

INSTRUCTIONS

Expungement of Eviction Record

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

Helpful materials may be found at your public county law library. For a directory, see <https://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.

Forms You May Need

- *Motion to Expunge Eviction Record and Notice of Hearing* (HOU502);
- *Affidavit in Support of Eviction Expungement* (HOU503);
- *Affidavit of Service* (SOP102, SOP104, or SOP105); and
- *Notice of Hearing* (CIV604); or
- *Request for Mandatory Expungement of an Eviction Case* (HOU505)

The “Expungement of Eviction Record” packet of forms are available online at www.mncourts.gov/forms under the “Housing/Landlord-Tenant” category.

What You Need to Do

1. Collect information about your eviction case. This includes:
 - The county, judicial district number, and the court file number where the eviction was filed.
 - The name and address of the landlord and/or the attorney representing the landlord.

- The address listed in the Eviction Complaint.
 - Details about why you should have your eviction court record expunged.
 - Any evidence or documentation to support your request to have your eviction court record expunged.
2. Read the General Information about Expungement of Eviction Record below to decide which forms are needed for your case.
 3. Fill out and sign the court forms that apply to your case, following all of the steps in these instructions for your forms.

General Information about Expungement of Eviction Record

What is eviction expungement?

See [Minn. Stat. § 484.014](https://revisor.mn.gov/statutes/cite/484.014) (revisor.mn.gov/statutes/cite/484.014).

Eviction expungement asks for a judicial officer to seal an eviction court record (formerly known as unlawful detainer) from public view. If your eviction expungement request is granted, then a search of court records will not show your eviction case.

Why would you ask for an expungement of your eviction court record?

Usually, someone asks for expungement of an eviction court record because it impacts their ability to rent another property. Eviction court records can be viewed by the public, and landlords commonly use tenant screening companies to do background checks on individuals asking to rent their property.

Tenant screening companies sometimes use their own systems to screen applicants. Expunging records from the court's systems does not automatically expunge the case from those private company systems. For more information, [visit LawHelpMN.org's "Tenant Screening" webpage](https://lawhelpmn.org/self-help-library/fact-sheet/tenant-screening) (lawhelpmn.org/self-help-library/fact-sheet/tenant-screening).

Does my eviction case qualify for a mandatory expungement and do I have to file a motion?

Mandatory Expungements that do not require a motion:

Your eviction case may qualify for a mandatory expungement on request and without the need to file a motion under Minn. Stat. § 484.014 subd. 3(a), if:

- (1) The eviction was due to certain contract for deed cancellation or mortgage foreclosure scenarios (see [Minn. Stat. § 484.014](https://revisor.mn.gov/statutes/cite/484.014) and [Minn. Stat. § 504B.285, subd. 1\(1\)](https://revisor.mn.gov/statutes/cite/504B.285) for more details);
- (2) You won the case on the merits;
- (3) The court dismissed the complaint for any reason;
- (4) The parties to the case have agreed to an expungement; or

- (5) Three years have passed since the eviction was ordered.

If your case qualifies for an expungement based on one of the 5 reasons listed above you will use the *Request for Mandatory Expungement of an Eviction Case* (HOU505) to request the expungement. See “Information for Requesting a Mandatory Expungement without a Motion” below for steps on completing the form.

All other requests for an expungement described below require the filing of a motion.

Mandatory Expungements that do require a motion:

Your eviction case may qualify for a mandatory expungement if you file a motion for expungement and:

- The case was filed in violation of Minn. Stat. § 504B.285, subd. 1(b);
- The case was settled and you have completed the terms of the settlement; or
- The case was commenced on the grounds of a violation of section 504B.171 or any other claim of breach regardless of when the original eviction was ordered and:
 - you qualify to receive an automatic expungement under section 609A.055, or
 - the breach was based solely on the possession of marijuana or tetrahydrocannabinols.

If my case does not qualify under any of the grounds explained above, can I still ask the court to expunge my eviction court record?

You can ask for an expungement when it would be unfair to keep it on your record. Minnesota law says expungements are allowed when clearly in the interests of justice and if the public’s interest in knowing about the case is not stronger than the justice that would be accomplished by expunging the case.

Information for Requesting a Mandatory Expungement without a Motion.

