

# Avoiding Costly Legal Mistakes



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## Legal Resources Available in Minnesota

*Free legal help on select issues for low-income persons with civil law issues:*

- Volunteer Lawyers Network  
612-752-6677  
VLNMN.org
- Minnesota Legal Advice Online  
www.MNLegalAdvice.org

*Free online resources including general info, legal rights, the law and the courts, legal forms, etc:*

- LawHelp Minnesota  
LawHelpMN.org

*Referral for all persons to hire qualified, private attorneys:*

- Minnesota State Bar Association Find-A-Lawyer  
MNbar.org/member-directory/find-a-lawyer

*Helpful information and services about your legal problem if you are not represented by an attorney:*

- Minnesota Courts Self Help Center  
MNCourts.gov/SelfHelp

*Free legal referrals and/or confidential information about housing, health, or other needs 24/7/365:*

- United Way 211  
Dial 2-1-1 or 651-291-0211 or 1-800-543-7709
- Minnesota Community Action Partnership  
MinnCap.org

This brochure provides only general information on common legal issues. The application of the law to a specific situation can vary widely based on the specific facts involved. For legal advice specific to your situation, see a licensed attorney.

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# Avoid Legal Problems

You can lose money, time, and even the ability to rent an apartment or get a job, unless you know some basic legal principles. Read these tips and you can sidestep common legal problems – before they happen.

## Renting

### *Rent with roommates you trust.*

Anyone on a lease can be liable for the entire rent. If your roommate(s) move out early, the landlord has a right to collect all the rent from just you.

### *Get and keep a written lease agreement so you know what utilities (heat, electricity, etc.) you need to pay, the length of the lease, and how much notice you need to give before moving out.*

Get in writing any promises the landlord makes to fix any problems. Before you sign any lease, check out the apartment in person.

### *Before you move in and before you leave, take pictures of the apartment.*

Then, if you leave it in good condition but the landlord keeps some or all of your security deposit, you have evidence to help you get your security deposit back.

### *Keep receipts for rent and damage deposit payments in case you later need to prove your payments.*

One way to do this is with a money order (available at low cost from a post office). If you might lose receipts, take a picture of them with your phone.

### *Even if your place needs repairs, don't stop paying rent or you could be evicted.*

First ask your landlord in writing (keep a copy) to make the repairs. If the landlord doesn't do them, ask the local housing inspector for an inspection. The inspector could order the landlord to make the repairs. In the meantime, you may choose to pay your rent to the court (rather than the landlord) as part of filing a "rent escrow action." The court will hold the money until it decides if the landlord must make repairs and forfeit some of the rent.

### *When you will be moving out, follow the lease instructions to let your landlord know.*

Do this in writing and deliver it by hand or by U.S. mail with confirmation of delivery. Otherwise you may be charged for rent even after you leave. If you don't have a written lease, give written notice at least one calendar month and a day before moving out.



## Buying a Home or Condo

Ask a lawyer for help; it's a complicated process with many potential problems that could cost you a lot of money. At the very least, you should:

1. Pay for an inspection to find any hidden issues.
2. Find out what county the property is in. Ask the recorder of that county if the seller owns the property and if anyone else is listed on the property.
3. Get the full agreement in writing, and make sure you understand it. If you are buying a home or condo on a contract-for-deed, get a clear agreement on who pays the property taxes, utilities, and homeowner's insurance.
4. If you are buying a condo, also understand the condo association's bylaws, including your association fees and costs to repair and maintain common areas.
5. After the sale, record the paperwork in that county so that the property can't be sold a second time without your knowledge.

## Cars

### *If you borrow a car, make sure an up-to-date insurance card is in the vehicle.*

If you get into an accident and there is no insurance, you could be liable for thousands of dollars of damages.

### *If you are selling a vehicle, make sure the title is legally transferred to the new owner.*

Go with the buyer to your local Driver and Vehicle Services office. Otherwise, you could be liable for large costs if the buyer has an accident with your old car. (While you can report a sale online, this does not legally transfer the title.)

