



CONCILIATION COURT

A User's Guide to Small Claims Court

FROM THE OFFICE OF
MINNESOTA ATTORNEY GENERAL
LORI SWANSON

www.ag.state.mn.us

MINNESOTA ATTORNEY
GENERAL'S OFFICE
445 Minnesota Street
Suite 1400
St. Paul, MN 55101
651-296-3353
800-657-3787
TTY: 651-297-7206
TTY: 800-366-4812
www.ag.state.mn.us

This brochure is intended to provide general information about the conciliation court process. The information is not intended as legal advice, but as a guide to the legal process.

Conciliation Court: A User's Guide to Small Claims Court is written and published by the Minnesota Attorney General's Office. This handbook is available in alternate formats upon request.

The Attorney General's Office values diversity and is an equal opportunity employer.

Table of Contents

- Introduction..... 2**
 - What Is Conciliation Court?.....2
 - Who May Use Conciliation Court?.....2
 - How Much Money Can You Recover?.....2
 - Do You Need an Attorney?.....2
 - Are There Any Drawbacks to Conciliation Court?.....2
 - What Types of Complaints Do Conciliation Courts Handle?.....3

- Filing a Claim..... 4**
 - Where May Claims Be Filed?.....4
 - How Do You File a Claim?.....4
 - Completing the Complaint Form.....5
 - Notification of the Trial Date.....5
 - The Defendant May File a Counterclaim.....6
 - Settlement Prior to the Hearing.....6

- The Hearing..... 6**
 - What if You Can't Appear on the Court Date?.....6
 - How Do You Prepare for the Hearing?.....7
 - What Should You Bring to Court?.....7
 - What Happens at the Hearing?.....8
 - What if You Don't Appear for the Hearing?.....8

- The Judgment..... 8**
 - When Will You Hear the Court's Decision?.....8
 - What if You Lose?.....9
 - How Do You Pay the Judgment?.....9
 - How Do You Collect Your Money if You Win?.....9

- Removing the Case..... 11**
 - Can You Remove Your Case?.....11
 - What Happens Upon a Removal?.....11

- Resources..... 12**
 - Conciliation Court Listings.....12
 - Conciliation Court Definitions.....14
 - Sample Legal Forms.....15
 - Statement of Claims and Summons.....16
 - Affidavit of Service Form.....19



Introduction

What Is Conciliation Court?

Conciliation court is often called “people’s court” or “small claims court” because its basic purpose is to help people recover relatively small sums of money without having to hire a lawyer. Conciliation court allows you to bring your legal disputes to a court without the hassles of confusing legal procedures and high costs. Court rules are generally simple and informal, and the cost of filing in conciliation court is low.

Who May Use Conciliation Court?

Any person (18 years or older), company, government agency, or organization may sue or be sued in conciliation court.

A person under 18 may sue, or be sued, but they must be represented in court by a parent or guardian.

How Much Money Can You Recover?

The maximum amount you may recover through conciliation court is \$15,000. (The maximum for consumer credit transactions is \$4,000.)

You cannot file a claim in conciliation court that exceeds the monetary limit set by law. 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.

Do You Need an Attorney?

No. Court procedures are simplified to allow you to represent yourself. You may have an attorney only if the judge lets you. Also, the judge can decide how the attorney participates.

Are There Any Drawbacks to Conciliation Court?

Conciliation court doesn’t offer the best course of action in every situation. Generally, you may sue only for money. Disputes involving an amount of money greater than the maximum set by law cannot be determined in conciliation court. Lost or destroyed property or merchandise usually cannot be recovered. For example, if a dry cleaner loses your jacket, a conciliation court might order the dry cleaner to pay you money for your loss rather than

The maximum amount you may recover through conciliation court is \$15,000.

order the cleaner to replace the jacket. In addition, conciliation court usually cannot be used to force delivery or completion (such as redoing a repair job or delivering merchandise). This kind of problem must usually be translated into financial terms, such as how much it will cost to have someone else make the repair.

