

### Who may file:

- Property owner;
- Owner represented by an attorney who will file;
- Owner represented by someone who will file;
- Person entitled to possession of the property;
- Owner represented by a designated agent with a **Power of Authority**. **NOTE:** Agents may not conduct a jury trial or appeal in the Appellate or Supreme Court.

### Possible reasons for filing an eviction:

- Non-payment of rent (most common)
- Not moving after receiving proper notice or after lease has expired
- Cancellation of a "contract for deed"
- Mortgage foreclosure
- Lease violation - including drug related

### Required notice of landlord's contact information:

The law in **Minn. Stat. § 504B.181** requires that a landlord inform the tenant in writing about the following information, and post the information in a noticeable place in the building:

- Name, address of the authorized manager of the building;
- Name, address of the owner of the building or the authorized agent who collects rent and is responsible for notices and demands;
- Statement of your compliance with this law on the complaint form.

The landlord must comply with the law or the eviction complaint may be dismissed unless you can prove that the tenant has known about the information for at least 30 days before you filed the complaint.

### Complete the forms:

- Follow the **Eviction Complaint Instructions**.
- List the approximate date the tenant signed the lease or occupied the property.
- List the complete address of the property, including any identifying information.
- List the length and terms of the lease or if the lease is "month-to-month."
- Identify the owner of the property and the legal relationship to the person signing the complaint.
- Indicate that you have followed the law of **Minn. Stat. § 504B.181**.
- Give your reason(s) for wanting the tenant evicted.

### Procedures:

- File **original complaint** document on floor C-3 of the Hennepin County Government Center.
- If a written lease is involved, attach a **copy of the lease** to the complaint.
- Pay the **filing fee** (check made to: **District Court Administrator**).

### Summons:

A summons is a legal, written notice informing the defendant (tenant) that a court action has been started and that the claim will be heard on a specific day. It also states that if the defendant disagrees with the action or wants to tell a different side of the story, s/he must appear in court at that time. After the complaint has been processed, the court prepares a summons. The Court then gives a copy of the summons and the complaints to the person (plaintiff) who files the complaint.

### Service of Process:

- The plaintiff may **not** serve the summons.
- Service of the summons must be completed at least seven **(7) days before** the hearing date.
- A summons **may not** be served on legal holidays.
- An affidavit of service must be filed with the court three **(3) business days before** the court date.

### How to serve the Summons:

- **Personal Service:** Another adult who is not a party to the case may hand the summons directly to the defendant at least seven days before the court date.
- **Substitute Service:** Another adult who is not a party to the case may deliver the summons by leaving a copy of the summons with another responsible person who lives with the defendant. This person is then responsible for delivering the summons to the defendant.
- **Mailing and Posting:** Posting is used as a form of service when the defendant(s) cannot be found and if personal or substitute service has been attempted at least twice on different days with at least one of the attempts having been made between the hours of 6:00 p.m. and 10:00 p.m.

### All of the following steps must be completed at least seven (7) days before the hearing:

- The plaintiff or plaintiff's attorney mails a copy of the Summons and Complaint to the defendant's last known address.
- Process server has made at least two (2) attempts at service at the premises. Attempts must be on different days, with one attempt between 6:00 p.m. and 10:00 p.m.

- Process server completes notarized Affidavit of Not Found.
- Plaintiff or plaintiff's attorney completes notarized Affidavit of Plaintiff (states defendant can not be found)
- Plaintiff or plaintiff's attorney at law who mailed the Summons completes notarized Affidavit of Mailing.
- The Affidavit of Not Found, Affidavit of Plaintiff, and the Affidavit of Mailing are filed with the Court

**After these steps are completed and the affidavits are filed, then:**

- The Process Server "**posts**" the Summons and Complaint in an easy to notice place on the premises (rental property). This must occur at least seven **(7) days before** the hearing.
- Process server must complete an **Affidavit of Service by Posting**, and file it with the court at least three **(3) working days before** the hearing.

○ **Eviction Hearing in Housing Court**

Housing Court eviction hearing are held at the Hennepin County Government Center, **Floor C-3**, 300 South 6th Street, Minneapolis, MN. A hearing date is assigned at the time of filing the complaint, and the hearing is held within 14 days of the date that the summons is issued. **Need an interpreter?** If you need interpreter services at the hearing, call the court right away (612) 348-6000<sup>Ⓢ</sup>. The court generally needs 48 hours notice to provide an interpreter.

If the landlord wins the case, the court will issue a **Writ of Recovery and Order to Vacate**, which is a legal notice ordering the defendant (tenant) to move from the property described in the eviction complaint. The landlord (or agent) may pick up the writ at the Housing Court on floor C-3 of the Hennepin County Government Center and pay the **writ fee**. The writ must be given to the **sheriff's office** to be served on the defendant. If the sheriff cannot serve the writ notice personally, they may post it in a visible location on the property described in the complaint. The **tenant has 24 hours** to move from the property. If the tenant disobeys the notice, the landlord may contact the sheriff at **(612) 348-6759**<sup>Ⓢ</sup>.

You can learn more about the process on the sheriff's **Civil Process Services** webpage. While on the page, expand "unlawful detainer and writ of recovery" for more detailed information.

**How to Recover Unpaid Rent**

Claims for rent and other money that total less than \$15,000.00 may be recovered by filing a case in **Conciliation Court**. Claims over \$15,000 must be filed in **Civil Court**.