



Tshem Tawm Rooj Plaub Raug Ntiab Tawm Tsev

Expunging an Eviction Case

“Expungement” txhais li cas?

Expungment txhais hais tias muab cov ntaub ntawv ntawm ib rooj plaub tshem tawm kom pejxeem tsis txhob pom lawm. Yog koj rooj plaub ntiab tawm tsev raug tshem tawm lawm ces ib tug neeg tshawb xyuas tsev hais plaub cov ntaub ntawv yuav nrhiav tsis pom muaj koj rooj plaub ntiab tawm tsev. Tej zaum cov tsev hais plaub tshem tawm tau cov plaub ntiab tawm tsev, tabsis yeej nyuaj.

Yav tas los lawm cov plaub ntiab tawm tsev hu ua “unlawful detainers” (UDs) tsis muaj cai nyob hauv lub tsev. Tej zaum tej cov keebkawm yuav qhia txawv tias koj muaj UD, qhov nov yog tib yam li raug ntiab tawm tsev.

Thaum twg tsev hais plaub thiaj tshem tawm tau rau rooj plaub ntiab tawm tsev?

Tus txiav txim plaub (lossis tus txiav txim plaub qis) yuav txiav txim seb muab rooj plaub ntiab tawm tsev tshem tawm puas tau. Txoj kevcai daim ntawv teev cov khoom uas koj yuav tsum qhia rau tus txiav txim plaub mas nws thiaj li muab rooj plaub ntiab tawm tsev tshem tawm tau. Tabsis, txawm yog koj qhia tagrho tej no rau tus txiav txim plaub los, nyob ntawm tus txiav txim plaub seb nws puas pom zoo los tsis pom zoo xwb.

Muaj ib co rooj plaub uas tus kws txiav txim plaub **yuav tsum tau** tso cai kom muab tshem tawm. Lawv muaj sau cia nyob rau phaj ntawv tom ntej no, *Yuav tsum tshem tawm rooj plaub.*



Cov rooj plaub piv xwv uas zoo muab tshem tawm yog dabtsi?

- Koj yeej rooj plaub lawm. Muab rooj plaub raug muab lawb tawm mus, lossis hais rooj plaub tag es koj yeej lawm.
- Koj tsiv tawm ua ntej tau txais daim ntawv ntiab tawm tsev.
- Koj hais haum rooj plaub thiab koj ua txhua yam raws li cov lus sib cog tseg.
- Koj tus tswv tsev pom zoo tsis cav qhov tshem tawm rooj plaub. Koj tus tswv tsev muab rooj plaub tshem tawm tsis tau, tabsis koj tus tswv tsev pom zoo tsis cav qhov tshem tawm rooj plaub yuav pab koj.

3 Hom Kev Tshem Tawm Roj Plaub

Nws muaj 3 hom kev tshem tawm roj plaub koj nug tau.

- “Kev txiav txim rau lwm tus”
- “Nyob hauv txoj kevcai”
- “Yuav tsum tshem”

Yog hais haum koj qhov teebmeem, koj nug ntau tshaj ib yam kev tshem tawm tau.

Tshem Tawm Roj Plaub “Inherent Authority” yog kev txiav txim rau lwm tus

Hom kev tshem tawm roj plaub no yog los ntawm lub tsev hais plaub lub hwjchim los tswj lawv cov keebkawm plaub. Lub tsev hais plaub txiav txim tias seb tshem tawm roj plaub rau koj (tus neeg xauj tsev) puas tseem ceeb tshaj cia rau lwm cov tswv tsev yav tom ntej paub txog roj plaub. Tus txiav txim plaub muaj lub hwjchim los txiav txim seb lawv yuav muab roj plaub tshem tawm or los tsis tshem.

Tshem Tawm Roj Plaub “Statutory” yog nyob hauv txoj kevcai

Hom kev tshem tawm no yog los ntawm txoj kevcai teev cia. Txoj kevcai hais tias kom lub tsev hais plaub muab los xav ib yam li rau qhov kev tshem tawm “txiav txim rau lwm tus”: seb muab roj plaub tshem tawm rau koj (tus neeg xauj tsev) puas tseem ceeb tshaj cia rau lwm cov tswv tsev yav tom ntej paub txog roj plaub no? Yog teb tias tseem ceeb dua, THIAB tus tswv tsev roj plaub muaj dabtsis tsis yog, ces lub tsev hais plaub muab roj plaub tshem tawm tau. Tus txiav txim plaub muaj lub hwjchim los txiav txim seb lawv yuav muab roj plaub tshem tawm or los tsis tshem.