Be Aware of These Facts:

- You must be prepared to appear in conciliation court when your case is set.
- Expenses such as time lost from work are usually not recoverable.
- In Minnesota, the largest amount for which you can sue in conciliation court is set by law. The judge cannot award more than this amount.
- If you win your case, the defendant usually will not have to pay more than the amount the court awards you. Don't expect the defendant to be sent to jail or required to pay a fine.
- Delays occur frequently for various reasons.
- Conciliation court may not be very effective in resolving disputes with companies that don't have property located in the area or with people who live outside the court's jurisdiction. It is especially difficult if the company or person is located in another state.

In some situations, it may be quicker, more effective, and less troublesome to hire an attorney.

What Types of Complaints Do Conciliation Courts Handle?

In general, the types of cases handled include property damage, money disputes arising out of a tenant/landlord relationship, personal injury (actual medical bills only), losses due to bad checks, nonpayment for goods or services, or other bad claims involving real estate titles.

Generally, you can file a complaint in conciliation court when you can show that a person or business owes you money but won't pay you.

Conciliation court may be used when:

- You believe someone owes you money;
- That person or business refuses to pay;
- The amount owed is less than the maximum amount allowed in conciliation court; and
- You believe the person or company you are suing will be able to pay you (because it will cost you some money to make your claim).

Continuance:

The postponement of a court trial or hearing to a later date.

Many types of claims may be filed in conciliation court.

The phone numbers of the conciliation courts in several Minnesota counties are located on pages 12 and 13.

Examples of situations in which you might consider using conciliation court include:

- You sold someone a snowmobile, that person has not paid you, and you want the snowmobile back.
- You performed work for someone, but the person refuses to pay you.
- Your former landlord won't refund your security deposit, even though you did not damage the rental property.
- A repair shop does defective work on your car and won't correct it or reimburse you.
- Your neighbor backs his motorcycle into your car and refuses to pay the repair bill.
- A dry cleaner loses your new jacket and offers you only a fraction of its worth.

If you are uncertain about whether you can bring your claim, talk to your county's conciliation court administrator. The court administrator will tell you if your claim can be heard there.

Filing a Claim _____

Where May Claims Be Filed?

You must file your conciliation court claim in the right county.

This is the county where the person against whom you are making a claim (the defendant) lives. If the defendant is a business, you should sue in the county where the business or branch office is located. There are some exceptions to this. You may want to call the conciliation court in your county for more information about those exceptions.

If you are seeking recovery for a dishonored check, or are making a claim for a security deposit on rental property, then you should file your claim in the county where the check was issued or where the rental property is located.

How Do You File a Claim?

As the plaintiff, you begin the process by contacting the court administrator's office in the county where you are filing the claim. (The phone numbers of the conciliation courts in several Minnesota counties are located on pages 12 and 13 of this brochure.) You will be charged a filing fee and law library fee. The total fees vary by county, but are generally between \$65 and \$75.

Completing the Complaint Form.

You will be required to fill out a uniform conciliation court form. If you ask, a person from the court administrator's office will help you complete the form. See pages 16-18 of this book for a sample *Statement of Claims and Summons* form. Forms are available online at www.mncourts.gov/forms.

In addition to putting your name and address on the form, you must provide the following information:

- The name (no abbreviations or nicknames) and address of the defendant. (Use the home address if the defendant is an individual.) If this information is incorrect or incomplete, your case may be dismissed. To learn the proper name and address of a company doing business in Minnesota, contact the Secretary of State by mail at Retirement Systems of Minnesota Building, 60 Empire Drive, Suite 100, Saint Paul, Minnesota 55103, or by phone at 651-296-2803 or 1-877-600-8683. Information is also available on its website: www.sos.state.mn.us.
- The amount of your claim and a reason (one or two paragraphs) for requesting it. Include specific dates, times, and places. You must verify the claim by signing the form before a notary or court deputy. You must also pay the court fees. If you win your case, the court may order the defendant to pay you for the fees.

