



## Expunging an Eviction Case

### What does “expungement” mean?

Expungement means removing the record of a court case from the public view. If your eviction court case is expunged, then someone searching court files can't find a record of your eviction case. Courts sometimes expunge eviction cases, but it might be hard to get an expungement.

Eviction cases used to be called “unlawful detainers” (UDs). Some records might show that you have UD, this is the same thing as an eviction.

### When can the court expunge an eviction case?

A judge (or referee) decides if a case can be expunged. The law lists things you need to show for the judge to expunge a case. But, even if you show all of these things, it is still up to the judge to decide yes or no.

There are some cases where a judge **has to** grant an expungement. They are listed in the section on the next page, *Mandatory Expungement*.



### What are examples of good cases for expungement?

- You won the case. The case was dismissed, or you won after a trial.
- You moved before the eviction case was served.
- You settled the case and you did everything in the settlement agreement.
- Your landlord agreed not to fight the expungement. Your landlord can't give you an expungement, but the landlord's agreement not to fight the expungement can help.

### The 3 Kinds of Expungements

There are 3 kinds of expungement you can ask for.

- “Inherent authority” .
- “Statutory”
- “Mandatory”

If it fits your situation, you can ask for more than one kind of expungement.

## “Inherent Authority” Expungement

This kind of expungement comes from the court’s power to manage its own case records. The court decides if expunging the case for you (the tenant) is more important than future landlords knowing about the case. The judge has the power to decide if they do or don’t want to expunge the case.

## “Statutory” Expungement

This kind of expungement comes from the law. The law says that the court needs to do the same thing that it does in an “inherent authority” expungement. This means it decides if expunging the case for you (the tenant) more important than future landlords knowing about the case. If the answer is yes, then the court can expunge the case. The judge has the power to decide if they do or don’t want to expunge the case.

## “Mandatory” Expungement

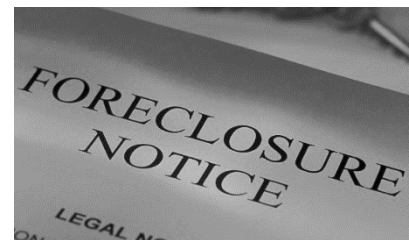
This kind of expungement also comes from the law. The judge has to expunge your case if:

1. You won your case “on the merits” which means the court considered the facts and the law and decided you should not be evicted
2. The court dismissed the landlord’s case for any reason, including for example, bad service
3. You and your landlord agree to the expungement
4. It has been 3 years since the eviction was ordered
5. You reached a settlement agreement with your landlord and followed the agreement
6. You were evicted only due to the possession of marijuana or tetrahydrocannabinols or you are eligible for automatic expungement of certain marijuana offenses. See our fact sheet [Can I get my marijuana convictions erased? New Marijuana Laws in MN.](#)
7. The property was in foreclosure or contract for deed cancellation

The eviction case was only about you staying at the property too long (holdover), not about nonpayment of rent or breaking your lease (breach), and

At least one of these is true:

- The foreclosure redemption period or time for contract cancellation is over. You moved out before the eviction case was served.
- You were a tenant during the foreclosure redemption period or contract cancellation period. Your lease began after the landlord’s mortgage or contract for deed began. You didn’t get proper notice about your lease ending, OR you were given proper notice to end your lease, but the eviction case started before the date the notice said you needed to move.



**Note:** In foreclosure cases a minimum of 90 days' notice is usually required. In contract for deed cases, a 12 months' notice is required. If you're not sure if you were given proper notice see our fact sheet, [When your Landlord Loses the Building: Mortgage Foreclosure and Contract for Deed Cancellation.](#)

### **Which kind of expungement should I ask for?**

- You should always ask for both an “inherent authority” and a “statutory” expungement.
- You should also ask for a “mandatory” expungement if one of the reasons listed in the last section applies to you.

### **What should I put in my expungement papers?**

You need to convince the judge that you deserve an expungement. Be specific about how the eviction case record has affected your life. **You have a better chance of getting an expungement if you give lots of details about your situation.**

Talking about these kinds of things can help your chances of getting an expungement:

- If the eviction was because of a hard time in your life, like job loss or medical problems.
- If you still live at the property.
- If this is your only eviction.
- If the case is old.
- If you settled the case and did everything you agreed to in the settlement agreement.
- If you paid the landlord everything you owe
- How the eviction makes it hard for you to find housing
  - list how many times you have been turned down for housing and how much money you spent on application fees.
- Why safe, stable, and affordable housing is important to you and your family, and how the eviction keeps you from finding housing.



