

PART III: CHECKLIST

These are the steps that you must follow to bring an eviction appeal. Please follow the directions exactly. If you do not do so, you may miss an important step and you could lose your opportunity to appeal.

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 **summarizes** several things about your appeal, including (a) the district court’s decision; (b) the basis for the appeal and whether it is timely; and (c) why you think the district court’s decision is wrong. 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 10 days after entry of the eviction judgment.*** “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. **If you do not file the notice of appeal within 10 days after entry of the eviction judgment, your appeal will be dismissed. The court of appeals cannot extend the time to appeal.**

_____ Notice of Appeal

_____ One signed original statement of the case and one copy of the statement of the case

_____ A certified copy of the judgment that you are appealing

3. **In addition, you must *serve completed copies of the forms listed in step 2 on each respondent within 10 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 papers personally to a respondent who does not have an attorney; or (b)

having the papers personally given to the respondent's attorney or someone in the attorney's office; or (c) mailing the papers to a respondent who does not have an attorney; or (d) mailing the papers to the respondent's attorney. **If you do not serve the notice of appeal within 10 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, you must have the sheriff or a person 18 years or older serve them.

4. **After serving the documents described in step 3, you must promptly file affidavits of service.** An affidavit of service is a sworn, notarized statement by the person who served the documents. One copy of the required form is part of this document and you will have to make additional copies and submit a new affidavit every time you submit papers for filing on appeal. The clerk of the appellate courts office will notarize affidavits of service at no charge, during business hours. Most banks also have a notary who can notarize an affidavit of service for a small charge.

_____ Affidavits of service to prove that you have served the respondents with the notice of appeal, the statement of the case, and a copy of the eviction judgment that you are appealing. Each affidavit of service must describe the documents that were served and provide specific information about who was served, when, and by what method (mail or personal service).

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

_____ A completed copy of the notice of appeal

_____ A completed copy of the statement of the case

_____ The cost bond required by Minn. R. Civ. App. P. 107, or a written waiver of that cost bond.

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 form, but cross out "service" and indicate when you filed these things with the district court administrator.)

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 explaining why you believe the decision by the district court was wrong. **If 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 it is received, but when it was mailed).

_____ File *seven* 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 an affidavit 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.

_____ File *seven* 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 an affidavit of service for the brief.