Notification of the Trial Date.

It is possible that two to six weeks may pass between the time you file your claim and the day you have your hearing. Generally, the court administrator's office will mail, by first class mail, notices to you and the defendant indicating the date and time for the hearing. If the claim exceeds \$2,500, however, then the plaintiff must serve the summons upon the defendant via certified mail. Service by certified mail must be proven by filing an affidavit of service with court. A sample *Affidavit of Service* form can be found on pages 19 and 20 of this brochure.

Many cases settle when the defendant receives notice of the hearing. It is your responsibility to tell the court administrator in writing if you and the defendant settle your case. Do this by signing and returning to the court your copy of the hearing notice.

Two to six weeks may pass between the time you file your claim and the day you have your hearing.

Counterclaim:

A separate claim made against the plaintiff by the defendant.

The Defendant May File a Counterclaim.

If you are the party being sued (the defendant) in the case, and you have a claim against the party suing you (the plaintiff), you may be able to file a counterclaim. The procedure is similar to that for filing a claim, but it must be filed at least five business days prior to the court date (weekends and legal holidays are not included).

The court will notify the plaintiff that a counterclaim has been filed. The counterclaim will be heard by the court at the same time the original claim is scheduled to be heard.

The claim will be transferred to district court if the counterclaim is above the legal limit for conciliation court (\$15,000). If the defendant fails to file the counterclaim in district court after giving notice of intent to do so, the plaintiff may have the claim reinstated in conciliation court. The plaintiff may do this any time after 30 days and before three years by filing an affidavit with the court administrator. The affidavit must say that the defendant has not served you with a summons to district court.

Settlement Prior to the Hearing.

If the 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 the case may be dismissed.

The Hearing

What if You Can't Appear on the Court Date?

If you are the defendant in a case, or if you are the plaintiff and the defendant has filed a counterclaim, **it is absolutely essential that you appear in court to tell your side of the story.** Failure to do so will probably result in a judgment against you.

If, for some reason, you will not be able to appear in court on the scheduled hearing date, notify the court administrator immediately and request that the date and/or time be changed.

If you have a good reason, a continuance may be granted and the hearing will be rescheduled for a later date. The request for a continuance must be made in writing at least five business days prior to the hearing date. You may be ordered by the court to pay additional costs. Court administrators can only give one continuance to you.

It is absolutely essential that you appear in court to tell your side of the story.

If you miss the court hearing, you may be sent a notice that a default judgment will be entered against you if you do not reopen the case before the judgment becomes final.

How Do You Prepare for the Hearing?

Although conciliation court hearings are informal, you should be prepared to present your case. Before you go to court:

- Organize your presentation to make it as clear and complete as possible. Remember, your testimony may be the most important information you have.
- Prepare a list of facts you wish to present.
- Make a detailed chronological history of the problem.
- Contact people who have witnessed important aspects of the problem, and ask them to be present at the hearing and ready to testify under oath. (If a witness is unwilling to appear, you may subpoena the witness. You can get a subpoena from the court administrator by paying a fee for each person you would like subpoenaed. It is your responsibility to see that the subpoena is delivered to the witness by someone other than yourself. Subpoenas may not be delivered on a Sunday or a legal holiday. Further, you may have to pay a basic fee plus round trip mileage to the courthouse to any witness you subpoena.)
- Understand that written statements and affidavits of persons not present in court have very little value.
- You can also subpoena documents relating to your claim if the defendant or some other person has them but will not give them to you.

What Should You Bring to Court?

Bring all evidence (and witnesses) necessary to prove your case.

Be prepared to show the judge:

- Contracts or agreements you made with the defendant. (Example: If your claim is against a landlord for recovery of a security deposit, bring the lease.)
- Letters you and the defendant have exchanged relating to the problem. (Example: If you wrote to the defendant asking for the money, or if the defendant wrote to you admitting the debt, bring these letters.)
- Bills, canceled checks, warranties, receipts, or written estimates having to do with your claim. (Example: If you are claiming your television set is defective beyond repair, bring original receipts, a copy of the warranty, and estimates from repair shops.)