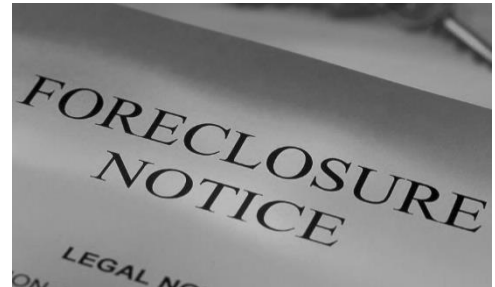
Tshem Tawm Roj Plaub “Yuav Tsum Tshem”

Txoj kev tshem tawm no kuj los ntawm txoj cai lijchoj. Tus kws txiav txim plaub yuav tsum tau tshem tawm koj roj plaub yog hais tias:

1. Koj yeej koj roj plaub “vim tsim nyog” txhais tau tias tus kws txiav txim plaub muab cov ntsiab lus thiab txoj cai lijchoj los saib ces txiav txim tias yuav tsum txhob muab koj ntiab tawm.
2. Tus kws txiav txim plaub muab tus tswv tsev roj plaub tso tseg li cas los tau, piv txwv li, xa ntawv mus tsis txog
3. Koj thiab koj tus tswv tsev pom zoo muab tshem tawm
4. Twb tau 3 xyoo txij thaum hais kom ntiab tawm tsev lawm
5. Koj hais sib yeem pom zoo nrog koj tus tswv tsev thiab ua raws li daim ntawv pom zoo hais

6. Muab koj ntiab tawm tsev tsuas yog koj muaj tshuaj maj lossis tetrahydrocannabinols lossis koj yeej tsim nyog tau qhov cia li muab tshem tawm ntawm tej yam txim txhaum tshuaj maj. Mus saib peb daim ntaw [Can I get my marijuana convictions erased? New Marijuana Laws in MN.](#)
7. Yog lub tsev poob rau tuam txhab nyiaj lossis daim ntawv cog lus yuav tsev raug tshem tawm

Daim ntawv ntiab tawm tsev tsuas yog vim koj nyob ntev dhau lawm, tsis yog tsis them nqi xauj tsev lossis tsis ua raws li daim ntawv xauj tsev, thiab



Tsawg kawg, ib qho hauv qab no yeej muaj tseeb:

- Lub sijhawm txhiv tawm lossis sijhawm rau daim ntawv cog lus yuav tsev raug tshem tawm dhau lawm. Koj tsiv tawm ua ntej tau txais daim ntawv ntiab tawm tsev.
- Koj yog ib tug neeg xauj tsev thaum lub sijhawm txhiv tawm lossis lub sijhawm rau daim ntawv cog lus yuav tsev raug tshem tawm. Koj daim ntawv xauj tsev pib tom qab tus tswv tsev cov nqi them tsev lossis daim ntawv cog lus yuav tsev pib. Lawv tsis muab sijhawm

txaus rau koj los xaus koj daim ntawv xauj tsev, lossis lawv muab sijhawm txaus rau koj los xaus koj daim ntawv xauj tsev tabsi rooj plaub ntiab tawm tsev twb pib ua ntej lub sijhawm lawv qhia tias koj yuav tsum tsiv tawm tsev.

Nco Cia: Tsev poob rau tuam txhab nyiaj yuav tsum muab sijhawm tsawg kawg yog 90 hnuv rau koj. Rau daim ntawv cog lus yuav tsev ces yuav tsum muab sijhawm 12 lub hlis rau koj. Yog koj paub tsis tseeb tias lawv muab sijhawm puas txaus rau koj mus saib peb daim ntawv qhia tseeb [Thaum Koj Tus Tswv Tsev Poob lub Tsev Txheej: Tsev Poob Rau Tuam Txhab Nyiaj thiab Daim Ntawv Cog Lus Yuav Tsev “Contract for Deed” Raug Tshem Tawm.](#)

Kuv yuav nug hom kev tshem tawm rooj plaub tawg?

- Koj yuav tsum thov qhov tshem tawm “nyob rau hauv txoj cai” thiab “txoj cai” txhua zaus.
- Koj kuj thov tau qhov tshem tawm “yuam ua raws cai” yog ib yam ntawm cov lus sau hauv kem ua ntej qhov no hais raug koj.

Kuv yuav hais li cas rau kuv daim ntawv tshem tawm rooj plaub?