1. Fill out the *The Request for Mandatory Expungement of an Eviction Case* with the following information:
 - The county, judicial district number, and the court file number where the eviction was filed (see Step 1 in the motion section below for information on how to fill out the caption).
 - Your full name, date of birth, and address.
 - Details about your eviction case and why your eviction court record qualifies for mandatory expungement without the need to file a motion.
2. Date and sign the form after completing all of the information. Fill in all of the contact information under your signature.
3. Make a copy of your *Request* form to keep for your own records, and file with the court in the county where the eviction case was filed. No filing fee applies to file this document with the court. Skip to Step 7 “How to File” below for instructions on filing either at the courthouse or electronically. The rest of the Instructions are not needed for your request.

Step 1

Fill Out the *Motion to Expunge Eviction Record* (HOU502)

The Caption

The top part of the first page is where you will find the case caption. You will find the information you need to fill out the caption on the documents from your original eviction case. If you do not have any documents from your eviction case, and if you do not know the information, you will need to look in your court file.

- Some limited case records can be viewed online at www.mncourts.gov/mcro.
- If you cannot view your case online, you may be able to view your court file at any courthouse in Minnesota. **NOTE:** If your eviction case is older, you may need to go to the courthouse in the county where your eviction case is located to view the paper record of your court file.

The caption looks like this:

State of Minnesota	District Court
County of: _____	Court File Number: _____
Judicial District: _____	Case Type: _____ Eviction

Plaintiff (Landlord)	
VS	

Defendant (Tenant)	
Motion to Expunge Eviction Record and Notice of Hearing (HOU502)	
Minn. Stat. § 484.014	

Fill in the following information in the caption:

- The **county** where the case is located.
- The **judicial district number**. Each county is in 1 of 10 [judicial districts](http://mncourts.gov/Find-Courts.aspx) (mncourts.gov/Find-Courts.aspx).
- Your **court file number**. This usually starts with a two-digit number, followed by letters and numbers. For example: 88-CV-24-1234.
- Fill in the name of the **plaintiff** (landlord) as listed on the eviction complaint.
- Fill in the name of each **defendant** (tenant) as listed on the eviction complaint.
- **NOTE:** If your name is incorrect or changed in any way, list it the way it is found on the eviction complaint, and then you can add “aka” (Also Known As) and your correct name.

Hearing Information

Leave this section blank for now. You will fill in this section when you reach Step 3 below.

To the Other Parties:

Hearing Information

The hearing in this case is scheduled on:

Date: _____ Time: _____ a.m. / p.m.

NOTE TO ALL PARTIES: Please contact the court at _____
(telephone number) with your current phone number and mailing address in case they
need to notify you of any location or date/time change.

The court has determined the hearing will be:

Remote using Zoom. See the "Remote Hearing Information" Help Topic online at
www.mncourts.gov/Remote-Hearings.aspx. Court Administration will send parties a
Notice of Hearing form that will include the Zoom meeting ID and passcode.

OR

In Person at the courthouse.

Courthouse address: _____

City/State/Zip: _____

The Motion

- A. Fill in your name on the blank line.

Motion

My name is _____ . I ask the Court to:

1. Expunge my eviction case court file.
2. For these additional requests:
 - None, **OR**
 - _____
 - _____
 - _____
3. For any other relief the Court feels is fair and equitable.

I have included the reasons that support my motion in a separate *Affidavit* form.

1. You do not have to fill in anything in #1. You are asking the court to expunge your eviction record.
2. In #2, list any additional requests you would like the court to grant. If you do not have any additional requests, check the box for "none."
3. You do not have to fill in anything at #3.

Acknowledgment Signature Block

Please read the Acknowledgment section carefully.

After you have filled out the *Motion to Expunge Eviction Record* (except for the information about the hearing), you should date and sign the form. Then print your personal contact information below your signature.

Step 2

Fill Out the *Affidavit in Support Eviction Expungement (HOU503)*

The Caption

The top part of the first page is where you will find the case caption. You will find the information you need to fill out the caption on the documents from your original eviction case. If you do not have any documents from your eviction case, and if you do not know the information, you will need to look in your court file.

- Some limited case records can be viewed online at www.mncourts.gov/mcro.
- If you cannot view your case online, you may be able to view your court file at any courthouse in Minnesota. **NOTE:** If your eviction case is older, you may need to go to the courthouse in the county where your eviction case is located to view the paper record of your court file.