Subpoena:

A court order requiring that a witness appear in court, or requiring that documents be brought to court.

- Photographs of the damaged property. (Example: If your car was damaged by the defendant, bring photos that show the extent of the damage.)

What Happens at the Hearing?

You and the defendant will appear before a judge (or in some counties, a referee). The judge may encourage you to settle the case. The judge will first ask you, the plaintiff, to state your case. Tell your story calmly, clearly, and concisely. Use the notes you've prepared ahead of time to make sure you have all of your main points. Be sure to explain how you arrived at the specific damage figure you are claiming and show the judge evidence that supports your claim, such as bills, receipts, estimates, contracts, photos, etc.

When it is the defendant's turn, do not become angry or interrupt. Be courteous at all times. If you disagree with something the defendant says, ask the judge if you may respond to the defendant's statement. The judge may ask questions of you, the defendant, or witnesses who are present.

If you have never been to conciliation court, you may want to attend another hearing ahead of time to see what happens.

Conciliation court hearings are open to the public. Your visit should help you know what to expect and how to prepare your own case.

What if You Don't Appear for the Hearing?

All parties should appear! If you appear and the defendant does not, the judge may enter a default judgment for you. It means that you have won (the "judgment" is in your favor) by default. If you do not appear for the hearing, the court may dismiss your claim or award a default judgment against you. This may happen even if you originally brought the claim.

The Judgment _____

When Will You Hear the Court's Decision?

The court may help you and the defendant reach an agreement at the hearing. If not, the court will decide the case and you will be notified by mail of the decision. (The court usually does not rule on claims at the time of the hearing.) The judgment will not become effective until 20 days after the notice is mailed. The court administrator will tell you the date in this notice. This 20-day period is called the "stay period," and it allows you to appeal or make a motion to vacate the judgment.

Judgment:

The final decision made by the court.

What if You Lose?

If either the plaintiff or the defendant is dissatisfied with the judge's decision, the 20-day stay period allows the unhappy party to appeal or bring a motion to vacate the judgment. This is discussed further on page 11 in the section titled *Removing the Case*. The court may also vacate the judgment and order a new hearing if a party that did not appear had 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.

Application for “vacation of judgment” must be made within the 20-day stay period. You must show:

- You were not given proper notice of the trial;
- You were mistaken about the time of the trial; or
- You missed the trial for some other valid reason.

The court will only reopen the case if it decides that your absence was unavoidable and unintentional. You will be notified by mail of the new trial date.

How Do You Pay the Judgment?

If you are within the metropolitan counties, make payment directly to the conciliation court by the date the judgment becomes final. The court records will then reflect that payment was made. For Greater Minnesota areas, check with the court administrator for payment guidelines.

How Do You Collect Your Money if You Win?

The conciliation court cannot and will not collect the judgment for you. It may be necessary for you to take additional steps to enforce the judgment. Remember, you may not try to collect the judgment until 20 days after the notice of judgment is postmarked.

In the collection process, you are the judgment creditor, or collector. The person you are trying to collect from is called the debtor, or judgment debtor. The following procedural steps must be taken when a debtor refuses to pay and the location of collectible assets is known. The costs associated with these procedures will be added to the amount of your claim.

1. Have the conciliation court judgment transcribed to the district court. Your district court administrator can help you with this.
2. File an *Affidavit of Identification* form with the court administrator. This creates a lien against real estate the debtor owns in the county. If he

Stay Period:

A halt in the proceedings during which no action can be taken.

You may need to take several steps to enforce the judgment.

Writ of Execution:
A court order authorizing
a sheriff to seize property
of the defendant.

A conciliation court
judgment is valid for
ten years.

or she wants to sell any of that property, you might have to be paid first. It also affects the debtor's credit rating.

