

State of Minnesota

Conciliation Court

County of: _____	Judicial District: _____
	Court File Number: _____
	Case Type: Conciliation

STATEMENT OF CLAIM AND SUMMONS

Plaintiff #1

Name:
Address:
City/State/Zip

Plaintiff #2

Name:
Address:
City/State/Zip:

Defendant #1

Name:
Address:
City/State/Zip:

Defendant #2

Name:
Address:
City/State/Zip

☐ Check box if there are more than two plaintiffs or more than two defendants. List the information for the other parties on the *Additional Litigants Form*, CCT702.

PLAINTIFF'S STATEMENT OF CLAIM

1. I am filing this claim against Defendant for: *(check all that apply)*

☐ The Defendant owes me \$ _____, plus filing fees and costs in the amount of \$ _____, so my total claim is for \$ _____ (amount Defendant owes plus filing fees and costs). I have a claim for this amount because in _____ (month and year), the following happened (briefly describe):

☐ The Defendant has the following property that belongs to me (list property):

--

My property is valued at \$ _____. The filing fees and costs for this case are \$ _____. I want the court to order this property returned to me or make the Defendant pay me \$ _____ (property's value plus the filing fees and costs).

2. I believe the person I am suing is at least 18 years old.

Defendant #1 date of birth: _____ / ☐ Unknown.

Defendant #2 date of birth: _____ / ☐ Unknown.

If a defendant is a business, leave this section blank for that defendant.

3. About military service:

Defendant #1 is ☐ in the military service / ☐ is not in the military service ☐ Unknown.

Defendant #2 is ☐ in the military service / ☐ is not in the military service ☐ Unknown.

If a defendant is a business, leave this section blank for that defendant.

4. I understand that if I do not come to court on my hearing date, my case may be dismissed and I may have to pay money to the Defendant on any counterclaim that has been filed.

I declare under penalty of perjury that everything that I have stated in this document is true and correct. Minn. Stat. § 358.116.

Important! Each plaintiff must sign the *Statement of Claim and Summons* form and include the date signed, the name of the state and county where signed, and provide the following information: title, if any, telephone number, and e-mail address.

Dated: _____

County and State where signed

Signature

Name:

Address:

City/State/Zip:

Telephone:

E-mail address:

SUMMONS: IMPORTANT NOTICE TO THE PARTIES

You are summoned to appear at the hearing of the above-entitled case. See the attached Notice of Hearing for time and location. If not attached, call Conciliation Court in _____ County.

If the defendant does not appear at the hearing, the plaintiff may win this case by default, which means the plaintiff could be awarded a money judgment against the defendant. The judgment could include the amount the plaintiff requested in the Statement of Claim as well as other fees and costs approved by a judicial officer.

If the plaintiff does not appear at the hearing, this case may be dismissed. If the defendant has filed a counterclaim, then a default judgment could be entered against the plaintiff.

The Defendant may bring a counterclaim against the Plaintiff. A counterclaim must be filed at least five days before the Conciliation Court hearing. For forms, instructions, and more information, see *Information About Conciliation Court* (court form CCT101) on the court's website starting at www.mncourts.gov/forms.

NOTICE OF SETTLEMENT

The above-entitled case has been settled, and is dismissed with my consent.

Important! Each plaintiff who has settled the case must sign and date this "Notice of Settlement" section.

Dated: _____
Signature _____

State of Minnesota

Conciliation Court

County

Judicial District:	
Court File Number:	
Case Type:	Conciliation

Plaintiff

vs.

Defendant

**Conciliation Court
Affidavit of Service**

_____ states the following:

Check and complete one of the following:

1. ☐ **[Service by Mail]**

☐ I am over eighteen years of age **or**

☐ I am over eighteen years of age and not a party to the action. *[Note: A party may generally not serve process, but is allowed to serve a Conciliation Court Summons by Certified Mail and a Demand for Removal/Limited Removal by First Class Mail.]*

On the _____ day of _____, 20____, I served the

☐ Summons

☐ Demand For Limited Removal

☐ Other Document _____(specify)

upon _____, (plaintiff/defendant or attorney
for _____), by placing a true and correct copy of it
in an envelope addressed as follows:

which is the last known address of said party or attorney and depositing it,

☐ first-class postage or } **specify one or both**

☐ Certified Mail, postage prepaid },

in the United States mail.

