

STATE OF MINNESOTA
COUNTY OF _____

DISTRICT COURT
JUDICIAL DISTRICT
DIVISION: _____
CASE TYPE: _____

Plaintiff,

v.

Defendant.

**AFFIDAVIT FOR
ESCROW OF RENT
AND RELATED CLAIMS**

LASM Form No. REA-1 (May 2000)

Case No. _____

_____ states upon oath:

1. I am the tenant living at _____

2. The name and address for the owner(s) of the property is/are _____

3. The name and address for the manager(s) of the property is/are _____

4. The owner(s) or manager(s) received the following notice about problems with my housing:

a. On _____, the City Inspector ordered the owner(s) and/or manager(s) to repair the property by _____. I have attached a copy of the order.

i. The owner(s) and/or manager(s) did not complete the repairs on time, **or**

ii. The city inspector gave the owner(s) or manager(s) too much time to complete repairs, because _____
_____, **and/or**

b. On _____, I sent or gave a written list of repair needed or other problems with my housing. The owner(s) and/or

manager(s) did not complete repairs or correct the problems within 14 days after I sent or gave the list.

5. I think it will cost to \$ _____ to repair or correct these problems.
6. Rent: My monthly rent is \$ _____.
- a. I did not pay the full rent for the months of _____. The amounts I did not pay for each month are _____. The total rent that I have not paid is \$ _____. I am paying this amount into court.
- b. I have paid all of my rent to the owner(s) and/or managers.

Optional

7. Defendant(s) have engaged in harassment by using repeated, intrusive, or unwanted acts, words, or gestures intended to adversely affect the safety, security, or privacy of me, my household members or guests. MINN. STAT. § 609.748: _____

8. Defendant(s) substantially violated my privacy. MINN. STAT. § 504B.211 (formerly § 504.183).
- a. Defendant(s) did not have a reasonable business purpose for entering the property: _____
- _____
- b. Defendant(s) did not make a good faith effort to give me reasonable notice under the circumstances before entering the property: _____
- _____
- c. Immediate entry onto the property was not necessary: _____
- _____
- d. Defendant(s) entered the property without prior notice and when I was not present, and did not give me written notice of the entry afterwards: _____
- _____

9. Defendant's notice for me to move was retaliatory under MINN. STAT. § 504B.285 (formerly § 566.03), § 504B.441 (formerly § 566.28), and was intended in whole or part as a penalty:

- a for my good faith attempt on _____ to secure or enforce rights under a lease or contract, oral or written, under the laws of the state or any of its governmental subdivisions, or of the United States; or
- b for my good faith report on _____ to a governmental authority of the plaintiff's violation of a health, safety, housing, or building code or ordinance.

10. Defendant(s) failed to pay for utility services for which Defendant(s) were obligated to pay. MINN. STAT. § 504B.215 (formerly § 504.185): _____

11. Defendant(s) illegally used a shared meter which does not accurately reflect my utility use. MINN. STAT. § 504B.215 (formerly § 504.185), § 504B.221 (formerly § 504.26): _____

12. Defendant(s) unlawfully terminated utility service. MINN. STAT. § 504B.221 (formerly § 504.26): _____

13. Defendant(s) unlawfully ousted or excluded Plaintiff(s) from the premises. MINN. STAT. §§ 504B.231(formerly § 504.255), 557.08, 557.09: _____

14. Defendant(s) rented condemned property. MINN. STAT. § 504B.204 (formerly § 504.245): _____

15. Defendant(s) unlawfully allowed illegal drug activity on the property, allowed prostitution or related activity to occur on the property, or allowed unlawful use or possession of a

firearm on the property. MINN. STAT. § 504B.171 (formerly § 504.181): _____

_____.

16. Defendant(s) penalized me for seeking police or emergency assistance. MINN. STAT. § 504B.205 (formerly § 504.215).

a. Defendant(s) barred or limited my right to call for police or emergency assistance in response to domestic abuse or other conduct: _____
_____.

b. Defendant(s) penalized me for calling for police or emergency assistance in response to domestic abuse or other conduct: _____
_____.

c. Defendant(s) required me to waive my right to call for police or emergency assistance: _____
_____.

I have a disability. Defendant(s) did not reasonably accommodate my disability. 42 U.S.C. § 3604(f)(3); 24 C.F.R. Part 100; MINN. STAT. § 363.03, subd. 2-2a.: _____

_____.

17. Defendant(s) committed consumer fraud. MINN. STAT. §§ 325F.68- 325F.70, 8.31, and deceptive trade practices. MINN. STAT. §§ 325D.43-325D.48: _____

_____.

18. Other: _____

_____.

Relief

The purpose of this affidavit and the deposit of rent is to cause the court to schedule a hearing of the facts relating to this cause of action and order the following relief:

1. Repairs:
 - a. Defendant(s) shall complete repairs and/or correct the problems with my housing.
 - b. If Defendant(s) does/do not complete repairs as ordered by the court,
 - i. I may complete repairs and/or correct the problems and deduct my costs from the rent.
 - ii. An administrator may take over operation of the property to complete repairs and/or correct the problems.
 - iii. A fine for Defendant(s) under MINN. STAT. § 504B.391 of \$250 for the first violation, \$500 for the second violation, and \$750 for the third violation and subsequent violations.

2. Relocation:
 - a. If I must leave while repairs are completed or because repairs are not completed, Defendant(s) shall relocate me in an apartment/hotel/motel until the emergency is resolved, and that Defendant(s) prepay the charge for the hotel/motel.
 - b. Defendant(s) shall pay me relocation costs in the amount of \$_____ for _____.

