



# MINNESOTA GUIDE & FILE

## NEXT STEPS: Conciliation Court (Paper Filing)

Below are the next steps for starting a **Conciliation Court** case when you have chosen to print your forms at the end of the Minnesota Guide & File interview.



### STEP 1: Review the completed forms

- Are your forms complete? Is the information accurate and true? If you find any errors, go back into the interview (<https://minnesota.tylerhost.net/SRL>) and make changes.
- Print all of the forms that you see listed on the **Summary Page** in the interview.

### STEP 2: Sign and date the completed forms

- Sign and date the *Statement of Claim* form under penalty of perjury. This means you are saying that everything in the form is true; 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/?id=609.48>).
- If there is more than 1, each plaintiff must sign the *Statement of Claim* and the Additional Signatures page if more than two.
- Sign and date the *Affidavit of Inability to Pay* (CCT104), if completed. Again, if there is more than 1 Plaintiff, each Plaintiff must complete and sign the *Affidavit of Inability to Pay*.

### STEP 3: File the completed forms

AT THE COURTHOUSE	ELECTRONIC FILING (NOT USING GUIDE & FILE)
<ul style="list-style-type: none"> <li>• File the original <i>Statement of Claim</i> (CCT102) with Court Administration. You may also need to file the <i>Additional Litigants Form</i> (CCT702) and the <i>Power of Attorney for Conciliation Court</i> (CCT701), depending on your situation.</li> <li>• When you file the forms with Court Administration, there will be a civil filing fee due. If you cannot afford the filing fee, and you are not filing on behalf of a business, file the <i>Affidavit of Inability</i> (CCT104) with your <i>Statement of Claim</i>.</li> </ul>	<ul style="list-style-type: none"> <li>• If you have an account with the eFS System (Minnesota Judicial Branch’s web-based system that is used to electronically file documents in Minnesota district and conciliation courts), you can file electronically. Find more information online at <a href="https://www.mncourts.gov/efile">https://www.mncourts.gov/efile</a>.</li> <li>• Once you choose to eFile, you will need to continue to use the eFS System for the rest of the case. See Minn. R. Prac. 14.01(b)(5)(i) (<a href="https://www.revisor.mn.gov/court_rules/gp/id/14/">https://www.revisor.mn.gov/court_rules/gp/id/14/</a>)</li> </ul>

- Contact Court Administration in the county where you are filing for information on how to file your forms. You can find contact information online at <https://www.mncourts.gov/Find-Courts.aspx>

- Along with the civil filing fee and costs, there is also a fee of \$5 for using the eFS System.
- Note: if you type your signature for electronic filing, a “/s/” is required before your name to create a typographical signature.

## STEP 4: Serve all of the parties

- **Rule 508(d) of the Minnesota General Rules of Practice** describes how each defendant should be served with the *Statement of Claim* and the *Summons*. If you are responsible for serving the defendant, Court Administration will include *Instructions for Service*, along with the *Summons*.
- ***If your claim is less than \$2500, and if a defendant’s address is within the county you’re filing in***, then the Court Administrator will try to serve that defendant.
- ***If your claim is for more than \$2500***, then you must serve each defendant by certified mail, and you must file proof of service with Court Administration **within 60 days** of when the *Summons* was issued. There will not be a hearing unless the proof of service is filed on time.
  - Fill out *Conciliation Court Affidavit of Service* (CCT103) after serving Defendant to prove service. Use the forms created in Guide & File, or you can download the form online at <http://mncourts.gov/GetForms.aspx?c=10&f=172>.
- ***If a defendant does not live in Minnesota***, you may be required to have that defendant personally served. See Minn. Stat. § 491A.01, subd. 7, at <https://www.revisor.leg.state.mn.us/statutes/?id=491A.01#stat.491A.01.7>. Court Administration will send *Instructions for Service* along with the *Summons*.

## STEP 5: File Proof of Service

Unless Court Administration served each defendant, you will need to file proof of service (*Conciliation Court Affidavit of Service*, CCT103) within 60 days of Court Administration issuing the *Summons*. **Proof of service for each defendant must be filed before there can be a hearing.**

File the completed *Affidavit of Service* in the same method you filed your *Statement of Claim*. Note: If you decided to eFile your *Statement of Claim*, you must also eFile the completed *Affidavit of Service* for each defendant. Follow the same steps as above.

## STEP 6: Prepare for the hearing, then go to court

- 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 compel 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 judge 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 to require the person to give you the documents. Before you go to court, **prepare a list of facts you want to present**. Organize your presentation as clearly and completely as possible so you will not forget important facts and details.
- There is a 10-minute video on the Conciliation Court Help Topic on the MN Judicial Branch website called “How to Handle a Conciliation Court Hearing” that may help you prepare for your hearing. See <https://www.mncourts.gov/Help-Topics/Conciliation-Court.aspx#tab06Videos>.
- **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 judge may dismiss your claim or award a "default" judgment against you on any counterclaims.
- For more information about Conciliation Court, please look at the Conciliation Court Help Topic online at <http://mncourts.gov/Help-Topics/Conciliation-Court.aspx> .

## Need Help?

Call the Statewide Self-Help Center at 651-435-6535, or go to <http://mncourts.gov/Help-Topics/Self-Help-Centers/Self-Help-Centers-Contact.aspx>.

For help with the eFS System (see Step 3 above), call the eFS Support Center at 612-902-9585 or 1-844-918-1724 (if calling long distance from landline phone), or go to <https://www.mncourts.gov/eFS-Support> .