2. ☐ **[Personal Service]** I am over eighteen years of age and not a party in the
above-entitled action. I served a copy of the

☐ Summons

☐ Demand For Limited Removal

☐ Other Document _____(specify)

upon _____, (title) _____,

by delivering a copy personally to him/her at _____

at _____ am/pm, on _____, 20__.

3. ☐ **[Service not completed; party not found.]**

I am over eighteen years of age.

After diligent search and inquiry, I was unable to locate _____
_____(name of party to be served), or any residence
or business address for him/her at which service could be attempted.

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116.

Dated: _____

Signature of Server

County and State where signed

Name: _____

Address: _____

City/State/Zip: _____

E-mail: _____

Telephone: _____

County _____

Judicial District:	_____
Court File Number:	_____
Case Type:	_____

VS.

Defendant.

, states the following:

1. I am a natural person and a party in the above-entitled action.
2. I have reviewed the Federal Poverty Guidelines and do not have the ability to pay the conciliation court filing fee.
3. I understand that if the court finds in my favor on my claim or counterclaim, the amount of the fees which I would have had to pay to file this claim or counterclaim, must be included in the order for judgment and paid to the administrator of conciliation court by me out of any money recovered by me on the judgment.

By signing this Affidavit, I am certifying that these statements are true under penalty of perjury. I understand that if I provide false information on the Affidavit it may lead to criminal charges. I am authorizing that the facts contained in this Affidavit may be verified by any means required.

Dated:

Signature

Name: _____

Address: _____

City / State / Zip: _____

E-mail address:

Telephone: _____

INSTRUCTIONS

Conciliation Court

Statement of Claim and Summons

Forms you may need for your Conciliation Court case:

- Statement of Claim and Summons (CCT102);
- Conciliation Court Affidavit of Service (CCT103);
- Additional Litigants Form (CCT702);
- Power of Attorney for Conciliation Court (CCT701) – only if you are representing a business;
- Affidavit of Inability to Pay Conciliation Court Fees (CCT104) – not for businesses

What You Need to Do

1. Complete the court forms, following all of the steps in these instructions.
2. File your forms (electronically or at the courthouse), and pay the Conciliation Court filing fee (or ask for a fee waiver if you cannot afford to pay the fee).
3. If your claim is over \$2500, serve Defendant with a copy of your Statement of Claim and Summons form.
4. Appear at the hearing. Each “step” here is described in more detail below.

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.

Got a question about court forms or instructions?

- Visit www.MNCourts.gov/SelfHelp
- Call the MN Courts 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 <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 651-296-2775.

General Information About Conciliation Court

The information contained in this document is not intended as legal advice but as a general guide to you to explain the legal process. **If you do not understand any of these procedures, talk to an attorney. Court staff cannot give legal advice.**

What is conciliation court?

Minnesota statute 491A.01 created conciliation court - also called small claims court. This court allows people to bring their legal claims to court without expensive costs or complicated legal procedures.

Do you have a claim to file in conciliation court?

You can file a claim in conciliation court for an amount up to \$15,000.00, or \$4,000.00 if the claim involves a consumer credit transaction. This is the limit set by law. You cannot file a claim involving title to real estate, libel, slander, class actions or medical malpractice in conciliation court.

Conciliation court will not accept a claim that goes over the dollar limits. If you reduce your claim to the limit of conciliation court, you cannot claim more later. Getting a judgment in conciliation court may prevent you from bringing any other claims based on the same event.

Getting a judgment in conciliation court does not guarantee payment. As you try to collect the judgment, you will have out of pocket expenses for filing fees, transcription costs and other costs of collecting a judgment.

Note: Only a business or government entity may be represented in conciliation court by a nonlawyer. A power of attorney does not authorize a nonlawyer to file a claim, appear, or in any other way “represent” a natural person in conciliation court.

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

The *Statement of Claim and Summons* form (CCT102) asks for the following information:

- For each plaintiff: name, address, phone number, e-mail address, and date of birth (if a plaintiff is a business, then you will need the business name, address, phone number and e-mail address);
- For each defendant: name, address, phone number, e-mail address, and date of birth if known (if a defendant is a business, then you will need the business name, address, phone number and e-mail address);
- Details about your claim (including amount and approximate date);
- The county and judicial district number where case will be filed.

