

# INSTRUCTIONS

## Conciliation Court – Plaintiff’s Statement of Claim

### 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](http://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](http://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

- Plaintiff’s Statement of Claim (CCT102);
- Conciliation Court Affidavit of Service (CCT103);
- Additional Litigants Form (CCT702);
- *Power of Attorney for Conciliation Court* (CCT701) – only if you are representing a business; and
- Affidavit of Inability to Pay Conciliation Court Fees (CCT104) – not for businesses.

Forms are available online at <https://mncourts.gov/GetForms.aspx?c=10&p=41>.

### What You Need to Do

1. Complete the court forms, following all of the steps in these instructions.
2. File the forms (electronically or at the courthouse), and pay the Conciliation Court filing fee [or, for individuals, file the *Affidavit of Inability to Pay Conciliation Court Fees* (CCT104) if you cannot afford to pay the fee].
3. If your claim is over \$2,500, serve Defendant with a copy of your *Plaintiff’s Statement of Claim* form and the *Summons* that you will receive from Court Administration.

4. Appear at the hearing. Each “step” here is described in more detail below.

## Guide & File

The court offers an online interview-based tool called **Guide & File** that can help you fill out the forms and possibly file them electronically. For more information, see <https://mncourts.gov/Help-Topics/Guide-and-File.aspx>.

## General Information about Conciliation Court

### What is Conciliation Court?

[Minn. Stat. § 491A.01](#) (revisor.mn.gov/statutes/cite/491A.01) created Conciliation Court – also called Small Claims Court. This court allows people to bring their legal claims to court without expensive costs or complicated legal procedures.

### Do you have a claim to file in Conciliation Court?

You can file a claim in Conciliation Court for an amount up to \$20,000, or \$4,000 if the claim involves a consumer credit transaction. This is the limit set by law. You cannot file a claim involving title to real estate, libel, slander, class actions, or medical malpractice in Conciliation Court.

Conciliation Court will not accept a claim that goes over the dollar limits. If you reduce your claim to the limit of Conciliation Court, you cannot claim more later. Getting a judgment in Conciliation Court may prevent you from bringing any other claims based on the same event.

Getting a judgment in Conciliation Court does not guarantee payment. As you try to collect the judgment, you will have out-of-pocket expenses for filing fees, transcription costs, and other costs of collecting a judgment.

**NOTE: Only a business or government entity may be represented in Conciliation Court by a nonlawyer. A power of attorney does not authorize a nonlawyer to file a claim, appear, or in any other way “represent” a natural person in Conciliation Court.**

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

The *Plaintiff’s Statement of Claim* form (CCT102) asks for the following information:

- For each plaintiff: name, address, date of birth, phone number, email address (if a plaintiff is a business, then you will need the business name, address, phone number and e-mail address);
- For each defendant: name, address, phone number, e-mail address, date of birth if known, and military status if known (if a defendant is a business, then you will need the business name, address, phone number and e-mail address);
- Details about your claim (including amount and approximate date);
- The county and judicial district number where case will be filed.

## Step 1

### Fill Out *Plaintiff's Statement of Claim* (CCT102)

#### The Caption

- A. List the county where you will be filing your Conciliation Court case. If you are not sure where you should file, please talk to an attorney. Court staff cannot tell you where to file your case.

The general rule is that you must file your *Plaintiff's Statement of Claim* in the county where the defendant lives. There are exceptions, though:

- You may sue for a bounced check in the county where the check was issued.
  - You may make a claim for unpaid rent or return of a security deposit in the county where the rental property is located.
  - You may sue corporations in the county where their business office or branch office is located.
- B. List the Judicial District. Each county belongs in one of ten judicial districts. If you need help, see <http://www.mncourts.gov/Find-Courts.aspx>.
- C. Leave the "Court File Number" line blank. Court Administration will give you the court file number after you file your case.
- D. The Case Type (*Conciliation*) is already filled in for you.
- E. As the person or business suing (bringing the claim), you are the **Plaintiff**. List your full name. If there is more than one plaintiff, then you will be Plaintiff #1. The next plaintiff will be Plaintiff #2.

This form has room for only two plaintiffs. If there are more than two, you will have to use the *Additional Litigants Form* (CCT702). The *Additional Litigants Form* will allow you to include up to four plaintiffs. If you have more than four plaintiffs, please check with Court Administration in the county where you will be filing your claim.

- F. The person or business being sued is the **Defendant**. If there is more than one defendant, then the first one will be Defendant #1. The second person or business being sued will be Defendant #2.

