

INSTRUCTIONS FOR ANSWERS AND MOTIONS FOR DISMISSAL OR SUMMARY JUDGMENT

State law does not require a written answer in an unlawful detainer (eviction) court case. However, a written answer can assist the tenant in deciding what defenses to assert, and can assist the landlord, judge or referee in understanding the tenant's position. The tenant can use the form answer as an answer and motion, or as a check list in drafting an answer and motion. Since landlords have used "check off the box complaints" for years, the courts generally have accepted such forms from tenants as well. The tenant may answer the complaint at the first hearing. MINN. STAT. § 504B.335. As with any document to be submitted, the tenant should have a copy for the court, the opposing party, and for the tenant.

These forms contain the most common defenses, but do not contain every conceivable defense. To look at all of the available defenses, review the Table of Contents to Residential Unlawful Detainer and Eviction Defense. The forms contain at least one citation for each defense. To learn more about the defense, including standards of proof and reported and unreported decisions ruling on the defenses, review Residential Unlawful Detainer and Eviction Defense. For example, to find cases on waiver of notice, find waiver of notice in the table of contents and then review the section on waiver of notice. Statutes are available at <http://www.leg.state.mn.us/leg/statutes.htm>.

Most tenants live in private, non-subsidized rental housing. Form A-1 covers this housing, as well as cases involving foreclosed mortgages or canceled contracts for deed. A simpler and more open-ended version, form A-1(a), may work better for tenants representing themselves with advice from counsel.

Defendants who rent mobile/manufactured home park lots from a park should use form A-2. However, persons who rent the mobile/manufactured home from the owner of the home and do not rent a lot space should use form A-1 or A-1(a).

There are a number of public and subsidized housing programs. To determine which form to use, look at the Tenancies Table, form A-0(a).

Where the tenant may need to waive court fees, such as a sheriff's service fee, the tenant should apply for *in forma pauperis* status. See Form Ifp. For an affidavit of service, see Form Aff.