## What if I paid the rent after the case started?

Paying what you owed does not take the case off your record. Paying what you owe does not guarantee expungement.

## What if I still owe the landlord money?

It's a lot harder to get a case expunged if you still owe the landlord money. It's usually best to wait to ask for an expungement until after you have paid back the landlord. If your current situation is really bad, or one of the mandatory expungement reasons applies to you, the judge might expunge your case. They might expunge it even if you still owe the landlord money.



Sometimes, the judge in the eviction case orders you to pay the landlord. This is called a money judgment. Before the landlord can ask the court to collect this money from you, they have to go to conciliation (small claims) court. This is called "docketing" or "transcribing" the judgment. They then have 10 years to collect the judgment from you. Sometimes, landlords won't do this step until the tenant asks the court to expunge a case. If you still owe the landlord money, try to talk to a lawyer first before filing your expungement motion.

Even if you get the case expunged, the debt you owe to the landlord might show up on a credit report. Many landlords check both credit reports and eviction records when they are renting someone an apartment.

## How do I ask the court for expungement?

1. Look at all of the court documents in your eviction case including the court's decision. If you don't have a copy, go to the courthouse where it was filed and ask for one. There may be a cost for copies.



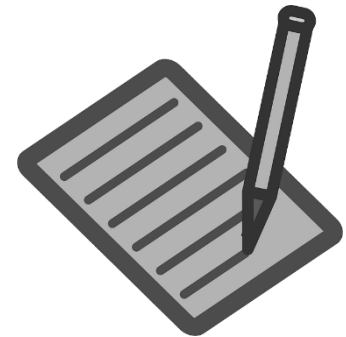
Does the court record show that you qualify for a mandatory expungement? With new laws effective 2024, there are many reasons you may be eligible for an automatic expungement. If possible, meet with a lawyer who knows about eviction cases to help you see any arguments you might have for an expungement.

2. For Mandatory Expungement based on reasons 1-4 or 7, above, you can get an expungement without filing a motion. Write the court a letter to explain why you qualify for a mandatory expungement and bring it to the court clerk to file it into the case. There is a Mandatory Expungement Request form attached to this fact sheet.

If the court tells you that you need to file a motion or pay a fee, follow the instructions below. Talk to a lawyer for help or advice if this happens to you.

3. For Inherent Authority Expungement, Statutory Expungement, or Mandatory Expungement based on reasons 5-6, above, you need to file a motion to get an expungement. There is an Expungement Motion form attached to this fact sheet.

- At the top, fill in:
  - The name of the county
  - The Plaintiff's name or names (your landlord, or the owner) and the Defendant's name or names (your name). **These have to be filled in exactly as they are on the Complaint and Court Order form in the eviction case even if the names are spelled wrong.**
  - The file number of your eviction case
- Don't fill in the "Notice of Motion" section until the court gives you a hearing date.
- Fill out the rest of the form. Check the boxes and write in the details about your situation. You can check more than one of the boxes.
- Sign your Motion.
- Attach copies of any documents that help prove what you've said in the motion is true.

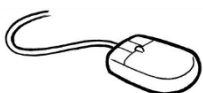


4. Go to District Court to file your Motion.

- Ask the clerk if you need to fill in the court date on the "Notice of Motion." Some counties want you to fill in the date, and some counties don't.
- Check with the clerk to see if a judgment was "entered" in your case. If so, some clerks also want you to fill out a motion to vacate the judgment. The clerk might tell you if you need to do this and give you a form.
- Ask the clerk for instructions on how to serve the "Motion" on the Plaintiff. You usually can "serve" the motion by mailing it to the landlord's last known address.

5. There is a filing fee for an expungement motion. If you have a low income, you can fill out a court Fee Waiver form. This form asks the court to waive the fees. The court has these forms or you can [create one online](#).

Go to [www.lawhelpmn.org/forms](http://www.lawhelpmn.org/forms).



→ Click on *Court Fee Waiver*

Bring proof of your income, like pay stubs, or proof of government assistance.

Go to the hearing prepared. Bring any documents that you included with your Motion, and anything else that might help you prove your case. Bring any witnesses who can support your story.

