



MINNESOTA GUIDE & FILE


NEXT STEPS: Eviction Action Complaint (eFiling)

Write down the email and username you used for your Guide & File account. You will need this information to log back into Guide & File account or to log into the eFile and eServe (eFS) system (an online program for electronically filing and serving documents in Minnesota district and conciliation courts).

Minnesota Guide & File

Email: _____

Password: _____

 Please note that once you decide to eFile, [Rule 14.01\(b\)\(5\)\(i\)](#) of the MN General Rules of Practice requires you to continue to eFile all other documents using eFS for the rest of this case.

These are your *Next Steps* after you eFiled your case at the end of the Guide & File interview:

STEP 1: Add yourself as a service contact and sign up for eService in eFS once case is accepted

- Once you decide to eFile, you **must** accept any documents or notices from the court or the other party electronically through the eFS System. Because you have filed electronically, you must now sign up for electronic service (eService).
- You will receive an email from “**no-reply@tylerhost.net**” when your case is first filed and again when your case is accepted.
- Follow these steps to sign up for eService:

Using HTML5:

1. After you receive an email saying that your case is accepted (this may take 1 – 2 business days), sign into the eFS System using your Guide & File email and password at <https://minnesota.tylerhost.net/ofsw eb>. Please note, this is a different website than Guide & File.
 2. Follow the instructions, on both pages, in the Quick Reference Guide (QRG) for creating a service contact and signing up for eService.
 - [QRG: Adding and Removing Service Contacts from the List and Case](#)
- If your email ever changes or you no longer have access to the email account you used to sign up for eService, you must update your account information in eFS to continue eService in your case. **If you need any help with eFS, please contact the eFS Support Center.**

Help with eFS

Contact the eFile Support Center for help.

- ✓ By phone: 612-902-9585 or 1-844-918-1724
- ✓ By email: <http://www.mncourts.gov/eFS-Support>
- ✓ Website: <http://www.mncourts.gov/eFile>

STEP 2: Court Administration Will Issue a *Summons*

- Check your email often (the email address you used to set up your Minnesota Guide & File account). You will receive a link to the *Summons* in an **email** from no-reply@tylerhost.net.
- If you are eServed, the *Summons* will be available in the eFS System for download for **30 days**. If you do not download the *Summons* within 30 days, you will need to contact court administration to get a copy, and you may have to pay a copy fee.

STEP 3: Serve the *Summons* and *Eviction Action Complaint* on the Tenant

- The Court will create a ***Summons***. A *Summons* is a written notice telling the Tenant that a legal action has been filed and will be heard in court on a certain day. It also states that if the Tenant disagrees with the action or wants to tell a different side of the story, they must appear in court at the time of the hearing. **You will need a copy of the *Summons* for each Tenant.**
- You (the Plaintiff) **cannot be the person who serves the *Summons* and *Complaint***. If you gave Power of Authority to an agent, do not ask the agent to serve the papers. It is best not to ask the building manager to serve papers. Use a neutral person who is over the age of 18, or pay a service of process agency or the Sheriff to serve the papers.
- Service of the *Summons* and *Complaint* must be completed **at least 7 days before** the hearing date. **Example:** If court is on Friday, the last day to serve is Friday of the week before.
- A *Summons* and *Complaint* cannot be served on a legal holiday.
- Each named Tenant must be served. **Example:** if there are 3 tenants, each tenant must be served with a separate copy of the *Summons* and *Complaint*. If there is a husband and wife and 2 children, the husband and wife must each be served with a separate copy of the *Summons* and *Complaint*. Minor children should not be named as defendants or served.
- A separate *Affidavit of Service* **for each Tenant** must be filed with the Court at least **3 working days before** the court hearing. Which *Affidavit of Service* form you use will depend on the type of service. **There is more information about the *Affidavit of Service* below.**
- If Section 8 is involved, the contract between the landlord and the Housing Authority may require the landlord to serve a copy of the *Summons* and *Complaint* on the Housing Authority at the same time the papers are served on each tenant.

**PERSONAL SERVICE
OF THE SUMMONS
& COMPLAINT
(HOU106)**

***Personal
Service:***

An adult who is not involved with the case may act as the server and may hand the *Summons* and *Complaint* directly to the Tenant at least seven days before the court date.