Fill in the following information in the caption:

State of Minnesota	District Court
County of: _____	Court File Number: _____
Judicial District: _____	Case Type: <u>Eviction</u>

Plaintiff (Landlord)	
VS	

Defendant (Tenant)	
Affidavit in Support of Eviction Expungement (HOU503) Minn. Stat. § 484.014	

- The **county** where the case is located.
- The **judicial district number**. Each county is in 1 of 10 [judicial districts](http://mncourts.gov/Find-Courts.aspx) (mncourts.gov/Find-Courts.aspx).
- Your **court file number**. This usually starts with a two-digit number, followed by letters and numbers. For example: 88-CV-24-1234.
- Fill in the name of the **plaintiff** (landlord) as listed on the eviction complaint.
- Fill in the name of each **defendant** (tenant) as listed on the eviction complaint.
- **NOTE:** If your name is incorrect or changed in any way, list it the way it is found on the eviction complaint, and then you can add “aka” (Also Known As) and your correct name.

The Statement of Facts

The body of the *Affidavit* is where you write down facts that support your request to expunge your eviction record. This is where you explain why you are asking the court to expunge your eviction court record. Later on, you will sign the *Affidavit* under penalty of perjury. This is like being under oath. It means you should not write anything that you know is not true.

On the first line of the *Affidavit in Support of Eviction Expungement*, list your full name.

Location of Property

My name is _____ . I am asking the court for expungement of my eviction case court file.

Location of Property

1. The Plaintiff filed a case to evict me from the following address:

Address: _____

City, State, Zip: _____

1. List the address that the landlord filed a case to evict you from.

Reasons the Eviction Should Be Expunged

[Minn. Stat. § 484.014](http://revisor.mn.gov/statutes/cite/484.014) includes definitions and describes when an eviction record can be expunged (revisor.mn.gov/statutes/cite/484.014).

Possible reasons for expungement are found in paragraphs #2 through #5. Check all the reasons that apply to your situation.

2. My eviction case court file should be expunged under Minn. Stat. § 484.014, subd. 2, because:

a. It is clearly in the interests of justice to expunge the case. Expunging the case is fair and will help me because:

And

b. The interests of justice are not outweighed by the public's interest in knowing about the eviction record. The reasons I need the expungement are more important than the public knowing about the eviction because:

If you checked #2, you must give a detailed explanation in "a" and "b" above. Do not answer "N/A." Attach more paper if needed (do not write or type in the margins or on the back).

2. You may qualify for a discretionary expungement of your eviction record. If you checked the box at #2, you must prove both of the following:
 - a. the expungement is "clearly in the interest of justice;" **AND**
 - b. the "interests of justice" are not outweighed by the "public's interest in knowing the record."

Be sure to give a detailed explanation for "a" **and** "b." If you fail to provide an explanation for both sections, the judicial officer may deny your request to expunge your eviction record.

- The court needs to know why the expungement is in the interests of justice. Describe why the expungement is important to you and how it will help you. For example, you can explain if you still live at the property the eviction was about or if the eviction was related to a hard time in your life, like job loss, medical problems, or divorce.

- You also need to prove the interests of justice are not outweighed by the public knowing about the eviction. For example, you can explain if the case is old, if you have not had any recent evictions, if you are having trouble finding housing, or why safe, stable and affordable housing is important to you.

3. My eviction case court file should be expunged under Minn. Stat. § 484.014, subd. 3(a)(6), because the eviction action was filed in violation of Minn. Stat. § 504B.285, subd. 1(b) because: _____

3. You can check the box at #3 if:

- The eviction action was filed in violation of Minn. Stat. § 504B.285, subd. 1(b). This statute states a landlord may not start an eviction action against you solely on the basis that you have been the victim of any of the acts listed in Minn. Stat. § 504B.206, subd.1(a).

4. My eviction case court file should be expunged under Minn. Stat. § 484.014, subd. 3(a)(7), because the case settled, and I fulfilled the terms or conditions of the settlement: (explain here) _____

4. You can check the box at #4 if:

- If you and the landlord reached a settlement in the eviction case; **AND**
- You fulfilled all the terms or conditions of the settlement.

If you checked the box at #4, be sure to list the settlement terms or conditions. If you run out of space, add more paper.