**NOTE:** If you are suing a business, it is important that you have the name of the business correct. On the [Minnesota Secretary of State's website](http://mblsportal.sos.state.mn.us/Business/Search) (mblsportal.sos.state.mn.us/Business/Search), you can look up a business to see if it is registered with the state. You might find the name of the person or company listed as the business' "registered agent" who can receive "service of process" (that person or company should be served with legal papers), and the official business address. The address of the "registered agent" can be different from the official business address.

The *Plaintiff's Statement of Claim* form has room for only two defendants. If there are more than two, you will have to use the *Additional Litigants Form (CCT702)*. The *Additional Litigants Form* will allow you to include up to four defendants total. If you have more than four defendants, please check with Court Administration in the county where you will be filing your claim.

### Information about the Plaintiff

1. List the number of plaintiffs.
  - a. List Plaintiff #1's name and address.
  - b. If there is a second plaintiff, list Plaintiff #2's name and address. If there is not a second plaintiff, you can write "N/A" (not applicable).

### Information about the Defendant

2. List the total number of defendants you are suing.
  - a. For Defendant #1, include the following information:
    - Defendant #1's name;
    - Whether this defendant is an individual (person) or business;
    - Defendant #1's address; and
    - If this defendant is an individual:
      - This defendant's date of birth (if you know it); and
      - Whether this defendant is in the military service (if you know).
  - b. Give the same information for Defendant #2. If there is only one defendant, you can write "N/A" (not applicable) in the section for Defendant #2.

### Information about the Claim

3. In Conciliation Court, you can sue another person or business because they owe you money or because they have property that belongs to you. Paragraph #3 is divided into two sections: **Money** and **Property**.

#### Money

- Check the box under "Money" if the Defendant owes you money.
- Next, list the amount of money Defendant owes you. Please see the section above titled "Do you have a claim to file in Conciliation Court" to read about Conciliation Court dollar limits.
- On the next line, you will need to figure out the filing fees (and allowable costs, if any).

**Conciliation Court filing fee:** You will need the Conciliation Court filing fee for the county you listed in the caption. You can look online for the [Minnesota Judicial Branch - Court Fees \(mncourts.gov\)](https://mncourts.gov/Help-Topics/Court-Fees.aspx) (mncourts.gov/Help-Topics/Court-Fees.aspx), or you can ask Court Administration.

**Costs:** Sometimes there are additional costs. For example, if you file electronically, there is a cost of \$5.00 to do so, if fees are not waived. If you are not sure if you have

costs that are allowed to be included, please [talk to an attorney for legal advice](https://mncourts.gov/Help-Topics/Find-a-Lawyer.aspx) (mncourts.gov/Help-Topics/Find-a-Lawyer.aspx).

- Add the amount Defendant owes you to the filing fee and costs to get the total amount of your claim.
- For the next two items, think about why Defendant owes you money. What happened? When did it happen?
  - List the month and year (for example, October 2022) that something happened that made Defendant owe you money.
  - Describe what happened. Why does Defendant owe you money? Be brief and include important details (but do not list sensitive personal information like full bank account numbers).

### Property

- Check the box under “Property” if Defendant has property that belongs to you, and you want to ask the Court to order Defendant to return the property.
- List your property that Defendant has. Be as specific as possible.
- Next, list the value of your property. Please see the section above titled “Do you have a claim to file in Conciliation Court” to read about Conciliation Court dollar limits.
- On the next line, you will need to figure out the filing fees (and allowable costs, if any).

**Conciliation Court filing fee:** You will need the Conciliation Court filing fee for the county you listed in the caption. You can look online for the [Minnesota Judicial Branch - Court Fees \(mncourts.gov\)](https://mncourts.gov/Help-Topics/Court-Fees.aspx) (mncourts.gov/Help-Topics/Court-Fees.aspx), or you can ask Court Administration.

**Costs:** Sometimes there are additional costs. For example, if you file electronically, there is a cost of \$5.00 to do so, if fees are not waived. If you are not sure if you have costs that are allowed to be included, please [talk to an attorney for legal advice](https://mncourts.gov/Help-Topics/Find-a-Lawyer.aspx) (mncourts.gov/Help-Topics/Find-a-Lawyer.aspx).

- Add the value of your property to the filing fee and costs. This is the total amount of your claim (the amount you are asking Defendant to pay you if Defendant does not return your property).

### Statement about Appearing at the Hearing

4. This is your statement to the Court and to the other party about appearing at the Conciliation Court hearing. If you do not attend the hearing, your case can be dismissed, and you may have to pay money to Defendant if a counterclaim has been filed.

## Step 2

### Sign the *Plaintiff's Statement of Claim* (CCT102)

#### Signature Block

Sign the *Plaintiff's Statement of Claim* form (CCT102). Then fill in your name, address, date of birth, email address, and phone number under the signature line. You will also need to include the county and state you were in when you signed the form.