Step 1

Fill Out *Statement of Claim and Summons* (CCT102)

State of Minnesota		Conciliation Court		A
County <div style="text-align: center; font-size: 1.5em;">1</div>	Judicial District: <div style="float: right; font-size: 1.5em;">2</div> Court File Number: <div style="float: right; border-bottom: 1px solid black; padding-bottom: 2px;"><i>Leave blank for now</i></div> Case Type: <div style="float: right; font-size: 1.5em;">3</div>			
<h2 style="margin: 0;">STATEMENT OF CLAIM AND SUMMONS</h2>				
Plaintiff #1 Name Address City/State/Zip		Plaintiff #2 Name Address City/State/Zip		
Defendant #1 Name Address City/State/Zip		vs	Defendant #2 Name Address City/State/Zip	

Section A – The “Caption”

- List the county where you will be filing your Conciliation Court 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.

The general rule is that you must file your Statement of Claim and Summons in the county where the defendant lives. There are exceptions, though:

- You may sue for a bounced check in the county where the check was issued.
- You may make a claim for unpaid rent or return of a security deposit in the county where the rental property is located.
- You may sue corporations in the county where their business office or branch office is located.

2. 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>.
3. For the *case type*, list *Conciliation*.
4. As the person or business suing (bringing the claim), you are the **Plaintiff**. List your full name and address. If there is more than one plaintiff, then you will be *Plaintiff # 1*. The next plaintiff will be *Plaintiff # 2*.

This form has room for only two plaintiffs. If there are more than two, you will have to use *Additional Litigants Form* (CCT702). The *Additional Litigants Form* will allow you to include up to four plaintiffs. If you have more than four plaintiffs, please check with Court Administration in the county where you will be filing your claim.

5. The person or business being sued is the **Defendant**. If there is more than one defendant, then the first one listed will be *Defendant # 1*. The second person or business being sued will be *Defendant # 2*. For each defendant, please list the full name and address.

This form has room for only two defendants. If there are more than two, you will have to use *Additional Litigants Form* (CCT702). The *Additional Litigants Form* will allow you to include up to four defendants. If you have more than four defendants, please check with Court Administration in the county where you will be filing your claim.

B

1. I am filing this claim against Defendant for: (*check all that apply*)

☐ **6** The Defendant owes me \$ 7, plus fees and costs in the amount of \$ 8, so my total claim is for \$ 9 (amount Defendant owes plus filing fees and costs). I have a claim for this amount because in 10 (month and year), the following happened (briefly describe):
11

☐ **12** The Defendant has the following property that belongs to me (list property): 13.

My property is valued at \$ 14. The filing fees and costs for this case are \$ 15. I want the court to order this property returned to me or make the Defendant pay me \$ 16 (property's value plus the filing fees and costs).

Section B – Details About Your Claim

In Conciliation Court, you can sue another person or business because they owe you money or because they have property that belongs to you.

6. Check this box if Defendant owes you money.
7. List the amount of money Defendant owes you. Please see the section on page 2 titled *“Do you have a claim to file in conciliation court?”* to read about Conciliation Court limits.
8. In this blank, you will need to figure out the filing fees (and allowable costs, if any).

Conciliation Court filing fee: You will need the Conciliation Court filing fee for the county you listed in # 1. You can find the filing fees online starting at <http://mncourts.gov/Help-Topics/Court-Fees.aspx>, or you can ask Court Administration.

Costs: Sometimes there are additional costs; for example, if you file electronically, there is a cost of \$5.00 to do so.

If you are not sure if you have costs that are allowed to be included, please talk to an attorney for legal advice.

9. Add the amount you listed in # 7 to the amount listed in # 8. This is the total amount of your claim.

For the next two items, think about why Defendant owes you money. What happened? When did it happen?