5. My eviction case court file should be expunged under Minn. Stat. § 484.014, subd. 3(b), because:

a. The eviction was based on a violation of Minn. Stat. § 504B.171 or another claim of breach, **and** I qualify for an automatic expungement of any related criminal case under Minn. Stat. § 609A.055: (explain here) _____

or

b. The eviction was based on a breach that was based solely on the possession of marijuana or tetrahydrocannabinols: (explain here) _____

5. You can check the box at #5 if the eviction was based on a violation of Minn. Stat. § 504B.171 or another claim of breach, and either a) you qualify for an automatic criminal expungement under Minn. Stat. § 609A.055 (revisor.mn.gov/statutes/cite/609A.055) **or** b) your eviction was based solely on the possession of marijuana or tetrahydrocannabinols. Be sure to explain, in detail, how you qualify.

Supporting Documents (if any)

<p>Supporting Documents (if any)</p> <p>6. I am including the following documents or affidavits, if any, that support my request and show that I met any conditions required by the court for expungement:</p> <p><input type="checkbox"/> None, or</p> <p>_____</p> <p>_____</p>

6. If you have any documents or other evidence to support your request to expunge your eviction record, you should include them with your *Affidavit*. List the evidence you are attaching. You may attach things like a settlement agreement, proof you moved, a letter from the landlord agreeing not to object to expungement, rental application denials, pictures of the repair problems, etc.

If you are not attaching anything, please check the box for “None.”

The Signature Block / Penalty of Perjury

When you sign your *Affidavit in Support of Eviction Expungement*, you are signing under penalty of perjury. Perjury is the crime of intentionally lying or misrepresenting the truth. By signing under penalty of perjury, you are stating that the information in your *Affidavit* is true to the best of your knowledge.

Date and sign the *Affidavit*. Include the county and state you are in when you signed it and list your personal contact information below your signature.

<p style="text-align: center;">Step 3</p> <p style="text-align: center;">Contact Court Administration about a Hearing Date</p>
--

In some districts, you need to schedule the hearing before you file your *Motion for Expungement of Eviction Record*. In other districts, you get a hearing date after you have filed. It is important that you check with your local court administration to see how to schedule a hearing for an eviction expungement motion.

You can find contact information for all county courts on our [Find Your Court](#) page (mncourts.gov/Find-Courts.aspx). Select your county from the dropdown menu and click “GO” or select your county on the map.

If you do not schedule a hearing, the court will not do anything with your motion.

If you are able to schedule a hearing date right away:

Go back to the “Hearing Information” section on the first page of your *Motion to Expunge Eviction Record* (HOU502).

Hearing Information

The hearing in this case is scheduled on:

Date: _____ **1** **Time:** _____ a.m. / p.m.

NOTE TO ALL PARTIES: Please contact the court at _____ **2**
(**telephone number**) with your current phone number and mailing address in case they need to notify you of any location or date/time change.

3 The court has determined the hearing will be:

a **Remote using Zoom.** See the “Remote Hearing Information” Help Topic online at www.mncourts.gov/Remote-Hearings.aspx. Court Administration will send parties a *Notice of Hearing* form that will include the Zoom meeting ID and passcode.

OR

b **In Person** at the courthouse.

Courtthouse address: _____

City/State/Zip: _____

1. Fill in the hearing date and time (and check “a.m.” or “p.m.”).
2. Fill in the telephone number for court administration. You can find the number online at <https://mncourts.gov/Find-Courts.aspx>.
3. Court administration will tell you whether the hearing will be held remotely (virtually) or in person.

NOTE: There is a Minnesota Judicial Branch policy that describes the framework for presumed hearing locations (remote, in-person, and hybrid). You can find more information online at <https://www.mncourts.gov/Non-Criminal-Hearing-Appearance.aspx>.

- a. Check the box for “Remote using Zoom” if court administration tells you that the hearing will be a remote hearing.
- b. Check the box for “In Person at the courthouse” if court administration tells you that the hearing will be in person. Then list the courthouse location (including the street address, city, state, and zip code).

If your county schedules the hearing after you file:

1. You can fill in “To Be Determined” in the “Hearing Information” section of your *Motion to Expunge Eviction Record* (HOU502).
2. Fill in the the telephone number for court administration. You can find the number online at <https://mncourts.gov/Find-Courts.aspx>.

