

Eviction Appeal Checklist

These are the steps that you must follow to bring an eviction appeal. Please follow the directions exactly. If you do not, you may miss an important step and you could lose your opportunity to appeal. In addition, for the court to decide your appeal, you must either pay the \$550.00 filing fee or provide the court with a copy of an order by the district court granting you permission to proceed in forma pauperis on appeal. See [What if I Can't Afford an Appeal FAQs](#).

1. **First, fill out the following forms, filling in all the blanks.** If you do not fill out all the blanks, the clerk's office may have to send the forms back to you and it might then be too late for you to appeal.

_____ [Notice of Appeal](#)

(This is the form that tells us that you want to appeal)

_____ [Statement of the Case](#)

(This is an outline of your case that **briefly summarizes** several things about your appeal, including (a) the district court's decision; (b) the basis for the appeal and whether it is timely; (c) why you think the district court's decision is wrong; and (d) whether a transcript is necessary for the appeal. You can make detailed arguments regarding why you think that the district court's decision is wrong in the brief that you will file later. It is not necessary to attach any other documents to this form. If you want, you can attach documents that are already part of the record to your brief.)

2. **Next, you must file with the clerk of the appellate courts the following completed forms within 15 days after the district court administrator enters the eviction judgment:**

_____ Notice of Appeal

_____ One signed original statement of the case

_____ A copy of the judgment that you are appealing

"Filing" means that you must mail or hand-deliver these documents to:

Clerk of the Appellate Courts,
305 Minnesota Judicial Center,
25 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155

Any documents mailed to the Clerk of the Appellate Courts must be correctly addressed and have sufficient postage.

If you do not file the notice of appeal within 15 days after entry of the eviction judgment, your appeal will be dismissed. The court of appeals cannot extend the time to appeal.

3. **In addition, you must serve completed copies of the forms listed in step 2 on each respondent within 15 days after the district court administrator enters the eviction judgment.**

"Serving" a respondent means (a) having someone who is not a party to the appeal give these documents personally to a respondent who does not have an attorney; or (b) giving the documents personally to the respondent's attorney or someone in the attorney's office (this may be done by a party); or (c) mailing the documents to a respondent who does not have an attorney; or (d) mailing the documents to the respondent's attorney. **If you do not serve the notice of appeal within 15 days after entry of the eviction judgment by the district court administrator, your appeal will be dismissed. The court of appeals cannot extend this deadline.**

If a respondent has an attorney, you **must** serve the attorney, either by U.S. mail or personally. If a respondent does not have an attorney, you **must** serve the respondent. You can do so by mail, but you cannot personally hand-deliver the documents to a respondent. If you decide to have the documents hand-delivered, rather than mailed to a respondent who does not have an attorney, you must have the sheriff or a person 18 years or older who is not a party to the case serve them.

4. **After serving the documents described in step 3, you must promptly file proof of service.**

_____ Affidavit of service or a certificate of service

5. **File with the district court administrator the following:**

_____ A copy of the notice of appeal

6. **After completing step 5, file with the Clerk of the Appellate Courts** proof of the fact that you completed step 5. (Use the affidavit of service or certificate of service forms, or file a copy of the notice of appeal with court administrator's stamp on it, or file a copy of the district court's register of actions showing that the notice of appeal was filed with the district court.)

7. **If a transcript of the trial or hearing will be prepared, the next step is to order the transcript from the court reporter and file a certificate with the court of appeals, so they know that a transcript is coming.** See Minn. R. Civ. App. P. 110.02. **If no transcript is being prepared on appeal, the next step is to serve and file a brief explaining why you believe the district court should be reversed (if you are the appellant).** A brief is a written argument. If you are the appellant, your brief explains why you believe the decision by the district court was wrong. **If you are the appellant and you do not file an appellant's brief, your appeal will be dismissed.**

If testimony was given at the hearing before the district court but neither party ordered a transcript for the appeal, the appellant's brief is due 30 days after the appeal was filed. If either party ordered a transcript for the appeal, the appellant's brief is due 33 days after the transcript is mailed to the parties by the court reporter (not when the transcript is received, but when it was mailed).

_____ File five copies of your brief with the clerk of the appellate courts.

_____ Serve two copies of your brief on respondent's attorney or on each respondent who does not have an attorney. Be sure to file proof of service for the brief.

8. **If the respondent's brief addresses new matter not addressed by your brief**, you may, but do not have to, file and serve a reply brief. If you chose to file a reply brief, and you were personally served with the respondent's brief, your reply brief is to be filed with the clerk of the appellate courts and served on each respondent within 10 days of the date the respondent's brief was served on you. If the respondent's brief was served on you by mail, any reply brief you chose to file and serve is to be filed with the clerk of the appellate courts and served on each respondent within 13 days of the date the last respondent's brief was mailed to you (not when it is received, but when it was mailed).

_____ File five copies of your reply brief with the clerk of the appellate courts.

_____ Serve two copies of your reply brief on respondent's attorney or on each respondent who does not have an attorney. Be sure to file proof of service for the reply brief.

[Affidavit of Service by U.S. Mail Delivery](#) (PDF format)

[Affidavit of Service by Personal Delivery](#) (PDF format)

[Certificate of Service by U.S. Mail Delivery](#) (PDF format)

[Certificate of Service by Personal Delivery](#) (PDF format)