

INSTRUCTIONS

Service for Conciliation Court

You received this notice because the amount of your claim is greater than \$2,500. It is your responsibility to search each Defendant with the Statement of Claim and Conciliation Court Summons.

Forms You May Need:

- *Conciliation Court Summons*
- *Statement of Claim (CCT102)*
- *Conciliation Court Affidavit of Service (CCT103)*

1. How do I serve a Defendant Who Lives in Minnesota?

- Certified Mail, or
- Personal Service

Steps to Serve the Papers by Certified Mail:

- You can serve the papers yourself.
- Go to the post office. Send the papers to Defendant by certified mail.
- What is certified mail?
 - Certified mail gives the sender a mailing receipt and you can also request electronic verification that an item was delivered or that a delivery attempt was made.
- After you pay for the certified mail, you will get a white and green mailing receipt (see first image below.) Keep the receipt with your records.
- You have the option of purchasing Return Receipt Service at the time of mailing. When the Defendant picks up the certified mail, they will sign a “return receipt green card.” It is proof of delivery to the Defendant. You can get the return receipt by mail (see second image below) or email (Electronic Return Receipt).



- After the mailing is done, fill out the *Conciliation Court Affidavit of Service*.
- File the *Affidavit of Service* with Court Administration.

How Do You Prove Service by Certified Mail?

- The *Conciliation Court Affidavit of Service* is proof that you served the Defendant. You must always file the *Affidavit of Service* with Court Administration.
- Do you need to file the certified mail receipt and/or the return receipt green card?
 - It depends.
 - Some judges prefer additional proof the Defendant was served and may require the certified mail receipt and/or the return receipt green card. These judges prefer that you file the receipts with Court Administration before your hearing.
 - Other judges do not ask for additional proof of service.
- Until you go to your hearing, you won't know if the judge wants these receipts or not.
- If you file the receipts before your hearing, there is a better chance that the judge won't continue the hearing if the Defendant does not appear.

Steps for serving the papers personally:

- You cannot personally serve the Defendant yourself. You must find someone else to serve the Defendant.
- Options for service:
 - The sheriff (for a fee),
 - A private process server (for a fee) or
 - A third party (who is at least 18 years of age).
- Once service is done, make sure the sheriff/process server/third party gives you the *Affidavit of Service*.
- File the *Affidavit of Service* with Court Administration.

2. How do I serve a Defendant who does not live in Minnesota?

- Personal service is required. See the steps above for serving the papers personally.

3. Complete service and file the *Affidavit of Service*

- Within **60 days** of the date the summons is issued AND at least **14 days** before the hearing:
 - The papers must be served on the Defendant, and
 - You must file the *Affidavit of Service* with court administration.
- To figure out the date the summons was issued, look at your *Conciliation Court Summons*.
- Count 60 days from the issued date.
 - Example: *Conciliation Court Summons* was issued on January 3, 2020.
 - 60 days from January 3, 2020 would be March 3, 2020.

4. Unable to Serve the Defendant?

- Before the court date, ask Court Administration for a continuance to give you more time to serve. Contact Court Administration to see if they require the continuance request to be in writing.
- You will get a new *Conciliation Court Summons* with a new hearing date.