

Instructions for Filing a Special Term Motion

Notice of Motion and Motion and Affidavit

1. List all parties on Notice of Motion as shown on the original claim (the party listed as plaintiff on the claim remains the plaintiff on the Motion etc).
2. List addresses for each party. **If any party address has changed, write the current address.**
3. Put the Conciliation Court case/file number in the upper right hand corner.
4. When noted (Plaintiff/Defendant), circle whichever applies. Fill in correct party name on the blank line.
5. Check the reason for your Motion, and if vacating, fill in your reasons on the blank lines.
6. If the creditor is unfound and you are requesting to pay your judgment into court, you must also complete the Affidavit of Unfound Creditor. The form can be located on the court website at www.mncourts.gov/district/4. The Judge may be able to decide this type of motion without scheduling a hearing. You will be notified if this is possible.
7. Make a copy of all documents (except the Affidavit of Service) for each party in the case so that they can be served upon them.

Service Papers

1. Copies of the Notice of Motion and Motion (and if applicable, Affidavit of Unfound Creditor) must be served upon each party named in the case.
2. All named parties must be notified of the motion by mail or personal service.
3. The person serving the paperwork must fill out the appropriate Affidavit of Service.
4. The completed original Notice of Motion and Motion and Affidavit of Service must be filed with the Court. You must also include the [correct filing fee](#), if you have not previously paid the filing fee.

Office Information

1. Conciliation Court office hours are 8:00 a.m. to 4:30 p.m., Monday - Friday. The telephone number is 612-348-6000. There is limited public counter assistance at the government center.
2. The Hennepin County Law Library is located on the 24th floor of the Court Tower in the Hennepin County Government Center. Please check the court's website for information regarding the current hours. The laws and rules referred to in these instructions are available there for your reference. We suggest that if you do not understand the procedures or if you are unable to prepare the necessary forms, you need to consult with an attorney of your choice. The court clerks are not attorneys and cannot assist you in preparing your paperwork other than to explain what type of information must be in the motion.

**Additional costs and fees may be assessed if the motion is granted
and are due on the date of the hearing.**

**All costs and fees assessed at the hearing must be received no later than 4:00 p.m.
on the date of the hearing or any order issued from that hearing is not effective.**

NOTICE OF MOTION AND MOTION AND AFFIDAVIT

Plaintiff(s)

VS

Case No. _____

Defendant(s)

TO: _____
Plaintiff Defendant herein

YOU WILL PLEASE TAKE NOTICE that the defendant plaintiff above-named will move at a Special Term Calendar of the above-captioned Court on a date to be determined at the Hennepin County Government Center, 300 S. 6th Street, Minneapolis, Minnesota, for the hearing of such motion, for an Order:

- Order allowing the filing of a late appeal
- Order allowing payment of judgment into court (Affidavit of Unfound Creditor is attached to this Motion)
- Vacating the default judgment judgment of dismissal with prejudice entered against _____ on or about _____ (date) and setting the matter for hearing. Said motion will be made upon the grounds that defendant's plaintiff's failure to appear for the hearing on the originally scheduled date was for the following reason:

and they have therefore lost the opportunity to present the following defense claim:

Amending the title to read:

Plaintiff(s)

vs

Defendant(s)

OTHER (Briefly describe): _____

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

Date: _____

County and State where Signed

Signature of defendant plaintiff

Name: _____

Address: _____

Telephone: _____

Email Address: _____

AFFIDAVIT OF SERVICE

_____ states that:
(Printed name of person filling out form)

SERVICE BY MAIL

On the _____ day of _____, 20 ____, I served the Notice of Motion and Motion upon _____, the plaintiff / defendant (circle one) or the attorney for the plaintiff / defendant (circle one) by placing a true and correct copy of it in an envelope addressed as follows:

Name: _____

Street Address: _____

City / State / Zip: _____

which is the last known address of said party or attorney and depositing the same in the United States mail with first class postage.

PERSONAL OR SUBSTITUTE SERVICE

On the _____ day of _____, 20 ____, I served the Notice of Motion and Motion upon _____, the plaintiff / defendant (circle one) or the attorney for the plaintiff / defendant (circle one) personally at their usual abode at:

Street Address: _____

City / State / Zip: _____

by handing to and leaving a true and correct copy with the plaintiff / defendant (circle one) or with _____ a person of suitable age and discretion residing therein.

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

Dated: _____

County and State where signed

Signature

Name: _____

Address: _____

City/State/Zip: _____

Telephone: _____

Email Address: _____