***Substitute
Service:***

An adult who is not involved with the case may “serve” the *Summons* and *Complaint* by leaving a copy of the documents with a responsible person who lives with the Tenant. This person is then responsible for delivering the *Summons* and *Complaint* to the Tenant. **Example:** *Joe and John are adult roommates. If only Joe is home, the server can leave 2 copies of the Summons and Complaint with Joe, one for Joe and one for John.*

The server fills out one *Affidavit of Personal or Substitute Service (HOU106)* for each Tenant. The server must sign the *Affidavit* under penalty of perjury. Perjury is the crime of intentionally lying or misrepresenting the truth. The *Affidavit of Personal or Substitute Service* is your proof that you had the Tenant served.



It is always best if the Tenant is personally served with the *Summons* and *Complaint*. However, if you cannot find the Tenant, you may be able to have Tenant served in another way called *Mailing and Posting*.

**MAILING AND
POSTING of the
SUMMONS &
COMPLAINT**

***Use this
method of
service
when:***

1. Tenants cannot be found in the county **AND**
2. Personal or substitute service has been tried at least twice on different days with at least one of the attempts at service made between 6 and 10 p.m.

If the property is commercial instead of residential, the attempts to serve are not required. Instead, there must be proof that the commercial property is not occupied.

See the form *Instructions – Service by Mail and Post (HOU107)* for instructions on using this form of service online, as well as the other forms you will need to fill out at <http://www.mncourts.gov/GetForms.aspx?c=23&p=81>.

STEP 4: eFile Proof of Service

You will need to eFile proof of service (whichever *Affidavit of Service* form you used) for each Tenant at least **3 working days before** the court hearing.

You have two options for eFiling the completed *Affidavit of Service* forms (whichever method you used for service): using Minnesota Guide & File or using the eFS System. See below for details.

A. USING MINNESOTA GUIDE & FILE	B. USING THE ESYSTEM
<ul style="list-style-type: none">• Go to the Minnesota Guide & File website (https://minnesota.tylerhost.net/SRL) and log in to your account with your email address and password.• Once you are logged in, go to “Start a Filing” and then choose the “Affidavit of Service” Interview.• You will need an electronic copy of the completed <i>Affidavit of Service</i> forms saved as a flattened PDF in order to upload through this interview. You will also need the court file number (also known as the case number) to verify you are uploading to the correct file.• Enter the required details, and then upload the completed <i>Affidavit of Service</i> forms.	<ul style="list-style-type: none">• You can eFile the completed <i>Affidavit</i> forms directly in the eFS System. You will need an electronic copy of the completed forms saved as a flattened PDF to upload.• Your Guide & File log-in information (email and password) also gets you into the eFS System.• If you filed a fee waiver request (IFP) or set up a one-time payment account in Guide & File, then in the eFS System, you will need to add a payment account with a debit or credit card (even if there is no filing fee). This is not necessary if you eFile through Guide & File.• For more information, see http://www.mncourts.gov/eFile

STEP 5: Prepare for the Hearing, then Go to Court

- The Landlord or Landlord’s attorney must attend the hearing or your case may be dismissed. If the Landlord is a business, you must have an attorney in court. There is one exception to this rule. In Hennepin County, an officer or agent with *Power of Authority* (signed and filed with the court) may appear and represent the business without a lawyer, in Housing Court. If a decision is appealed to a judge or appellate court, an attorney will be required.
- You may find it helpful to read the “How to Prepare for Trial in Housing Court” booklet which is available on the Landlord/Housing Help Topics, along with a lot of other helpful resources online at <http://www.mncourts.gov/Help-Topics/Landlord-and-Tenant-Issues.aspx#tab07ToolsAndResources>.
- Many eviction cases settle at court. The landlord and tenant should try to work out an agreement. In some counties, if a trial with witnesses and evidence is needed, the trial will be scheduled for a separate date. In other counties, you may be expected to have your witnesses ready at the first hearing date.

For more information about what to expect at an eviction hearing, contact court administration for the county where you are filing, and/or look at the court’s website at <http://www.mncourts.gov/Find-Courts.aspx> and then pick your District/County.

Need Help?

For questions about **Steps 1, 2, or 4B** above, call the eFile Support Center at 612-902-9585 or 1-844-918-1724 (if calling long distance from landline phone), or go to <http://www.mncourts.gov/eFS-Support>.

For questions about **Steps 3, 4A, or 5**, 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>.