-Waiver-IFP.aspx>.

Ways to File

Ways to File	How to File
At the Courthouse	<ul style="list-style-type: none"> You will need to file the original forms, listed above, with Court Administration in the county where you are filing your case. This can be done either in person at the courthouse or by mail. Addresses for courthouses are online at https://mncourts.gov/Find-Courts.aspx.
Electronic filing through the eFS System	<ul style="list-style-type: none"> If you have an account, or want to create one, with the eFS System, you can file electronically (eFile). See https://www.mncourts.gov/eFile. NOTE: Once you decide to eFile, you must continue to eFile for the entire case. Along with the civil filing fee and costs, there is also a fee of \$5 for using the eFS System everytime you file. If a judicial officer has granted you a fee waiver (IFP), the \$5 fee can be waived.

After you file your forms, Court Administration will issue a *Summons* that will include the hearing date. Both the hearing date, and the date the *Summons* is issued are important dates you will need to know so that you can figure out service deadlines. See Step 4.

Step 4
Serve the Other Party
Get the *Affidavit of Service* (SOP102) from the Server

Service

Since the *Complaint* starts a new case, you cannot be the one to serve the other party. You will need to arrange for the other party to receive the *Summons*, *Complaint* (and, if applicable, the *Motion* and *Affidavit*). This is called “service of process.”

There are three different ways the other party can be served:

- Personal service;
- Service on someone who lives with the other party and is of suitable age; and
- Waiver of service (if the other party waives service).

Each type of service is explained below. For more general information about service of process, go to the “Service of Process” Help Topic at <https://www.mncourts.gov/Help-Topics/Service-of-Process.aspx>.

Personal Service: Someone who is over the age of 18 and not a party to the case must serve the other party; **you cannot serve the papers yourself.** The papers must be served personally (handed to the other party). Service cannot be made on a legal holiday as defined by Minn. Stat. § 645.44, subd. 5 (<https://www.revisor.mn.gov/statutes/cite/645.44#stat.645.44.5>). If you do not have someone that can serve the papers for you, you can contact the Sheriff’s Office in the county where the Defendant lives, or hire a private process server. There is a fee for the Sheriff’s Office to serve the papers. If you cannot afford to pay the service fees from the Sheriff’s Office, you can ask the court for a fee waiver.

Service to Someone Who Lives with the Defendant: The Defendant can be handed a copy of the papers personally **or** a copy of the papers can be handed to a person “of suitable age and discretion” at Defendant’s home if that person lives with the Defendant. Mailing the *Summons* and *Complaint* (and, if applicable, the *Motion* and *Supporting Affidavit*) is **not** personal service.

Waiver of Service:

Generally, the Defendant has a duty to avoid causing you to pay unnecessary costs of serving the *Summons* and *Petition* on them. [Rule 4.05](#) of the Rules of Civil Procedure says that you may ask that the Defendant *waive* service of the *Summons* and *Petition*. To ask the other party to waive personal service of a summons, you must send the other party the following items by first-class mail:

- A copy of the *Summons and Complaint* (and, if applicable, the *Motion* and *Affidavit*);
- CIV022A (**Notice of Lawsuit and Request for Waiver of Service of Summons**);
- Two copies CIV022B (**Waiver of Service of Summons**); and
- A prepaid way (such as a self-addressed, stamped envelope) for the other party to return a signed copy of the *Waiver of Service of Summons* (CIV022B) to you.

Once the Defendant receives these forms, the Defendant may mail the Waiver of Service of Summons back to you in the prepaid envelope that you provided.

Warning: If the Defendant does not sign and return the *Waiver of Service* to you, the papers are not considered served. If that happens, you must serve the Defendant by Personal Service.

Pay close attention to the service deadlines listed below.

Service Deadlines

If you are only serving the *Summons* and *Complaint – Breach of Rental Agreement for Storage Space*, then service must be made at least **7 days before the date of the hearing**.

If you are also serving the *Motion for Expedited Hearing* and *Affidavit in Support of Motion for Expedited Hearing*, then the occupant (Defendant) must be served within **24 hours from when the court issues the Summons** (unless the court orders a different deadline for service).

Proof of Service – Affidavit of Service (SOP102)

You can fill out the **caption** like you did in the other forms. You can also fill out the forms you are having served on the other party (at a minimum, you will list the *Summons and Complaint – Breach of Rental Agreement for Storage Space*; if you are requesting an expedited hearing, then you will also list *Motion for Expedited Hearing*, and *Affidavit in Support of Motion for Expedited Hearing*).

The server will often fill out the rest of the form, which includes the following information:

- Server’s name;
- Server’s date of birth;
- Date of service on the other party;
- Name of the other party;
- Location (street address, city, state) where the service happened.

The server must sign the *Affidavit of Service* under penalty of perjury.

Step 5
File the Proof of Service (*Affidavit of Service*, SOP102) with Court Administration

You will need to file the completed *Affidavit of Service* with court administration. See the “Ways to Serve” section in Step 3 above. Remember, if you filed the forms in Step 3 using eFS, then you must use eFS to file the *Affidavit of Service*.

What to Expect Next...

Read the “Representing Yourself in Court” Help Topic (online at <https://mncourts.gov/Help-Topics/Representing-Yourself-in-Court.aspx>).

Attend the hearing.