



THE ONLY LEGAL WAY TO EVICT — EVICTION COURT CASES

If a landlord wants to force you to move, they must file an eviction court case (formerly called an “unlawful detainer”) against you.

Eviction court cases can be filed against you for many reasons, like

- not paying rent
- not moving after getting proper notice
- breaking the rules of the lease
- destroying the rental property on purpose
- causing a "public nuisance"- like selling or having drugs on the property.

If the landlord wins in court, the judge will issue a "Writ of Recovery" to the landlord. The Writ is a court order forcing you to move out within 24 hours. In most cases, however, the judge will "stay" (delay) the writ for up to **7 days** to give you time to find a new place to live. This means that the judge will give you 7 extra days to move before the Writ is effective. Once the Writ is effective, you have only 24 hours to move.

THE EVICTION HEARING

- You know that the landlord has started an eviction court case against you when you get the Summons and Complaint (these are legal papers that tell you to appear in Housing Court). **Do not ignore or throw away these papers. Pay attention to the way you get these papers.** The papers must be “served” in the right way. Contact a lawyer or your local legal services office immediately.
- The court hearing usually will be scheduled **7 to 14 days** after you get the Summons and Complaint.
- The Summons and Complaint will tell you why the landlord wants you out. It will also have the date, time, and place for the court hearing. If you live in Hennepin or Ramsey County, the landlord can also ask the judge for unpaid rent or other money they think you owe them at the time of the eviction hearing.

The Summons and Complaint might say that the landlord is evicting you for not paying rent. If you agree that you owe rent and you have



the money to pay it then you should be sure to go to the hearing. At the hearing you can pay the amount of rent you owe **plus** the court filing fees of \$252 dollars and any service fees. If you do this you can “redeem” your tenancy and the judge will decide that you can stay. If you cannot pay all of this money but can pay some then it is possible that your landlord will settle the case with you and allow you to stay if you make and follow a payment plan.

- It is important that you go to the hearing. **If you do not go, you could lose the case automatically. You would have to move immediately. You might also have to pay money.**
- You can go to the hearing by yourself or with a lawyer or housing advocate. If you represent yourself at the hearing, get some advice from a lawyer or housing advocate **before** the hearing.
- Unless you reach a settlement with the landlord, the landlord must prove the reasons why you should be evicted at the hearing.
- When the landlord finishes, tell the judge why you do not think you should have to move. Be sure to tell the judge about any defenses you think you have, such as retaliation, discrimination, and repair problems. It is a good idea to have an "Answer" ready before the court hearing. The purpose of the "Answer" is to respond to the landlord's list of complaints against you. **Also, bring all evidence you have to support your case**, like pictures, receipts, letters, witnesses, inspection reports, orders to repair, etc. **Ask questions if you do not understand what is happening.**



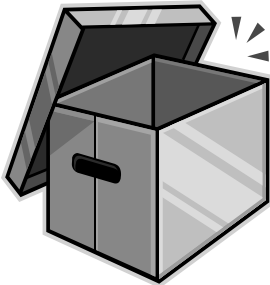
The judge or referee might send the case to trial if there are “factual disagreements” about the case (for example, if you and the landlord disagree about if the rent was paid). The trial will usually be within a few days of the first court date. At the trial you should present all of your evidence,

including photographs or receipts. You should be prepared to tell your side of the story in detail and to bring any witnesses that support your case. You do not need a lawyer for the trial, but it is a good idea to contact a lawyer or your local legal services immediately if you have a trial scheduled.

- After listening to both you and your landlord, the judge or referee will decide whether you have to move out. If you win, you get to

stay in your apartment. If the landlord wins, the judge will sign a Writ of Recovery ordering you to move out.

- If the landlord wins, tell the judge it will be hard for you to move immediately and that you need some extra time. The judge can give you up to **7 extra days** to move. **You must ask for the extra time in order to get it.**
- **If you lose, you have 10 days to appeal the decision.** If you want to appeal, **contact a lawyer immediately.** If a referee heard the case in Hennepin or Ramsey County, you have 10 days to ask for a judge to review your case.
- If you do not appeal and if you do not move out by the date the judge tells you to move, the Writ of Recovery will be "executed" (delivered) by a law enforcement officer. You will then have **24 hours** to move.



THE WRIT OF RECOVERY

- On the day or any time after the judge says you must move, the landlord can pick up the Writ from the court clerk and take it to the law enforcement officer.
- The law enforcement officer will serve the Writ on you as soon as possible, maybe even that day. The officer will either hand the Writ to you directly or post it on your door.
- The Writ tells you that you must move out of the property **within 24 hours.**
- If you do not move out within the 24 hours, the officer has the power to come back and forcibly move you out of the apartment. Sometimes it may take the officer more than 24 hours to come back. You can find out when the officer is planning to come back to move you out by calling the sheriff's office or police office and asking **when the execution of your Writ will be.**

Warning!

If you lose the eviction hearing, start looking for new housing immediately. If you stay in your apartment after the Writ has been served, you are at risk. If you cannot move before the Writ is served, protect your property as much as possible by moving out your important personal papers, medicine, clothing, some food, etc. **Once the law**

enforcement officer forces you out of your apartment, all of your belongings will be put into storage.

STORING YOUR PROPERTY

The landlord has to store any of your belongings that are left on the property after the law enforcement officer forces you to move. This is why it is important for you to remove as many of your belongings as you can before the law enforcement officer makes you move. The landlord can store your property either at your home or somewhere else.

If the landlord plans to store your belongings **off the premises** (somewhere else), the landlord will set up a time for the law enforcement officer to come back with a mover. The movers will pack up all of your belongings and put them in storage. **In order to get your belongings back, you must pay all packing, moving, and storage costs.** The longer the belongings are in storage, the more you will have to pay. **If you do not pay to get your belongings back within 60 days, the landlord can sell your belongings and use that money to pay the moving and storage costs.**

If the landlord plans to store your belongings **on the premises** (at your home), the landlord must return the property to you within 24 hours of your demand letter.

Note: You do not need to pay unpaid rent, late fees, or a security deposit in order to get your belongings back. **You only need to pay moving and storage costs if the property is stored off the premises.**



WHEN YOUR LANDLORD TAKES YOUR THINGS YOU LEFT BEHIND

If your personal belongings were taken by the landlord or you left property behind (like if you leave the apartment and do not return), the landlord can put the property in storage. To get your property back, you must **write** your landlord and demand that they return your property. **Keep a copy of your letter.** The landlord must return the property to you **within 24 hours** if it is stored somewhere on the premises. If the property is stored somewhere else, the landlord must return the property to you **within 48 hours**. This does not include weekends and holidays.

If the landlord does not return your personal belongings to you after getting your letter, you can sue to get them back. In addition to

awarding the value of the property or ordering the landlord to give back your property, the judge may order the landlord to pay you money for keeping your property from you and for attorney's fees.

The landlord can sue you for what it cost to move and store your property. The landlord must keep your things for **60 days** after they get the actual notice that you have abandoned the apartment or after it reasonably seems to the landlord that the unit has been abandoned. The landlord may sell or get rid of your property after the 60-day period has ended. At least 2 weeks before the sale, the landlord must make a reasonable effort to let you know about the sale. The money from the sale will be used to pay off any debts owed the landlord by the tenant. However, the landlord must give you any money left over from the sale of your property **if you ask for it in writing**.

This protection extends to residents following a mortgage foreclosure or contract-for-deed cancellation.