

INSTRUCTIONS FOR EXPUNGEMENT

Expungement or sealing court records is governed by common law and statute. The tenant should review Residential Unlawful Detainer and Eviction Defense Ch. VIII, Section E.5.

Tenants should ask for expungement as part of the request for relief in an unlawful detainer action. The court either will consider it at the time it determines the outcome of the case, or may require the tenant to bring a separate motion on the monthly calendar. In the Fourth District (Hennepin County) the Housing Court has scheduled a monthly calendar for expungement motions. Motions must be filed and served on the opposing party at least ten days before the hearing. However, on some occasions the court will grant an expungement at the same time that it dismisses an unlawful detainer action.

Forms include a motion, Hennepin County motion and scheduling order, order Scheduling Hearing, a motion service letter on the opposing party, and a final order on motion. Once the tenant obtains an expungement order, the tenant should send to all of the tenant screening agencies a copy of the order, using form Exp-5 (Letter to tenant screening agencies).

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.