## What should I do if I get an expungement?

Check the court records to be sure that the case was removed. The court clerk can tell you when your case will be expunged. They can also tell you how to check the record to make sure that it was removed.

A tenant screening company can't report an eviction once the company knows it has been expunged. There is a letter attached to this fact sheet. Make 16 copies. Sign them and send one with a copy of your expungement order to each of the tenant screening agencies listed on the top of the letter. Keep the original letter or a copy for your records.

If you get turned down for an apartment, find out what tenant screening agency the landlord used. Call that screening company to make sure they are not reporting the expunged eviction case. See our fact sheet [Tenant Screening](#) for more information.

## What should I do if the judge says “no”?

The law gives the judge a lot of power in deciding expungements. Even if you think you have a good case, the law says the judge can still say “no” if this is what they decide to do. The only time the judge has to expunge the case is if it is a “mandatory” expungement. If you disagree with the judge's decision, you can appeal. BUT there is a good chance that the next court the case goes to will agree with the first judge's choice. If you think the judge did not consider all of the information or did not use the law right, talk to a lawyer to see if you should appeal.

You can try to expunge the case again after some time has passed. There also needs to be more things that make expunging the case for you (the tenant) more important than future landlords knowing about the case. These can be things like time being homeless, money spent in application fees, or being denied housing at more places.

See our fact sheets [Looking for an Apartment](#) and [Tenant Screening](#), about finding an apartment with an eviction on your record. Try to find landlords who don't charge application fees and don't use tenant screening services.

You have the right to add a statement to your tenant screening record explaining any evictions on your record. Make sure your tenant screening report is correct. It may have other wrong information about you.

Tenant screening companies can report evictions for 7 years, and landlords can check court files directly for as long as the court keeps records of old eviction cases. Ask the company to fix any errors in the report.



**Fact Sheets are legal information NOT legal advice. See a lawyer for advice.**

*Don't use this fact sheet if it is more than 1 year old. Ask us for updates, a fact sheet list, or alternate formats.*

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## Mandatory Expungement Request

Date: \_\_\_\_\_

RE: MANDATORY EXPUNGEMENT REQUEST

Court File Number: \_\_\_\_\_

Dear Judge or Referee:

I am a tenant in the eviction case referenced above.

I am entitled to a mandatory expungement under Minn. Stat. § 484.014, Subd. 3 because:

- A court reviewed the law and the facts in my case, and I won (prevailed on the merits).
- On \_\_\_\_\_, the Court issued an order dismissing this eviction case.
- My landlord and I, and any other parties to the case, have agreed that this case can be expunged from the court's records.
- Eviction was ordered in this case on \_\_\_\_\_, and more than three years have passed since this date.
- This eviction was for holdover under Minn. Stat. § 504B.285, subdivision 1, clause (1), the property was subject to contract for deed cancellation or mortgage foreclosure and the time for contract cancellation or foreclosure redemption has expired and I vacated the property prior to commencement of the eviction action; or I was a tenant during the contract cancellation or foreclosure redemption period and did not receive proper notice to vacate on a date prior to commencement of the eviction case;

Please expunge this eviction case. Thank you.

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116.

\_\_\_\_\_  
(print name)

\_\_\_\_\_  
(signature)

STATE OF MINNESOTA

DISTRICT COURT  
JUDICIAL DISTRICT  
CASE TYPE: EVICTION ACTION

COUNTY OF \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Plaintiff(s) (Landlord),

**NOTICE OF MOTION AND  
MOTION FOR EXPUNGEMENT**

v.

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

\_\_\_\_\_  
\_\_\_\_\_

Defendant(s) (Tenant).

TO: DISTRICT COURT ADMINISTRATOR; PLAINTIFF.

**NOTICE OF MOTION**

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

**MOTION**

1. I am asking the court to immediately expunge this court file.
2. Expungement within the Court's Inherent Authority

Courts have inherent authority to perform a judicial action when the relief requested "is necessary to the performance of a judicial function as contemplated in [the] state constitution."<sup>1</sup> Courts also have inherent authority to control their own records, along with the equitable power to prevent unfairness to individuals.<sup>2</sup> The court "must decide whether expungement will yield a benefit to the

<sup>1</sup> *In re: Clerk of Court's Compensation for Lyon County v. Lyon County Commissioners*, 241 N.W.2d 781, 786 (Minn. 1976).