3. Harassment. MINN. STAT. § 609.748. Issue a temporary and permanent restraining order:
 - a. Ordering the Defendant(s) to cease or avoid the harassment me, my household members or guests: _____.
 - b. Ordering the Defendant(s) to have no contact with me, my household members or guests: _____.
 - c. Notifying Defendant(s) that violation of the order is a misdemeanor punishable by imprisonment for up to 90 days or a fine up to \$700.00 or both, and that a peace officer must arrest without warrant and take into custody a person if the peace officer has probable cause to believe the person has violated a restraining order.

4. Tenant Privacy, MINN. STAT. § 504B.211 (formerly § 504.183): Award the following:
 - a. Rent abatement in the amount of \$_____ for the months of _____.

- b. Full recission of the lease: _____
_____.
- c. Recovery of any damage deposit less amounts retained under the damage deposit statute, MINN. STAT. § 504B.178: _____
_____.
- d. Up to a \$100.00 civil penalty payable to me for each violation, for a total of \$ _____.
5. Retaliation. MINN. STAT. § 504B.285 (formerly § 566.03), § 504B.441 (formerly § 566.28):
- a. Defendant(s) may not evict me to retaliate against me for complaints I made.
- b. The notice to vacate is retaliatory and illegal and therefore void.
6. Illegal activity: Defendant(s) shall take the following action to prevent illegal drug activity, prostitution or related activity, or unlawful use or possession of a firearm on the property. MINN. STAT. § 504B.171 (formerly § 504.181) : _____
_____.
7. Defendant(s) shall reasonably accommodate my disability. 42 U.S.C. § 3604-(f)(3); 24 C.F.R. Part 100, MINN. STAT. § 363.03, subd. 2-2a: _____
_____.
8. Plaintiff shall cease committing consumer fraud and deceptive trade practices, in violation of MINN. STAT. §§ 325F.68-325F.70, 8.31, 325D.43-325D.48. *See Love v. Amsler*, 441 N.W.2d 555, 557-59 (Minn. Ct. App. 1989).
9. Award rent abatement:
- a. Retroactive (past) rent abatement in the amount of \$ _____ for the months of _____.
- b. Prospective (future) rent abatement in the amount of \$ _____ per month until the violations are remedied.
10. Award other damages:
- a. \$ _____ for consequential damages arising directly out of the failure of Defendant(s) to make repairs and maintain the premises according to health and housing codes, for _____
_____.

- b. \$ _____ for the failure of Defendant(s) to pay for utility services for which Defendant(s) were obligated to pay. MINN. STAT. § 504B.215 (formerly § 504.185).
 - c. \$ 500.00 or _____ (3 times \$ _____) for Defendant(s) unlawfully terminating utility service. MINN. STAT. § 504B.221.
 - d. \$ 500.00 or _____ (3 times \$ _____) for Defendant(s) illegal use of a shared meter which does not accurately reflect my utility use. MINN. STAT. § 504B.215 (formerly § 504.185), § 504B.221 (formerly § 504.26).
 - e. \$ 500.00 or _____ (3 times \$ _____) for Defendant(s) unlawfully ousting or excluding Plaintiff from the premises. MINN. STAT. §§ 504B.231 (formerly § 504.255), 557.08, 557.09.
 - f. \$ _____ (3 times \$ _____) for Defendant(s) renting condemned property. MINN. STAT. § 504B.204, (formerly § 504.245).
 - g. \$ 250.00 or _____ for Defendant(s) violating my right to call for police or emergency assistance. MINN. STAT. § 504B.205, (formerly § 504.215).
11. Award judgment for Plaintiff(s) in the amount of \$ _____.
12. Award reasonable attorney fees:
- a. Up to \$500.00. MINN. STAT. § 504B.425 (formerly § 566.25).
 - b. Additional fees:
 - i. Defendant(s) unlawfully ousted or excluded Plaintiff(s) from the premises. MINN. STAT. § 504B.231 (formerly § 504.255).
 - ii. Defendant(s) unlawfully terminated utility service. MINN. STAT. § 504B.221 (formerly § 504.26).
 - iii. Defendant(s) illegally used a shared meter which does not accurately reflect my utility use. MINN. STAT. § 504B.215 (formerly § 504.185), § 504B.221 (formerly § 504.26).
 - iv. Defendant(s) rented condemned property. MINN. STAT. § 504B.204 (formerly § 504.245).
 - v. Defendant(s) violated my right to call for police or emergency assistance. MINN. STAT. § 504B.205 (formerly § 504.215).
 - vi. Defendant(s) committed consumer fraud, MINN. STAT. §§ 325F.68-325F.70, 8.31, and deceptive trade practices. MINN. STAT. §§ 325D.43-325D.48.
13. Award costs to me. MINN. STAT. § 549.02.

14. Other relief: _____

15. Other relief as the Court deems just and proper.

16. **Verification and Acknowledgment:**

- a. I have read this document. To the best of my knowledge, information, and belief the information contained in this document is well grounded in fact and is warranted by law.
- b. I have not been determined by any court in Minnesota or in any other state to be a frivolous litigant and am not the subject of an order precluding me from serving or filing this action.
- c. I am not serving or filing this document for an improper purpose, such as to harass the other party or to cause delay or a needless increase in the cost of litigation or to commit a fraud on the court.
- d. I understand that if I am not telling the truth or if I am misleading the court or if I am serving or filing this document for an improper purpose, the court can order me to pay money to the other party, including the reasonable expenses incurred by the other party because of the serving or filing of this document, court costs, and reasonable attorney fees.

Date

Subscribed and sworn to before me
on _____

Notary Public

TO BE FILLED IN BY THE COURT

Set for ___ / ___ / ___ at ___ in Room _____. Notice Sent ___ / ___ / ___

Continued to ___ / ___ / ___ at ___ in Room _____. Notice Sent ___ / ___ / ___