3. If you intend to serve the party with a writ of execution, you must first notify the party. (A writ of execution is an order that enforces the decision of the conciliation court.) Notification must take place at least 10 days before the execution may be served. The sheriff will not accept the first writ of execution without proof that you complied with the 10 day notice.
4. Request the court administrator to issue a writ of execution.
5. If you know where the party banks or works, deliver the writ of execution to the sheriff's office with a specific list of property or bank accounts that belong to the debtor or the name of the debtor's employer. (Some assets are exempt from collection.) With sufficient information and the writ of execution, the sheriff can "levy" the debtor's property. This means the sheriff will actually take the items you have identified. However, the sheriff cannot break into the debtor's home to collect an item subject to levy. If the sheriff is unable to levy the assets within 180 days after the sheriff receives the writ, the writ will be returned to you "unsatisfied."
6. If you are unable to determine what assets the debtor owns, request the court administrator to issue an order for disclosure. This order requires the debtor to reveal all non-exempt property and financial information to you within 10 days.
7. If the debtor fails to respond, ask the court to issue an order to show cause. This requires the judgment debtor to appear in court and explain why the order for disclosure was disobeyed.

Despite all of these legal actions, there will still be some cases where the debtor is "judgment proof." The debtor may possess only minimum viable assets and may be unemployed with public assistance as the only source of income. In that case, there is little you can do. However, a conciliation court judgment is valid for 10 years. Over that time, a person's financial circumstances will often change.

Removing the Case ---

Can You Remove Your Case?

Your case may be removed to the district court for a new trial if you or the defendant are dissatisfied with the conciliation court judgment and all parties appeared at the conciliation court hearing. Default cases may not be removed. (This does not leave a defaulting party without recourse. See page 9 regarding vacation of judgment proceedings.)

Rules of civil procedure apply to cases removed to district court, where proceedings are more formal and more complex. Although it is not required, it is suggested that parties be represented by an attorney in district court. To remove, file and pay fees for the following within 20 days of the date the judgment was mailed:

1. Demand for removal;
2. Affidavit of good faith; and
3. Affidavit of service.

What Happens Upon a Removal?

Filing a removal means a completely new trial will take place.

You may file a demand for a jury trial if you want the case to be heard before a jury. Both parties may have attorneys. Again, you should prepare to present your case, have your witnesses ready to testify, and have all of your other evidence available.

If you remove your case and do not win, you will have to pay the other party \$50 for costs. You will not have to pay the other party \$50 for costs if:

- You win your case in district court and get either 50 percent of what you asked for or more than \$500 in money or goods, whichever is less;
- The other party wins some amount in conciliation court but nothing in district court;
- You receive 50 percent more in district court than you got in conciliation court or at least \$500 in money or goods, whichever is less; or
- The other party has the amount recovered from you in conciliation court reduced by at least \$500 or 50 percent by the district court, whichever is less.

Filing a removal means a completely new trial will take place.

Resources

As the plaintiff, you can begin the process by contacting the court administrator's office in the county where you are filing the claim.

Conciliation Court Listings

Aitkin	218-927-7350	Faribault	507-526-6273
Anoka	763-422-7350	Fillmore	507-765-4483
Becker	218-846-7305	Freeborn	507-377-5153
Beltrami	218-333-4120	Goodhue	651-267-4800
Benton	320-968-5205	Grant	218-685-8282
Big Stone	320-839-2536	Hennepin	612-348-2713
Blue Earth	507-304-4650	Houston	507-725-5806
Brown	507-233-6670	Hubbard	218-732-5286
Carlton	218-384-9108	Isanti	763-689-2292
Carver	952-361-1420	Itasca	218-327-2870
Cass	218-547-7200	Jackson	507-847-4400
Chippewa	320-269-7774	Kanabec	320-679-6400
Chisago	651-213-8650	Kandiyohi	320-231-6206
Clay	218-299-5065	Kittson	218-843-3632
Clearwater	218-694-6177	Koochiching	218-283-1160
Cook	218-387-3610	Lac qui Parle	320-598-3536
Cottonwood	507-831-4551	Lake	218-834-8330
Crow Wing	218-824-1310	Lake of the Woods	218-634-1451
Dakota		Le Sueur	507-357-8256
(Apple Valley)	952-891-7242	Lincoln	507-694-1355
(Hastings)	651-438-8234	Lyon	507-537-6734
(West St. Paul)	651-554-6200	Mahnomen	218-935-2251
Dodge	507-635-6260	Marshall	218-745-4921
Douglas	320-762-3033	Martin	507-238-3205

