

INSTRUCTIONS

Petition for Return of Property Seized by Law Enforcement

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.

Have questions about court forms or instructions?

- Visit www.MNCourts.gov/SelfHelp
- Call the Statewide 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 court administration or call the Minnesota State Law Library at 651-297-7651.

Forms You May Need

- *Petition for Return of Property Seized by Law Enforcement* (CIV502); and
- A copy of the letter you sent to the law enforcement agency.

The *Petition* (form CIV502) is available from Court Administration or on the [Minnesota Judicial Branch website](http://mncourts.gov/GetForms.aspx?c+7#subcat148) (mncourts.gov/GetForms.aspx?c+7#subcat148).

There is a [sample letter](#) to law enforcement at the end of these *Instructions*.

What You Need to Do

1. Give a demand letter to the law enforcement agency holding the property and wait 48 hours to see if they return the property (see sample letter below).
2. If the law enforcement agency has not returned the property after 48 hours (not including weekends and holidays), complete the court forms, following all of the steps in these instructions.

3. File the completed forms with Court Administration and pay the motion fee (or request a fee waiver).
4. Appear at the hearing.

Each “step” here is described in more detail below.

General Information about Seized Property

When a law enforcement agency takes your property, they may keep it if they want to use it as evidence for trial. If you are the owner of that property and want it back, then you must make a written request to the law enforcement agency. If your property is not returned within 48 hours of your written request (not including Saturday, Sunday, or legal holidays), then you can file a petition with the district court. This information comes from [Minn. Stat. § 626.04](http://revisor.mn.gov/statutes/cite/626.04) (revisor.mn.gov/statutes/cite/626.04).

→ **NOTE:** These instructions and the *Petition for Return of Property Seized by Law Enforcement* are not used in situations where you received a document called **Notice of Seizure and Intent to Forfeit** from a law enforcement officer or agency. You may be able to use the [forfeiture forms](http://mncourts.gov/GetForms.aspx?c=20) for that situation (mncourts.gov/GetForms.aspx?c=20).

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

The *Petition for Return of Property Seized by Law Enforcement* form (CIV502) asks for the following information:

- The name of the law enforcement agency that has your property;
- The county where your property was seized;
- Details about your property (describe each item of property);
- A copy of your written request to the law enforcement agency that took your property; and
- The county and judicial district number where the case will be filed.

Step 1

Fill Out the Petition for Return of Property Seized by Law Enforcement (CIV502)

The Caption

State of Minnesota	District Court
County of: _____	Court File Number: _____
Judicial District: _____ A	Case Type: <u>Civil</u>
_____ B	
Petitioner	
AND	
_____ C	
Respondent (Law Enforcement Agency)	
Petition for Return of Property Seized by Law Enforcement (CIV502) <small>Minn. Stat. § 626.04</small>	

- A. At the very top of the page, you will fill 2 lines:
 - The county where the seized property is located;
 - The judicial district number (each county is located in 1 of 10 judicial districts: <http://www.mncourts.gov/Find-Courts.aspx>.)
 - Leave the court file number line blank. The court will assign a number after the form is filed.
- B. You are the petitioner, and your name goes here.
- C. The name of the law enforcement agency goes here. They are the respondent.

The Body

<p>1. I own property that was seized by a law enforcement officer for use as evidence at a trial.</p> <p>2. The property was seized in _____ County.</p> <p>3. I want all or some of this property returned to me. The property I want returned is: <i>(Describe each item of property. Add paper if more space is needed.)</i></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>4. I made a written request for the return of the property to the seizing officer's agency before filing this petition. <i>(Attach a copy of your written request.)</i></p> <p>5. At least 48 hours have passed (not including weekends and legal holidays) since the agency received my request. The property has not been returned to me.</p>
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1. You do not need to fill out anything in paragraph #1.
2. List the county where the property is located.
3. List what property you want back. If there is more than one item, list them separately, and add more paper if all the items do not fit.
4. Be sure to include a copy of the written request you sent to the law enforcement agency.
5. You do not need to fill out anything in paragraph #5.

Signature Block

Sign the *Petition for Return of Property Seized by Law Enforcement* form and print your name and personal contact information in the blanks under the signature line. You will also have to put the date and county and state where you signed the form.