### *If you are buying a vehicle:*

1. Ask a mechanic to check it for hidden problems.
2. Ask to review the title to make sure that no bank or other secured party has a lien on the vehicle. Get the seller to obtain a lien release before you buy the car.
3. When you pay for the vehicle, get the title (with the seller's signature).
4. File the title with Driver and Vehicle Services so you can prove you own it, as well as get license plates.
5. By law, you must have car insurance. If you get into an accident and don't have insurance, you may owe thousands of dollars and, if you cannot pay, lose your driver's license.

### *If you are in an accident, call your insurance company immediately.*

Otherwise, it may be harder to get its help.

### *Pay your parking tickets or your car could be towed or your license revoked.*

Follow the instructions on the ticket. You also can talk with a hearing officer to dispute the ticket, ask for a reduction in the ticket, or make a payment plan.



## Employment

*If your former employer has not paid all your wages: 1) deliver a letter to your employer seeking payment, and 2) keep a copy of the letter.*

If the employer still doesn't pay you, you may be able to sue in small claims court for both wages and penalties. But because suing and collecting can take months, don't delay applying for unemployment and/or new jobs.

*If your employer fires you and you don't know why, write him or her to ask for the reason within 15 days of when you were fired.*

The employer is then required to tell you within 10 working days.

## Criminal Expungement

*If you're having trouble getting a job or apartment because of a past criminal record, ask an attorney if you can get the record removed ("expunged" or "sealed") from public databases.*

Criminal records will not go away by themselves. If you completed a diversion program or got a dismissal, or if you were convicted but have changed your life, you may qualify to get the record expunged.

## Family

*If you are court-ordered to pay child support and have a significant loss of income, call child support collections and enforcement right away; you may be able to file a motion to change the amount of support.*

Job loss or a reduction in your income does not automatically change the amount you owe every month. You must ask the court to reduce the amount of your child support obligation. Failure to timely pay court-ordered child support could result in suspension of your driver's licence and loss of other privileges.

*If your child will travel out of state to visit his or her other parent, talk with an attorney before the child leaves Minnesota.*

Enforcing custody orders in other states can be complicated, time consuming, and may require travel to the other state. Planning ahead can reduce the likelihood of problems down the road.

*Get help if your spouse or partner is physically hurting or threatening you or your child.*

Trained domestic abuse advocates are available to discuss your options to keep you and your family safe. Contact Day One at 1-866-223-1111.

## Lawsuits & Legal Notices

*If you get legal papers called a "Summons" and "Complaint," ask an attorney right away how to respond.*

You may have only 20 days to serve an "Answer;" if you do nothing, you could lose the case even if you have defenses! There might not even be a court date.

*Get legal advice only from an attorney licensed to practice law in Minnesota.*

Check <http://mars.courts.state.mn.us/>. Do not rely on a "notario," friends or family.

## Debt Collection & Settlement

*If your paycheck has been garnished or your bank accounts frozen, ask a lawyer if you can get some or all of your money back.*

If you get Social Security, MFIP, or veteran's benefits; if you earn less than \$290 a week; or if they garnished more than 25% of your after-tax earnings: you may get some or all of your money back through an "exemption claim." (This applies to consumer debt such as credit card, auto loan, payday loan, and medical.)

*If you are harassed by debt-collection calls, write them to ask them to stop (and keep a copy of the letter).*

You do not have to talk with them except in very limited circumstances; the law limits what they can say to you and when they can contact you. If they keep calling, you can report them to the Minnesota Department of Commerce or ask a consumer rights attorney if you could sue them for damages.

*If you cannot pay a debt in full, the debt collector might agree to a payment plan.*

Contact them. If they agree, talk with an attorney before signing the agreement to make sure you are not giving up some of your legal rights unknowingly. If you go ahead, get the debt collector's signature on the agreement, sign it, and keep a copy.

*Order your credit report each year for free to check for errors or identity theft.*

Go to [www.annualcreditreport.com](http://www.annualcreditreport.com) or call 1-877-322-8228. If you see errors, ask the credit reporting agency how to correct them. If they don't correct the error, ask a consumer rights attorney if you can sue them. If you think you might be a victim of identity theft, see [www.identitytheft.gov](http://www.identitytheft.gov).

## Government Assistance

*If your income changes, let your caseworker know right away.*

Don't try to hide any increased income. Otherwise, you may end up owing the government money, being charged with a crime, and unable to get future assistance. For those seeking citizenship, it can result in denial.