Hearing Information	
The hearing in this case is scheduled on:	
Date: <u>To Be Determined</u> ¹	Time: _____ <input type="checkbox"/> a.m. / <input type="checkbox"/> p.m.
NOTE TO ALL PARTIES: Please contact the court at _____ ² (telephone number) with your current phone number and mailing address in case they need to notify you of any location or date/time change.	
The court has determined the hearing will be:	
<div style="border: 1px solid red; padding: 2px; display: inline-block;"> Leave this section blank. </div>	<input type="checkbox"/> Remote using Zoom. See the “Remote Hearing Information” Help Topic online at www.mncourts.gov/Remote-Hearings.aspx . Court Administration will send parties a <i>Notice of Hearing</i> form that will include the Zoom meeting ID and passcode.
	OR <input type="checkbox"/> In Person at the courthouse. Courthouse address: _____ City/State/Zip: _____

Later on, once you have a hearing date, you will need to fill out the *Notice of Hearing* form (CIV604) and serve that form on the landlord (See Step 8 below).

Step 4

Make Copies

Make a copy of your *Motion to Expunge Eviction Record*, the *Affidavit in Support of Eviction Expungement*, and any attachments for each party, including yourself. Be sure to bring your copy with you to court when you appear for the hearing.

Step 5

Serve Notice on the Other Party

You must send the other parties notice of the hearing and complete copies of all documents you have prepared for the eviction expungement hearing. This is called “service of process.” If there is more than one plaintiff or more than one defendant, please note that ALL of the other parties must be served.

The papers can be served personally (handed to the other party) or by mail. If the documents are personally served, you must have them personally served at least 21 days before the hearing. If papers are served by mail, Court Rules require adding 3 days, so that papers must be postmarked at least 24 days before the hearing.

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>).

Who Can Serve

The forms you have prepared can be served by any of the following:

- The sheriff;
- Another adult; or
- You.

Personal Service

At least 21 days before the hearing date, the server hands to the other party one copy of the completed *Motion to Expunge Eviction Record*, and one copy of your *Affidavit in Support of Eviction Expungement*, including one copy of any and all attachments.

Example: If the hearing date is January 30, the papers must be served on or before January 9. If January 9 is a Saturday, Sunday, or legal holiday, keep counting backwards to the next day that is not a Saturday, Sunday, or legal holiday to determine the service deadline.

Service by Mail

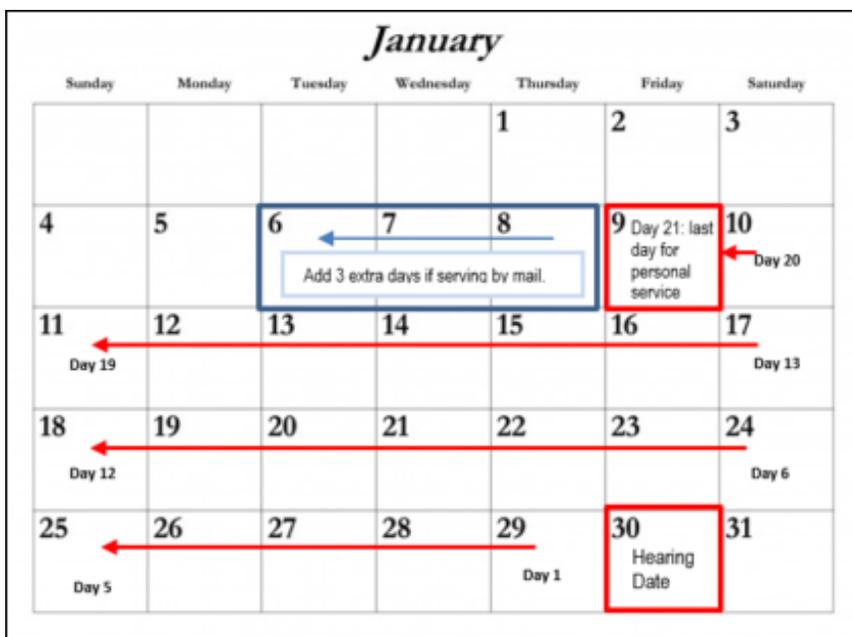
The server places one copy of the completed *Motion to Expunge Eviction Record*, and one copy of your *Affidavit in Support of Eviction Expungement*, including one copy of any and all attachments, in an envelope.

The server must mail the envelope containing the forms to the other party by first class U.S. mail at least 24 days before the hearing date.