10. List the month and year (for example, 10/2016) that something happened that made Defendant owe you money.
11. Describe what happened. Why does Defendant owe you money? Be brief and include important details (but do not list sensitive personal information like bank account numbers).
12. Check this box if Defendant has property that belongs to you, and you want to ask the Court to order Defendant to return the property.
13. List your property that Defendant has.
14. What is the value of your property? Please read the section on page 2 titled *“Do you have a claim to file in conciliation court?”* to read about Conciliation Court limits.
15. In this blank, you will need to figure out the filing fees (and allowable costs, if any).

Conciliation Court filing fee: You will need the Conciliation Court filing fee for the county you listed in # 1. You can find the filing fees online starting at <http://mncourts.gov/Help-Topics/Court-Fees.aspx>, or you can ask Court Administration.

Costs: Sometimes there are additional costs; for example, if you file electronically, there is a cost of \$5.00 to do so.

If you are not sure if you have costs that are allowed to be included, please talk to an attorney for legal advice.

16. Add the amount you listed in # 14 to the amount listed in # 15. This is the total amount of your claim (the amount you are asking Defendant pay you if Defendant does not return your property).

C

2. I believe the person I am suing is at least 18 years old.

Defendant #1 date of birth: ____/____/____ ☐ Unknown; Defendant #2 date of birth: ____/____/____ ☐ Unknown. **17**

If a defendant is a business, leave this section blank for that defendant.

3. About military service: **18**

Defendant # 1 ☐ is in the military service / ☐ is not in the military service / ☐ Unknown

Defendant # 2 ☐ is in the military service / ☐ is not in the military service / ☐ Unknown

If a defendant is a business, leave this section blank for that defendant.

4. I understand that if I do not come to court on my hearing date, my case may be dismissed **19** and I may have to pay money to Defendant on any counterclaim that has been filed.

Section C – Information About Defendant, Statement About Appearing

The next two items only apply if you are suing a person (not a business).

17. List each defendant's date of birth (or check "unknown"). If a defendant is a business, leave this section blank for that defendant.
18. Check the box stating whether each defendant is or is not in the military service (or check "unknown"). If a defendant is in the military service, special laws may apply. If you have questions about this, talk with an attorney for legal advice before signing the

Statement of Claim and Summons. If a defendant is a business, leave this section blank for that defendant.

19. This item (paragraph 4) is your statement to the court and to the other party about appearing at the Conciliation Court hearing. If you do not go to the hearing, your case can be dismissed, and you may have to pay money to Defendant if a counterclaim has been filed.

Step 2

Sign the *Statement of Claim and Summons* (CCT102)

Sign the *Statement of Claim and Summons* form, and print your phone number, date of birth, and e-mail address in the blanks under the signature line. When you sign the *Statement of Claim and Summons* (CCT102), 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/?id=609.48>).

Are you representing a business? If yes, then be sure to attach the *Power of Attorney for Conciliation Court* (CCT701) to your *Statement of Claim and Summons* (CCT102).

The *Power of Attorney for Conciliation Court* is a form that an officer of the business entity (corporation, partnership, sole proprietorship, association) signs to give you authority to act on behalf of the business in conciliation court.

Is there more than one plaintiff? If yes, then you are Plaintiff # 1. The next plaintiff is Plaintiff # 2, and so on. If you have more than two plaintiffs (or more than two defendants), you will need to fill out CCT702, the *Additional Litigants Form*. If you have more than four plaintiffs or more than four defendants, please check with Court Administration. Each plaintiff must sign the *Statement of Claim and Summons*. **Each plaintiff must sign the *Statement of Claim and Summons*.**

Step 3

File Original Forms with Court Administration and Pay Filing Fee

You will need to file the original *Statement of Claim and Summons* (CCT102) with Court Administration. You may also need to file the *Additional Litigants Form* (CCT702) and the *Power of Attorney for Conciliation Court* (CCT701), depending on your situation.

When you file the original forms with Court Administration, there will be a filing fee of at least \$65 (in some counties, there is an additional amount for the law library fee). You can find the filing fees for your county online starting at <http://mncourts.gov/Help-Topics/Court-Fees.aspx>.

If you are a person (not a business) and cannot afford to pay the filing fee, please fill out the *Affidavit of Inability to Pay Conciliation Court Fee* (CCT104) and file it when you file the other Conciliation Court papers. CCT104 is available online at <http://mncourts.gov/GetForms.aspx?c=10&f=173>.

