

STATE OF MINNESOTA  
COUNTY OF \_\_\_\_\_

DISTRICT COURT  
JUDICIAL DISTRICT  
DIVISION: \_\_\_\_\_  
CASE TYPE: UNLAWFUL DETAINER  
(EVICTION)

\_\_\_\_\_  
\_\_\_\_\_,  
Plaintiff (Landlord),

v.

\_\_\_\_\_  
\_\_\_\_\_,  
Defendant (Tenant).

**NOTICE OF MOTION AND  
MOTION FOR EXPUNGEMENT**

LASM Form No. Exp-1 (April 2009)

Case No. \_\_\_\_\_

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that at \_\_\_\_\_ a.m./p.m. on \_\_\_\_\_, the Defendant will bring the following motion on for hearing before the Honorable \_\_\_\_\_, Referee or Judge of District Court, at the following location: \_\_\_\_\_.

**MOTION**

1. Defendant asks the Court for the immediate expungement of this eviction case court file.

2.  The Court may order expungement upon finding that “the plaintiff’s case is sufficiently without basis in fact or law . . . that expungement is clearly in the interests of justice and those interests are not outweighed by the public’s interest in knowing about the record.” Minn. Stat. § 484.014, subd. 2.

a. The Plaintiff’s case is sufficiently without basis in fact or law: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

b. Expungement is clearly in the interests of justice: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

c. The interests of justice are not outweighed by the public's interest in knowing about the record: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

3  Expungement is mandatory for an eviction case commenced solely on the grounds provided in Minn. Stat. § 504B.285, subdivision 1, clause (1), if the court finds that the defendant occupied real property that was subject to contract for deed cancellation or mortgage foreclosure and (1) the time for contract cancellation or foreclosure redemption has expired and the defendant vacated the property prior to commencement of the eviction action; or (2) the defendant was a tenant during the contract cancellation or foreclosure redemption period and did not receive a notice under Minn. Stat. § 504B.285, subdivision 1, clause (1), to vacate on a date prior to commencement of the eviction case. Minn. Stat. § 484.014, subd. 3.

a.  I moved on \_\_\_\_\_ before Plaintiff filed this case, or

b.  I am a tenant and did not receive a proper lease termination notice under Minn. Stat. § 504B.285.

4.  Under Minnesota common law, the court has inherent power to expunge court files. *State v. C.A.*, 304 N.W.2d 353 (Minn. 1981); *State v. T.M.B.*, 590 N.W.2d 809 (Minn. Ct. App. 1999) (courts may exercise their inherent authority to issue expungement orders affecting court records). The court should expunge this file because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

4. I certify that, to the best of my knowledge:
- this document is not being filed for an improper reason, such as harassment or delay;
  - my claims are supported by the law; and
  - there is evidence for my claims and/or my denials.

I know that I may be fined or sanctioned by the court if this certification is false.

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Date

OPTIONAL VERIFICATION:

Subscribed and sworn to before me  
on \_\_\_\_\_

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Notary Public