<sup>2</sup> *State v. C.A.*, 304 N.W.2d 353, 358 (Minn. 1981).











**7. Statutory Expungement<sup>6</sup>**

The Court may order expungement upon finding 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."<sup>7</sup>

Numbers 3 through 6 above explain why the expungement is clearly in the interests of justice and those interests are not outweighed by the public's interest in knowing about the record. For those same reasons, I am asking the Court to grant a discretionary expungement.

**Mandatory Expungement because Defendant Prevailed on the Merits**

8. A court reviewed the law and the facts in my case, and I won. Expungement is mandatory under law.<sup>8</sup>

**Mandatory Expungement because the Case Was Dismissed**

8. On \_\_\_\_\_, the Court issued an order dismissing this eviction case. Expungement is mandatory under law.<sup>9</sup>

**Mandatory Expungement because the Parties Agreed to Expungement**

9. My landlord and I, and any other parties to the case, have agreed that this case can be expunged from the court's records.
- We reached a written settlement agreement that I am enclosing with this motion.

**OR**

- We agreed orally or by some other mode of communication. My proof of the agreement, if any, is enclosed with this motion. Expungement is mandatory under law.<sup>10</sup>

**Mandatory Expungement because the Eviction Is More Than Three Years Old**

10. Eviction was ordered in this case on \_\_\_\_\_, and more than three years have passed since this date. Expungement is mandatory under law.<sup>11</sup>

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<sup>6</sup> Minn. Stat. § 484.014, subd. 2

<sup>7</sup> *Id*

<sup>8</sup> Minn Stat. § 484.014, subd. 3.

<sup>9</sup> Minn Stat. § 484.014, subd. 3.

<sup>10</sup> Minn Stat. § 484.014, subd. 3.

<sup>11</sup> Minn Stat. § 484.014, subd. 3.



## Mandatory Expungement because of Foreclosure

8. The property in this case was in foreclosure. Expungement is mandatory under law.<sup>14</sup>

- a. I moved out of the property on \_\_\_\_\_, before this case started<sup>15</sup> on \_\_\_\_\_. The foreclosure redemption period is over.

OR

- b. The landlord said I stayed past my move out date (holdover). I was a tenant at the property during the redemption period. My lease started after the landlord's mortgage began. *Check one:*

- i. I did not get the notice required by law.<sup>16</sup>

ii. I received the notice required by law<sup>17</sup>, but this case started before the date I was supposed to move.

- Mandatory Expungement because of Contract Cancellation**

13. The property in this case was in contract cancellation. Expungement is mandatory under law.<sup>18</sup>

- a. I moved out of the property on \_\_\_\_\_, before this case started<sup>19</sup> on \_\_\_\_\_. The time for contract cancellation is over.

OR

- b. The landlord said I stayed past my move out date (holdover). I was a tenant at the property during the during the contract cancellation period. My lease started after the contract for deed. *Check one:*

- i. I did not get the notice required by law.<sup>20</sup>

- ii. I received the notice required by law<sup>21</sup>, but this case started before the date I was supposed to move.

10. I certify that, to the best of my knowledge:

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<sup>14</sup> Minn Stat. § 484.014, subd. 3.

<sup>15</sup> In Minnesota a case starts at service. Minn. R. Civ. P. 3.01(A); *Appletree Square I, Limited Partnership v. W.R. Grace & Co.*, 29 F.3d 1283, 1286 (8<sup>th</sup> Cir. 1994); *Appletree Square I Limited Partnership v. O'Connor & Hannan*, 575 N.W.2d 102, 103 (Minn. 1998).

<sup>16</sup> Minn. Stat. § 504B.285, subd. 1a requires minimum notice period of 90 days. Some tenants get a longer notice period.  
<sup>17</sup> *Id.*

<sup>18</sup> Minn. Stat. § 484.014, subd. 3.

<sup>19</sup> In Minnesota a case starts at service. Minn. R. Civ. P. 3.01(A); *Appletree Square I, Limited Partnership v. W.R. Grace & Co.*, 29 F.3d 1283, 1286 (8<sup>th</sup> Cir. 1994); *Appletree Square I Limited Partnership v. O'Connor & Hannan*, 575 N.W.2d 102, 103 (Minn. 1998).