Step 4

**Serve Each Defendant
(if claim is over \$2500, or if Court Administration
tells you it is required)**

Rule 508(d) of the Minnesota General Rules of Practice describes how each defendant should be served with the *Statement of Claim and Summons*.

If Defendant's address is within the county you're filing in, and if your claim is less than \$2500, then the Court Administrator will try to serve Defendant.

If your claim is for more than \$2500, then you must serve Defendant by certified mail, and you must file proof of service with Court Administration within 60 days of when the Summons was issued.

- Fill out *Conciliation Court Affidavit of Service* (CCT103) after serving Defendant to prove service. CCT103 is available online at <http://mncourts.gov/GetForms.aspx?c=10&f=172>.

If a defendant does not live in Minnesota, you may be required to serve that defendant. Please check with Court Administration if you have any questions about serving a defendant in Conciliation Court.

Step 5

Prepare for Your Hearing, then Appear at the Hearing

Conciliation Court hearings are informal, but you must be prepared to present your case. If a witness does not want to appear, you can ask Court Administration for a subpoena to compel them to appear. There is a fee for each subpoena. Written statements and affidavits of people who do not appear in court have very little value, and the judge may not accept them as evidence.

You should also **bring all other relevant evidence** to court such as receipts, repair bills, estimates, and other items to help prove your claim. If a defendant or some other person has documents relating to your claim that they will not give to you, you can get a subpoena to require the person to give you the documents.

Before you go to court, **prepare a list of facts you want to present**. Organize your presentation as clearly and completely as possible so you will not forget important facts and details.

There is a 10-minute video on the MN Judicial Branch website called “How to Handle a Conciliation Court Hearing.” You can watch that video to get tips on how to prepare for your Conciliation Court hearing. See

<http://www.mncourts.gov/documents/50/Public/videos/Conciliation%20Court%20Hearing/conciliationvideo.htm> .

What happens if you do not appear for the hearing?

All parties must appear at the hearing. If you do not appear at the hearing, the judge may dismiss your claim or award a "default" judgment against you on any counterclaims.

For more information about Conciliation Court, please look at the “Conciliation Court” Help Topic online starting at <http://mncourts.gov/Help-Topics/Conciliation-Court.aspx> .

Information about Conciliation Court

The information contained in this document is not intended as legal advice but as a general guide to you to explain the legal process. **If you do not understand** any of these procedures, consult an attorney. **This office cannot give legal advice.**

What is conciliation court?

Minnesota statute 491A.01 created the conciliation court - also called small claims court. This court allows citizens to bring their legal claims to court without expensive costs or complicated legal procedures.

Do you have a claim to file in conciliation court?

You can file a claim in conciliation court for an amount up to \$15,000.00, or \$4,000.00 if the claim involves a consumer credit transaction. This is the limit set by law. You cannot file a claim involving title to real estate, libel, slander, class actions or medical malpractice in conciliation court.

Conciliation court will not accept a claim that exceeds the dollar limits as set forth above. If you reduce your claim to the limit of conciliation court, you cannot claim more later. This rule may apply to any other claims related to the same incident. Obtaining a judgment in conciliation court may prevent you from bringing any other claims based on the same transaction or occurrence.

In deciding whether to file your claim, be aware that obtaining a judgment in conciliation court does not guarantee payment. As you attempt to collect the judgment, you will have out of pocket expenses for filing fees, transcription costs and other costs of collecting a judgment.

Note: Only a business or government entity may be represented in conciliation court by a nonlawyer. A power of attorney does not authorize a nonlawyer to file a claim, appear, or in any other way “represent” a natural person in conciliation court.

Where do you file a claim in conciliation court?

The person against whom you are making a claim is called the defendant and you must file your complaint in the county where the defendant lives. You may, however, seek recovery for dishonored checks in the county where the check was issued. You may make a claim for unpaid rent or return of a security deposit in the county where the rental property is located. You may sue corporations in the county where their business office or branch office is located. **IT IS YOUR RESPONSIBILITY TO DETERMINE THE CORRECT COUNTY FOR FILING YOUR CLAIM.**

How do you file a claim in conciliation court?