McLeod	320-864-1281	Sherburne	763-765-4600
Meeker	320-693-5230	Sibley	507-237-4051
Mille Lacs	320-983-8313	St. Louis	
Morrison	320-632-0327	(Duluth)	218-726-2460
Mower	507-437-9465	(Hibbing)	218-262-0105
Murray	507-836-1120	(Virginia)	218-749-7106
Nicollet	507-934-7850	Stearns	320-656-3620
Nobles	507-372-8263	Steele	507-444-7700
Norman	218-784-5458	Stevens	320-208-6640
Olmsted	507-206-2400	Swift	320-843-2744
Otter Tail	218-998-8420	Todd	320-732-7801
Pennington	218-683-7023	Traverse	320-422-7752
Pine	320-591-1500	Wabasha	651-565-3524
Pipestone	507-825-6730	Wadena	218-631-7633
Polk	218-281-2332	Waseca	507-835-0540
Pope	320-634-5222	Washington	651-430-6268
Ramsey	651-266-8230	Watonwan	507-375-1236
Red Lake	218-253-4281	Wilkin	218-643-7172
Redwood	507-637-4020	Winona	507-457-6385
Renville	320-523-3680	Wright	763-682-7539
Rice	507-332-6107	Yellow Medicine	320-564-3325
Rock	507-283-5020		
Roseau	218-463-2541		
Scott	952-496-8200		



More information
can be found at
www.mncourts.gov/selfhelp

Conciliation Court Definitions

Continuance:

The postponement of a court trial or hearing to a later date.

Counterclaim:

A separate claim made against the plaintiff by the defendant.

Default:

Failure to appear in court.

Defendant:

The party who is being sued.

Demand for Removal:

A request to move a case to district court.

Judgment:

The final decision made by the court.

Judgment Creditor:

The party who wins the case and is owed money.

Judgment Debtor:

The party who loses the case and owes money to the other party.

Plaintiff:

The party who is suing; the party seeking damages.

Stay Period:

A halt in the proceedings during which no action can be taken.

Subpoena:

A court order requiring that a witness appear in court, or requiring that documents be brought to court.

Writ of Execution:

A court order authorizing a sheriff to seize property of the defendant.

Sample Legal Forms

You can obtain legal forms for conciliation court by calling or visiting the courthouse where you intend to file your claim.

Forms are also available online at www.mncourts.gov/forms.

When you fill out the form, remember to state the correct name and address of the plaintiff(s), the correct name and address of the defendant(s), and the exact amount you are seeking. Describe the incident and a basis for the estimated loss. Include the last day you were billed and indicate the type of goods/services involved. If you are filing for an auto accident, indicate the year and make of the vehicle and the location and date of the accident. Limit your statement to the area provided for on the form. **Sign the form in front of a notary public or go to the court and sign it there in front of a clerk.**

Remember, the defendant and court should each receive copies of your completed *Statement of Claim and Summons* form.

Other legal forms, for things such as removing your case or expunging a ruling, are available by contacting the county court you wish to file a claim in or online at www.mncourts.gov/forms.

The forms included in this section are the following:

Statement of Claim and Summons (pages 16-18)

Affidavit of Service Form (pages 19-20)

Forms are available at
www.mncourts.gov/forms

State of Minnesota

Conciliation Court

County

Judicial District

Case No.