When you sign the *Plaintiff's Statement of Claim*, 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://www.revisor.mn.gov/statutes/cite/609.48>).

#### Are you representing a business?

If yes, then be sure to include the *Power of Attorney for Conciliation Court* (CCT701) to your *Plaintiff's Statement of Claim* (CCT102).

The *Power of Attorney for Conciliation Court* is a form that an officer of the business entity (corporation, partnership, sole proprietorship, association) signs to give you authority to act on behalf of the business in Conciliation Court.

#### Is there more than one plaintiff?

If yes, then you are Plaintiff #1. The next plaintiff is Plaintiff #2, and so on. If you have more than two plaintiffs (or more than two defendants), you will need to fill out CCT702, the *Additional Litigants Form*. If you have more than four plaintiffs or more than four defendants, please check with Court Administration.

**IMPORTANT! Each plaintiff must sign the *Plaintiff's Statement of Claim*.**

## Step 3

### File Original Forms with Court Administration and Pay Filing Fee

You will need to file the original *Plaintiff's Statement of Claim* (CCT102) with Court Administration. You may also need to file the *Additional Litigants Form* (CCT702) and the *Power of Attorney for Conciliation Court* (CCT701), depending on your situation.

When you file the original forms with Court Administration, there will be a filing fee of at least \$65 (in some counties, there is an additional amount for the law library fee). You can find the filing fees for your county online starting at

If you are a person (not a business), and you cannot afford to pay the filing fee, please fill out the *Affidavit of Inability to Pay Conciliation Court Fee* (CCT104), and file it when you file the other Conciliation Court papers. CCT104 is available online at <https://mncourts.gov/GetForms.aspx?c=10&f=173>.

## How to File

You can file the forms with the court in the following ways:

- In person at the courthouse;
- By mail; or
- Electronically through the eFS System (NOTE: once a party files electronically, they are required to use the eFS System throughout the entire case; this means they cannot go back to paper filing in that case). For more information about electronic filing and the eFS System, see <https://mncourts.gov/efile>.

### Step 4 Serve Each Defendant (if required)

Court Administration will create a *Summons* with a court date for the hearing. Depending on the amount of your claim, and where Defendant is located, Court Administration may serve the *Plaintiff's Statement of Claim* and *Summons* OR send you instructions for service.

#### Rule 508(d) of the Minnesota General Rules of Practice

[Rule 508\(d\)](http://revisor.mn.gov/court_rules/rule/gp-508) (revisor.mn.gov/court\_rules/rule/gp-508) describes how each defendant should be served.

#### **If Defendant's address is within the county you're filing in, and if your claim is less than \$2,500:**

Court Administration will try to serve Defendant.

#### **If your claim is for more than \$2,500:**

You must serve Defendant by certified mail, and you must file proof of service with Court Administration within 60 days of when the *Summons* was issued.

- Fill out the *Conciliation Court Affidavit of Service* (CCT103) after serving Defendant to prove service. CCT103 is available online at <https://mncourts.gov/GetForms.aspx?c=10&f=172>.

#### **If Defendant does not live in Minnesota:**

You will be required to serve that defendant.

Please check with Court Administration if you have any questions about serving a defendant in Conciliation Court.

### Step 5 Prepare for your Hearing, then Appear at the Hearing

Conciliation Court hearings are informal, but you must be prepared to present your case.

If a witness does not want to appear, you can ask Court Administration for a **subpoena** to order them to appear. There is a fee for each subpoena.

Written statements and affidavits of people who do not appear in court have very little value, and the judicial officer may not accept them as evidence.

You should also **bring all other relevant evidence** to court such as receipts, repair bills, estimates, and other items to help prove your claim. If a defendant or some other person has documents relating to your claim that they will not give to you, you can get a subpoena from Court Administration to require the person to give you the documents.

Before your hearing, **prepare a list of facts you want to present**. Organize your presentation as clearly and completely as possible so that you will not forget important facts and details.

### **“How to Handle a Conciliation Court Hearing”**

There is a 10-minute video on the Minnesota Judicial Branch website called “How to Handle a Conciliation Court Hearing.” You can watch that video to get tips on how to prepare for your Conciliation Court hearing. See

<https://www.mncourts.gov/documents/50/Public/videos/Conciliation%20Court%20Hearing/conciliationvideo.htm>.

### **What happens if you do not appear for the hearing?**

All parties must appear at the hearing. If you do not appear at the hearing, the judicial officer may dismiss your claim or award a “default” judgment against you on any counterclaims.

### **Conciliation Court Help Topic**

For more information about Conciliation Court, please look at the “Conciliation Court” Help Topic online at <https://mncourts.gov/Help-Topics/Conciliation-Court.aspx>.