If you are filing the claim, you are the plaintiff in the action. The person you file against is the defendant. The form for filing your claim is available from any court administrator's office or online at www.mncourts.gov/forms. If you have difficulty completing the form, you may contact court administration for assistance. You must have the following information:

- Your name and address
- The name and address of the defendant

- Home address if the defendant is an individual
- The amount of your claim
- The reason for the claim and the date your claim arose

You must sign the claim under penalty of perjury and pay the current filing fee. By signing the claim under penalty of perjury, you are stating that the information in the claim is true to the best of your knowledge. Perjury is the crime of intentionally lying or misrepresenting the truth. The amount of the filing fee will be added to your claim.

After you have filed your claim, it must be served on the defendant. For cases under and up to \$2,500.00, the court administrator's office will serve the claim on the defendant by first class mail or by any electronic means of delivering notice as authorized by Rule 14 of the General Rules of Practice for the District Courts. The summons shall include the date and time that the case will be heard. You will also receive a notice from the court as to the date and time of the hearing. For claims over \$2,500.00 or if service cannot be made by first class mail, the court administrator's office will give you instructions as to how service must be performed. Many cases settle when the defendant receives notice of the hearing.

It is your responsibility to inform the court administrator in writing if you and the defendant settle your case. If you and the other parties agree on a settlement prior to the hearing, each party who has made a claim or counterclaim must promptly tell the Court in writing that the claim or counterclaim has been settled and that it may be dismissed. You may notify the court by completing and filing with the court the Notice of Settlement section on the Statement of Claim form.

What happens if a defendant files a claim against you?

The defendant may file a claim against you. This is called a counterclaim. The defendant must file the claim at least 5 days before the date set for a hearing (Saturday, Sunday, and holidays are not included when counting the 5 days).

The defendant will pay a filing fee and the court administrator will notify you if a counterclaim is filed. The counterclaim will be heard at the same date and time as your claim.

If the counterclaim is more than the dollar limits as set forth above, your claim will be transferred to district court and you will be notified if a transfer is needed. If the defendant then fails to file the counterclaim in district court after giving notice of intent to do that, you may have your claim reinstated in conciliation court. You may do this anytime after thirty (30) days and before three (3) years expire by filing an affidavit with conciliation court. The affidavit must say that the defendant has not served you with a district court summons stating his counterclaim.

What if the hearing date is changed?

The court administrator may change the hearing date if there is good cause for a continuance, but only if you request a different hearing date at least five days prior to the scheduled hearing. The court administrator may change only one hearing date per party. All other requests for a change

of hearing date must be determined by the judge. All parties will be notified by the Court of any new hearing date. The Court in its discretion may assess costs of not more than \$50.00, either absolute or conditional, to the other party as a condition of granting an order for a continuance of any case.

How do you prepare for the hearing?

Conciliation court hearings are informal, but you must be prepared to present your case. Attorneys are only allowed to represent parties in conciliation court with permission of the court. All parties and witnesses who appear will testify under oath. The witnesses should be present and ready to testify. If a witness is reluctant to appear, you may get a subpoena to compel them to appear. You can get a subpoena from the court administrator's office. You will need one subpoena for each witness you want to testify. There is a fee for each subpoena requested. Written statements and affidavits of persons not present in court have very little value.

If you plan to submit any documents, photos, etc. to the judge for consideration, YOU MUST BRING 2 EXTRA COPIES TO THE HEARING. If you request court administration to make your copies when you arrive for the hearing, you will be charged for copies. You should also bring to court all other evidence, such as receipts, repair bills, estimates, and other items to help prove your claim. If the defendant or some other person has documents relating to your claim that they will not give to you, you can get a subpoena to require the person to provide the documents.

Before you go to court, prepare a list of facts you wish to present. Organize your presentation as clearly and completely as possible so you will not forget important facts and details.

On your assigned court date and time, prior to calling your case and hearing testimony, the judge may ask you to speak to the other parties in your case to determine if you can reach any agreements.

If you have exhibits or informational items related to your case which fall within the hazardous exhibit policy, you are required to properly secure those items before offering it to the judge for inspection. Check with court administration for the complete policy regarding hazardous exhibits. If you have exhibits which are bulky, you may not be allowed to enter through the security system and should consider other options which can include taking photographs of that exhibit for the judge to review.