STATEMENT OF CLAIM AND SUMMONS

Plaintiff #1

Name
Address
City/State/Zip

P
L
E
A
S
E

Plaintiff #2

Name
Address
City/State/Zip

vs

vs

Defendant #1

Name
Address
City/State/Zip

P
R
I
N
T

Defendant #2

Name
Address
City/State/Zip

PLAINTIFF'S STATEMENT OF CLAIM

- 1. The Defendant(s) owe(s) me \$... plus filing fees and costs of \$... for a total of \$... because (state what happened and when it happened):
2. The Defendant(s) has/have the following property that belongs to me (list property)... valued at \$... plus filing fees and costs of \$... for a total of \$... I want the Court to order this property returned to me or make the Defendant(s) pay me money for the value of the property.
3. I believe the person(s) I am suing is/are at least 18 years old and not in the military service. Defendant #1 date of birth... Defendant #2 date of birth...
4. I understand that if I do not come to court on my hearing date, my case will be dismissed and I may have to pay money to the Defendant(s) on any counterclaim that has been filed.

NOTARY STAMP OR COURT SEAL

SWORN TO BEFORE ME ON:

Date:

Signature:

THE ABOVE STATEMENT OF CLAIM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE

Signature:

Name:

Title (if representative):

Telephone:

Plaintiff #1 date of birth

Plaintiff #2 date of birth

Notice of Settlement

The above-entitled case having been settled, the same may be and hereby is dismissed with my consent.

Date: Plaintiff's Signature:

SUMMONS: IMPORTANT NOTICE TO THE PARTIES

You must come to court for a hearing on... at...m. at

Location/Address

If you do not come to court for this hearing, you may lose the case and have to pay money to the other party.

Dated: Court Administrator/Deputy

Case No.

MEMORANDA OF PROCEEDINGS

Judgment becomes final and time for removal expires on _____

Action	Date	Action	Date
Claim filed		Notices Mailed	
Hearing set for		Stricken-Settled	
Notices Mailed		Order of Dismissal	
Notice returned/not delivered		Judgment Entered	
Notice re-mailed		Notice of Judgment mailed	
Answer/Offer filed		Judgment satisfied	
Counterclaim filed		Removal/Appeal perfected	
Notices mailed		Order Vacating Judgment	
Hearing continued/reset to		Transcript issued	
Notices mailed		Exhibit Inf. (Date filed)	
Hearing continued/reset to		Exhibits returned	

SETTLEMENT AGREEMENT

Minn. Gen. R. Prac. 512(e)

Plaintiff(s) and Defendant(s) have agreed upon a settlement of this case, which agreement is as follows:

Plaintiff(s) and Defendant(s) further agree that they will abide the judgment to be entered based upon this agreement, without removal, appeal or further litigation.

_____ Plaintiff _____ Defendant

_____ Plaintiff _____ Defendant

Dated: _____ Judge

INSTRUCTIONS

- **Failure to Appear:** If Defendant does not come to Court for the scheduled hearing, the Defendant may lose the case and have to pay money to the Plaintiff. If Plaintiff does not come to Court for the scheduled hearing, the case may be dismissed and the Plaintiff may have to pay money to the Defendant on any counterclaim that has been filed.
- **Questions:** All questions and correspondence should be addressed to the Conciliation Court.
- **Change of Hearing Date:** 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.
- **Counterclaims:** If the Defendant wants to bring a counterclaim against the Plaintiff, it must be filed, along with a filing fee, at least five days (not including Saturdays, Sundays, and holidays) before the scheduled hearing date. The Court will then notify the Plaintiff of any such counterclaim. The Court will hear both the claim and counterclaim at the same time. If the counterclaim exceeds the jurisdictional limit of the Conciliation Court, see Rule 510 of Minnesota General Rules of Practice for the District Courts.
- **Evidence and Witnesses:** Each party must bring to the hearing all witnesses and exhibits, including repair bills and estimates, deemed necessary to prove his or her case. Upon request, the Court will issue subpoenas requiring witnesses to appear.
- **Trials:** 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 of the Judge's decision. If a party changes his or her address, the Court must be notified.
- **Settlement:** If the 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.
- The Plaintiff may notify the Court by completing and filing with the Court the Notice of Settlement section on the Statement of Claim form.