<sup>20</sup> Minn. Stat. § 504B.285, subd. 1a requires a minimum notice period of 90 days. Some tenants get a longer notice period.

<sup>21</sup> *Id.*

- 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.

I declare under penalty of perjury that everything I have stated in this document is true and correct.<sup>22</sup>

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defendant (Tenant)

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

\_\_\_\_\_  
<sup>22</sup> Minn. Stat. § 358.116.



## Letter to Tenant Screening Companies (send a copy to each company on the list below)

**Note:** This is a list of the agencies most often used by MN landlords to screen tenants. There are others. It is best to get the agency name and address from your landlord.

### **First Advantage**

PO Box 105108  
Atlanta, GA 30348  
[resident.s@fadv.com](mailto:resident.s@fadv.com)

### **Rental History Reports, Inc**

7900 W 78th St., Suite 400  
Edina, MN 55439  
(952) 545-3953  
[www.rentalhistoryreports.com](http://www.rentalhistoryreports.com)

### **Rental Research Services, Inc.**

7525 Mitchell Rd, Suite 301  
Eden Prairie, MN 55344  
(952) 935-5700  
[www.rentalresearch.com](http://www.rentalresearch.com)

### **Twin City Tenant Check**

910 Ivy Ave East  
St. Paul, MN 55106  
(651) 224-3002  
[www.tcofmn.com](http://www.tcofmn.com)

### **Checkr.com**

Attn: Legal Department  
1 Montgomery St, Ste. 2400  
San Francisco, CA 94104  
[www.checkr.com](http://www.checkr.com)

### **First Check**

P.O. Box 334  
Wyoming, MN 55092  
[kris@firstcheck.info](mailto:kris@firstcheck.info)

### **Multihousing Credit Control (MCC)**

10125 Crosstown Circle, Suite 100  
Eden Prairie, MN 55344  
(952) 941-0552  
[www.mccgrp.com](http://www.mccgrp.com)

### **TC Screening Reports, Inc.**

2900 Monarch Lakes Blvd, Ste 201  
Miramar, FL 33027  
(866) 389-4042  
[www.screeningreports.com](http://www.screeningreports.com)

### **Experian Rent Bureau**

PO Box 26  
Allen, TX 75013  
1-(877) 704-4519

### **TenantReports.com, LLC**

PO Box 450  
Springfield, PA 19064  
(855) 244-2400  
[www.tenantreports.com](http://www.tenantreports.com)

### **TransUnion**

**My Smart Move- Disputes**  
PO Box 800  
Woodlyn, PA 19094  
[www.mysmartmove.com](http://www.mysmartmove.com)

### **RealPage Resident Screening**

c/o Leasing Desk Screening  
Consumer Relations  
2201 Lakeside Blvd  
Richardson, TX 75082  
(866) 934-1124

### **AppFolio, Inc**

[Consumer.relations@appfolio.com](mailto:Consumer.relations@appfolio.com)

### **TenantAlert.com**

23801 Calabasas Rd, Ste 1022  
Calabasas, CA 91302  
[www.TenantAlert.com](http://www.TenantAlert.com)

### **Equifax Corp. Central Source, LLC**

PO Box 105283  
Atlanta, GA 30348  
1-(877) 897-5001  
[residentscreening@equifax.com](mailto:residentscreening@equifax.com)

### **Appriss**

Oyster Point Professional Park  
11824 Fishing Point Dr, Ste B  
Newport News, VA 23606  
[compliance@knowthefact.com](mailto:compliance@knowthefact.com)

## Letter to Screening Agencies asking them to delete expunged evictions

Date: \_\_\_\_\_

Dear Directors:

I am the tenant listed in the enclosed expungement order(s).

Minnesota Statutes § 504B.241, Subd. 4 says that “If a tenant screening service knows that a court file has been expunged, the tenant screening service shall delete any reference to that file in any data maintained or disseminated by the screening service.”

Subdivision 2 states that “At the request of the individual, the residential tenant screening service must give notification of the deletions to persons who have received the residential tenant report within the past six months.”

I am asking you to delete all of your references to this court file, and that you notify anyone who got my tenant report in the last 6 months that the eviction was expunged and deleted from my file.

Minnesota law does not permit tenant screening agencies to ask for any other information on tenants before taking this action.

Please contact me if you have any questions. Thank you.

\_\_\_\_\_  
(print name)

\_\_\_\_\_  
(signature)