STATE OF MINNESOTA

COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT
FIRST DIVISION: MINNEAPOLIS
CASE TYPE: UNLAWFUL DETAINER
(EVICTION)

_____

_____,
Plaintiff (Landlord),

v.

_____

_____,
Defendant (Tenant).

NOTICE OF MOTION AND
ORDER FOR EXPUNGEMENT
OF EVICTION RECORD
UNDER MINN. STAT. § 484.014

LASM Form No. Exp-1HENN (April 2009)

Case No. _____

PLEASE TAKE NOTICE that at _____ a.m./p.m. on _____, the Defendant will bring the following motion on for hearing at C-356, Hennepin County Government Center, 300 South 6ᵗʰ Street, Minneapolis, MN 55487-0713.

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.

_____ Date	_____ Signature

OPTIONAL VERIFICATION:

Name: _____

Subscribed and sworn to before me on _____

Address: _____

City, State, Zip: _____

_____
Notary Public

Telephone: _____

ORDER

1. The party moving for expungement shall serve copies of the Notice of Motion and Motion on all parties to the case under Minnesota Rules of Civil Procedure 5 by no later than 10 days before the hearing.

4. The party moving for expungement shall file affidavits of service with the District Court Administrator by 3:00 pm, three days prior to the hearing. Failure to file these documents in a timely manner may be cause to strike the hearing.

Recommended By:

_____
Date

_____
Housing Court Referee

_____
Date

_____
Judge of District Court