County

Judicial District:
Court File Number:
Case Type:

Plaintiff

vs.

Defendant

Conciliation Court
Affidavit of Service

STATE OF MINNESOTA)
) ss.
COUNTY OF _____)

being sworn/affirmed under oath, states:

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.

Dated: _____

Signature of Server

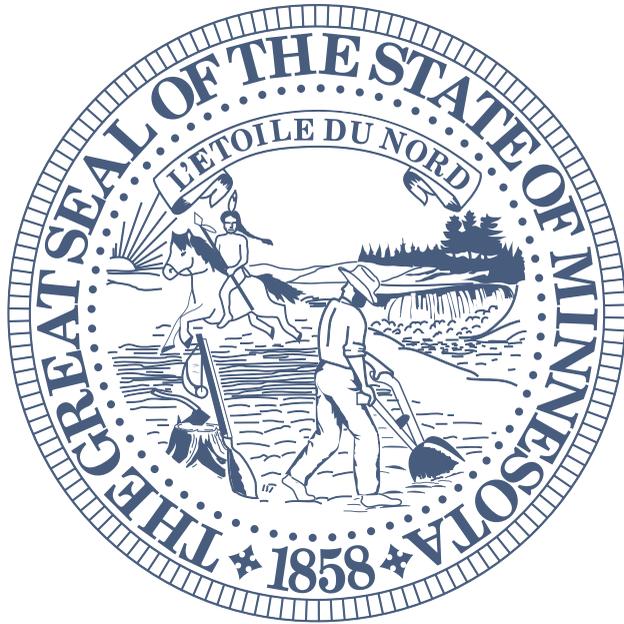
(Sign only in front of notary public or court administrator.)

Sworn/affirmed before me this

_____ day of _____, 20 ____.

Telephone (____) _____

Notary Public \ Deputy Court Administrator



MINNESOTA ATTORNEY GENERAL'S OFFICE

445 Minnesota Street, Suite 1400, St. Paul, MN 55101

651-296-3353 • 800-657-3787 • TTY: 651-297-7206 • TTY: 800-366-4812

www.ag.state.mn.us

CONCILIATION COURT

Consumer Questions or Complaints

The Minnesota Attorney General's Office answers questions regarding numerous consumer issues. The Attorney General's Office also provides assistance in resolving disputes between Minnesota consumers and businesses and uses information from consumers to enforce the state's civil laws. We welcome your calls!

If you have a consumer complaint, you may contact the Attorney General's Office in writing:

Minnesota Attorney General's Office
445 Minnesota Street, Suite 1400
St. Paul, MN 55101

You can also receive direct assistance from a consumer specialist by calling:

651-296-3353 or 800-657-3787
TTY: 651-297-7206 or TTY: 800-366-4812
(TTY numbers are for callers using teletypewriter devices.)

Additional Publications

Additional consumer publications are available from the Attorney General's Office. Contact us to receive copies or preview the publications on our website at www.ag.state.mn.us.

- Car Handbook
- Home Building and Remodeling
- Conciliation Court
- Credit Handbook
- Guarding Your Privacy: Tips to Prevent Identity Theft
- Home Buyer's Handbook
- Home Seller's Handbook
- Landlords and Tenants: Rights and Responsibilities
- Managing Your Health Care
- Manufactured Home Parks Handbook
- Minnesota's Car Laws
- Phone Handbook
- Probate and Planning: A Guide to Planning for the Future
- Seniors' Legal Rights
- Veterans and Service Members
- Other Consumer Bulletins

MINNESOTA ATTORNEY GENERAL'S OFFICE

445 Minnesota Street, Suite 1400, St. Paul, MN 55101

651-296-3353 • 800-657-3787 • TTY: 651-297-7206 • TTY: 800-366-4812

www.ag.state.mn.us