Example: If the hearing is January 30, the papers must be postmarked no later than January 6. If January 6 is a Saturday, Sunday, or legal holiday, keep counting backwards to the next day that is not a Saturday, Sunday, or legal holiday to determine the service deadline.

Remember, for the deadline, count backwards from the hearing date. The day before the hearing date is Day 1 when counting backwards.

Warning: If your forms are not personally served on the other party at least 21 days before the hearing OR mailed to the other party at least 24 days before the hearing date, your Motion may NOT be heard by the court.



Step 6

Affidavit of Service

After the papers are served on the other party (not before), either personally or by mail, the server must fill out an Affidavit of Service form. This form is proof for the court that the papers were served on the other party.

For more information about the *Affidavit of Service*, see the ["Service of Process" Help Topic](https://mncourts.gov/Help-Topics/Service-of-Process.aspx) (mncourts.gov/Help-Topics/Service-of-Process.aspx).

Step 7

File with Court Administration

You will need to file the following forms with Court Administration at least 21 days before the hearing:

- *Motion to Expunge Eviction Record* (HOU502);
- *Affidavit in Support of Eviction Expungement* (HOU503);
- Attachments, if any; and
- *Affidavit of Service* (SOP102, SOP104, or SOP105) (one *Affidavit of Service* for each party other than yourself).

Fee

There will be a fee due when you file your paperwork. Visit www.mncourts.gov/fees to find the fees online. Click on District Court Fees, then choose your county in the drop-down menu. The Fee Category will be "Civil Action or Proceeding."

If you cannot afford to pay the fee, you can ask for a fee waiver by completing the forms packet titled [Fee Waiver](https://mncourts.gov/GetForms.aspx?c=19&p=69) (mncourts.gov/GetForms.aspx?c=19&p=69). If a judicial officer does not grant your fee waiver, you will need to pay the fee to move forward.

How to File

At the Courthouse

- 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>. Use the drop-down menu or map to find your county.

Electronic Filing through eFS System

- The eFS System allows you to eFile your forms. Information on eFiling is on the MN Judicial Branch website at <https://www.mncourts.gov/eFile>.
- Once you choose to eFile, you must eFile for the rest of the case. See [Minn. Gen. R. Prac. 14.01\(b\)\(5\)\(i\)](#) (revisor.mn.gov/court_rules/gp/id/14/).

Step 8

Notice of Hearing (CIV604)

If you filed your *Motion to Expunge Eviction Record and Affidavit in Support of Eviction Expungement* without a hearing date, then you need to use the *Notice of Hearing* form (CIV604) to let the other party know when the hearing date is scheduled.

If you use the *Notice of Hearing* form, follow these instructions to fill it out:

1. Fill out the caption like you did for the *Notice of Motion and Motion for Expungement of Eviction Record*.
2. After the word “TO,” write the name and address of the landlord or the landlord’s attorney if the landlord is represented in the eviction case.
3. Fill in the details of the hearing (date, time, location, name of judicial officer).
4. Fill in the date that you **filed** the original *Motion to Expunge Eviction Record*. If you do not remember the date, you may be able to look it up online at www.mncourts.gov/mcro.
5. Date and sign the form, then print the requested information.
6. Make one copy of this *Notice of Hearing (CIV604)* form for each party (including for yourself).
7. Arrange to serve a copy of the *Notice of Hearing* form on the other party like you did with the *Motion to Expunge Eviction Record*. See [Step 5](#) above.
8. File the *Notice of Hearing* form (CIV604) and the second *Affidavit of Service* form (for the other party or other party’s attorney, if represented) with court administration.

Step 9

Prepare for Court and Attend Your Hearing

To prepare for your hearing, it is a good idea to look at the court rules that apply to civil cases. You can find links to these rules in the [“Civil Actions” Help Topic](http://mncourts.gov/Help-Topics/Civil-Actions.aspx) online (mncourts.gov/Help-Topics/Civil-Actions.aspx). You could also visit a [law library](http://mncourts.gov/Help-Topics/Law-Libraries.aspx) to read the court rules (mncourts.gov/Help-Topics/Law-Libraries.aspx).

It is important to be on time for your hearing. If you are even a few minutes late, the judicial officer may dismiss your motion.

Bring copies of the paperwork with you to the hearing. If you are unsure how to prepare for the hearing, or what evidence you should bring, you should [get legal advice](#) before your court date (mncourts.gov/Help-Topics/Find-a-Lawyer.aspx).