When you sign the *Petition for Return of Property Seized by Law Enforcement* form, 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://revisor.mn.gov/statutes/cite/609.48), revisor.mn.gov/statutes/cite/609.48).

Step 2

File with Court Administration

File the following documents with Court Administration:

- *Petition for Return of Property Seized by Law Enforcement*; and
- A copy of your written request to the law enforcement agency who has your property.

How you file your forms is explained below:

At the Courthouse

- File the documents with Court Administration. This can be done either
 - In person at the courthouse; or
 - By mail. Address for courthouses are online at <https://mncourts.gov/Find-Courts.aspx>.

Electronic Filing through eFS System

- The eFS System allows you to eFile your forms. Information for eFiling is on the Minnesota Judicial Branch website at <https://www.mncourts.gov/eFile> under the “eFile and eServe Training” tab.
- There is a \$5 fee for using the eFS System. If a judicial officer has waived your fees, the \$5 fee is waived.
- Once you choose to eFile, you will need to continue to use the eFS System for the rest of the case. See [Minn. Gen. R. Prac. 14.01\(b\)\(5\)\(i\)](https://revisor.mn.gov/court_rules/gp/id/14) (revisor.mn.gov/court_rules/gp/id/14).

Motion Fee

There will be a [motion fee](https://mncourts.gov/Help-Topics/Court-Fees/District-Court-Fees.aspx) (mncourts.gov/Help-Topics/Court-Fees/District-Court-Fees.aspx) due when you file your petition.

If you cannot afford to pay the fee, you can ask for a fee waiver by completing the forms in the [Fee Waiver packet](https://mncourts.gov/GetForms.aspx?c=19&p=69) (mncourts.gov/GetForms.aspx?c=19&p=69). If a judicial officer does not approve the fee waiver forms, then you must pay the fee before Court Administration can process your forms. You can find more information about [fee waivers](#) on the Minnesota Judicial Branch website (mncourts.gov/Help-Topics/Fee-Waiver-IFP.aspx).

Step 3

Attend the Hearing

After you file your Petition, you will be given a hearing date. Your hearing will be heard within 30 days of filing (unless the court allows for more time). If any party wants to extend that time, then they must provide a good reason.

Court Administration will send a copy of the petition to the law enforcement agency with at least 10 days' notice of your hearing date. Your hearing will be heard by the court without a jury trial.

At the hearing, the court may receive evidence to decide the petition. The court may close the courtroom to hear the status and progress of the investigation that led to your property being taken. If this occurs, only the law enforcement agency or its agent, and their attorneys may be in the courtroom with the court and court staff.

What to Expect Next...

After your hearing, if your petition is **granted** and your property is returned to you, then Minnesota law says you will not have to pay any storage costs from the date your petition was filed.

If your petition is **denied**:

1. The judicial officer will not order the return of your property; and
2. The judicial officer may order you to pay costs and attorney fees. See [Minn. Stat. § 626.04](https://revisor.mn.gov/statutes/cite/626.04) (revisor.mn.gov/statutes/cite/626.04).

NOTE: If you are criminally charged and your case goes to trial, then your property may be used as evidence at trial. After a criminal trial and the end of any appeals, your property will be returned to you unless there is a legal reason for law enforcement to keep it.

Any property may be destroyed or disposed under the direction of the court.

Any money found in gambling devices when seized shall be paid into the city or town treasury.

Letter to Law Enforcement Requesting Return of Seized Property

Agency Name: _____

Date: _____

Address: _____

Case Number: _____

City/State/Zip: _____

Phone Number: _____

My name is _____. I am asking for the return of the property listed below, which was seized as follows:

Property Taken on (date):	
Law Enforcement Agency that Seized My Property:	
Property Taken from: Street Address City/State/Zip	

Property Intake Number (if known)	Item Description	Quantity

This is a formal request based on Minn. Stat. § 626.04 that, within 48 hours of the receipt of this letter, you return the property listed above to me, or that you respond by giving me a reason why you will be keeping my property.

Thank you.

Signed: _____

Address: _____

City/State/Zip: _____

Phone: _____

Email: _____