What happens if you do not appear for the hearing?

All parties must appear. Failure of defendant to appear at the hearing may result in a default judgment being entered for the plaintiff. Failure of the plaintiff to appear may result in dismissal of the action or a default judgment being entered in favor of the defendant on any counterclaim that has been filed.

What happens after the hearing?

After hearing the evidence, the Judge will either issue an order right away or take the case under advisement and issue an Order at a later date. The parties will be notified by mail or by electronic means as authorized by Rule 14 of the General Rules of Practice for the District Courts of the Judge's decision. If a party changes his or her address, the Court must be notified.

The judgment will not become effective until twenty three (23) days after mailing the notice or 20 days if notice was sent electronically. This twenty three (23) day period (or 20 day period if notice sent electronically) allows you to appeal or make a motion to vacate the judgment. The court may vacate the judgment and order a new hearing if a party that did not appear has a good reason for not appearing. Before it grants a new hearing, the court may require the party who did not appear to pay costs to the other party.

Questions: All questions and correspondence should be addressed to the Conciliation Court or the Minnesota Judicial Branch Self Help Center at <http://www.mncourts.gov/Help-Topics/Self-Help-Centers.aspx>.

Paying, Collecting, And Appealing a Conciliation Court Judgment

How do I pay the judgment?

You must make arrangements to pay the judgment directly to the creditor (the party you owe money to). Remember judgment records are public and credit bureaus routinely take information from them. If your judgment is not paid before it becomes final, it may have an adverse affect on your credit rating. If you make good faith efforts to pay the judgment and are not successful or the creditor refuses to accept your payment, you may bring a motion to allow payment to be made to the court administrator. You may pay all or any part of the judgment to the court administrator instead of paying the creditor directly **only** if the court issues an order that allows you to make payments to the court administrator.

When you pay the creditor, obtain a statement of payment called a [Satisfaction of Judgment](#) from the party you paid and file it with the court. If this is not done, your record will show an unsatisfied judgment, which may affect your credit rating.

How do I collect a conciliation court judgment?

Although a case was decided in your favor, it is not always easy to collect a judgment. You cannot collect assets that a person or business does not have. The collection process will be worthwhile only if you can locate collectable assets. Once a judgment is entered, the judgment is enforceable for 10 years from the date of entry.

Conciliation court is not a collection agency and cannot assist you in locating assets of the other party. You can, however, try to collect the judgment yourself if it has not been paid by the date indicated on the judgment notice, and if an appeal has not been filed. Here are a few tips on how you can locate the debtor and/or their assets:

- You may be able to locate the debtor's bank by looking at any canceled checks that you might have written to the debtor.
- You can find out whether the debtor has a motor vehicle registered under his/her name, or the name of the lender that the debtor is doing business with, by submitting a record request form to the Minnesota Driver and Vehicle Services. The form is available at DVS offices or on the web at: <http://www.dps.state.mn.us/dvs/PDFForms/DVSFormFrame.htm>.

When your judgment is final, the appeal time has expired, and the judgment debtor has not paid you, you may choose to have the judgment enforced by following these steps:

1. Request a transcript of your judgment from conciliation court. File the transcript of judgment with district court. To docket your judgment, which will allow you to have the judgment enforced, you must file an Affidavit of Identification. Ask court administration for an Affidavit of Identification form, or go to www.mncourts.gov/forms. Be prepared to pay any statutory fee for transcribing the judgment. These fees will be added to the judgment and will be collected from the judgment debtor if assets are found. Checks should be made out to the "Court Administrator." Your judgment will then be entered and docketed in district court. This creates a lien against abstract real estate owned by the debtor in this county. You may wish to file a lien against torrens real estate that the

judgment debtor owns by contacting the county recorder of the county where the real estate is located. A docketed judgment also affects the judgment debtor's credit rating.

2. You may request court administration to issue a Writ of Execution if you know where the debtor banks or where the debtor works. There will be a fee charged for the writ. If you do not know either of these you are not ready for an execution. The execution must be issued to the county where the bank or the employer is located. The court administrator's office will send the execution to you and you are to take it to the sheriff of that county for service. The sheriff will charge a fee.
3. If you do not know where the debtor works or banks, you may file a Request for Order for Disclosure. There is a filing fee for each involved debtor's name. The court administrator's office will issue an Order for Disclosure and send it to the debtor along with a Financial Disclosure form. This order requires the debtor to disclose all non-exempt property and financial information to you within ten (10) days from receipt of the order. If the Financial Disclosure form is served upon you by mail, three (3) days are added to the ten (10) days to complete service. It is your responsibility to supply the court with a current address for the debtor.

If a completed Financial Disclosure form is received from the debtor, you can then decide what options are available for collection.

If no answer is received, you can complete an Affidavit in Support of an Order to Show Cause, and schedule a court hearing before a judge. When the hearing is scheduled, this office will then issue an Order to Show Cause. A judicial officer may not issue an Order to Show Cause if service of the Financial Disclosure was undeliverable upon the judgment debtor. It is your responsibility to have the debtor served with the Order to Show Cause. The sheriff or any party who has no financial interest in the judgment can serve this order. It must be served on the debtor personally. **It cannot be left at his/her residence with anyone else.**

The Order to Show Cause requires the debtor as well as the creditor to appear at the court hearing. At the hearing, the debtor will be instructed to complete the Financial Disclosure form or give the judge a valid reason for not doing so. If the debtor fails to appear at this hearing, the judge may issue an order for a Writ of Attachment. When the Writ of Attachment is issued, you will be required to furnish a physical description of the debtor.

4. If you wish to have the cost of collection added to your judgment after an unsuccessful attempt to collect, you may need to file an affidavit stating the costs and requesting those costs be added to your judgment. Please attach a copy of your receipt from the sheriff to your affidavit.
5. If the debtor pays the judgment in full it is your obligation to provide the debtor with a Satisfaction of Judgment. This form can be obtained through this office or at any legal stationery store. A Satisfaction of Judgment must be filed with the court and a filing fee must be paid. This must be done within 10 days if paid in cash or within 30 days for another type of payment.

6. If the judgment is for property damage sustained in an auto accident with an uninsured driver, you may wish to ask the Commissioner of Public Safety to suspend the driving privileges of the driver. Conciliation court staff can help you do this after your judgment becomes final. There is a fee for the certified copy that must be sent to DPS to suspend driving privileges.

If the sheriff or attorney is unable to collect, or if you have determined that there are no assets on which you can collect, it does not mean you will never collect your judgment. A judgment in conciliation court is valid for 10 years and may be executed on at any time during those 10 years. This is important because the debtor may, at some future time, have collectable assets. The fact that an unpaid judgment may affect the debtor's credit rating could result in voluntary payment at a later time.

How do you appeal a judgment of the conciliation court?

Appeal procedures are more complex than conciliation court rules. Although it is not required, it is suggested that the appealing party be represented by an attorney. Court administration staff are not attorneys and cannot practice law. Therefore, they cannot assist you in preparing your appeal. Some forms are available at the court administrator's office or online at www.mncourts.gov/forms.

Any party who appeared at the conciliation court hearing and is dissatisfied with the conciliation court judgment may appeal to the district court. To do this, you must file a **Demand for Removal**, an **Affidavit of Good Faith**, and an **Affidavit of Service** with the court administrator within twenty (20) days of the date the judgment was mailed or sent electronically. The appealing party must pay an additional fee. The district court is more formal than conciliation court and its proceedings are governed by the Minnesota Rules of Civil Procedure.

If you did not appear and a default judgment was entered, you will have to get the judgment vacated. Read your judgment notice carefully.

What happens upon an appeal?

Filing an appeal (removal) means a completely new trial will take place. You may file a **Jury Trial Demand** if you wish the appeal be heard before a jury. An additional fee is required for a jury trial demand. Attorneys may represent both parties. If the appealing party is a corporation, the Demand for Removal must be signed by the party's attorney. You should not rely on anything that was said or that happened at the conciliation court trial. Again, you should prepare to present your case, have your witnesses ready to testify, and have all your other evidence available.

If you appeal and do not win, you may have to pay costs to the other party.

Helpful materials may be found at your public county law library. For a directory, see <http://www.lawlibrary.state.mn.us/cllppubdir.rtf>. For more information, contact your court administrator or call the Minnesota State Law Library at 651-296-2775.