Koj yuav tsum hais kom tus txiav txim plaub ntseeg tias tsim nyog tshem tawm koj rooj plaub. Qhia kom ntxaws txog seb rooj plaub no cuam tshuam rau koj lub neej. **Koj muaj feem ntau dua kom koj rooj plaub raug tshem tawm yog tias koj qhia txhua yam ntxaws txog koj qhov teebmeem.**

Hais txog tej yam zoo li no yuav pab kom koj muaj feem ntau dua txog tshem tawm rooj plaub:

- Yog tias raug ntiab tawm tsev vim muaj teebmeem hauv koj lub neej, xws li poob haujlwm lossis muaj teebmeem txog mob nkeeg.
- Yog tias koj tseem nyob hauv lub tsev.
- Yog tias qhov no yog thawj zaug koj raug ntiab tawm tsev.
- Yog rooj plaub no qub lawm.
- Koj hais haum rooj plaub thiab ua txhua yam raws li koj cog lus cia.
- Yog tias koj them tagrho qhov koj tiv rau tus tswv tsev lawm.
- Raug ntiab tawm tsev nyuaj rau koj mus nrhiav tsev nyob
 - qhia seb pestsawg zaus lawv tsis kam xauj tsev rau koj thiab koj poob nyiaj pestsawg los them nqi ua ntawv xauj tsev lawm.
- Vim li cas tau tsev nyob ruaj ntseg, khov kho thiab nqi tsev pheed yig tseem ceeb rau koj thiab koj tsev neeg, thiab vim qhov raug ntiab tawm tsev uas rau koj nrhiav tsis tau tsev nyob.

Yog kuv them qhov nqi tsev tom qab rooj plaub twb pib lawm ne?

Them qhov koj tiv tshem tsis tau koj rooj plaub tawm hauv koj qhov keebkwm. Them qhov koj tiv lav tsis tau tias yuav muab koj rooj plaub tshem tawm.

Yog tias kuv tseem tiv tus tswv tsev nyiaj ne?

Yuav nyuaj tshaj tshem tawm koj rooj plaub yog hais tias koj tseem tiv tus tswv tsev nyiaj. Zoo dua yog koj tos kom tsis txhob mus ua ntaub ntawv tshem tawm rooj plaub txog tom qab koj twb them tus tswv tseg tag lawm. Yog koj qhov teebmeem tamsis no phem heev, lossis ib qho kev yuam ua raws cai tshem tawm raug koj, tej zaum tus kws txiav txim plaub yuav muab koj rooj plaub tshem tawm. Tej zaum lawv muab tshem tawm txawm hais tias koj tseem tiv tus tswv tsev nyiaj.



Tej zaum tus txiav txim plaub rau rooj plaub raug ntiab tawm tsev yuav hais kom koj them tus tswv tsev. Qhov no yog hu uas txiav txim them nyiaj. Ua ntej tus tswv tsev hais tau kom tsev hais plaub kev nyiaj ntawm koj, lawv yuav tau mus foob koj hauv tsev hais plaub me, conciliation court. Qhov no yog hu uas “docketing” nyob hauv daim ntawv tos hu lossis “transcribing” sau cia qhov kev txiav txim. Tas ces lawv muaj 10 xyoo los kev qhov nyiaj ntawm koj. Tej Zaum, cov tswv tsev tsis ua kauj ruam no txog thaum tus neeg xauj tsev hais kom tsev hais plaub muab rooj plaub tshem tawm. Yog koj tseem tiv tus tswv tsev nyiaj, sim mus nrog ib tug kws lij choj tham ua ntej mus ua ntawv muab koj rooj plaub tshem tawm.

Txawm hais tau kom muab rooj plaub tshem tawm lawm, tej zaum qhov nqi koj tiv tseem yuav tshwm rau hauv koj qhov keebkwm tiv/them nuj nqi. Coob leej tus tswv tsev kuaj keebkwm tiv/them nuj nqi thiab raug ntiab tawm tsev tibi ua ntej lawv yuav xauj tsev rau ib tug neeg.

Kuv yuav nug kom lub tsev hais plaub muab rooj plaub tshem tawm li cas?

1. Saib tagrho tsev hais plaub cov ntaub ntawv txog koj rooj plaub, nrog rau qhov lus txiav txim. Yog koj tsis muaj ib daim ntawv luam, mus tim tsev hais plaub uas ntaub ntawv thiab hais kom lawv muab rau koj. Tej zaum yuav tau them nyiaj rau daim ntawv luam.

Tsev hais plaub qhov keebkwm puas qhia hais tias koj tsim nyog tau qhov kev tshem tawm yuam ua raws cai? Rau cov cai tshiab pib 2024, muaj ntau txoj kev koj tsim nyog tau qhov cai li yuam tshem tawm. Yog ua tau, mus ntsib ib tug kws lijchoj uas paub txog cov rooj plaub ntiab tawm tsev seb puas nrhiav tau tej txoj kev yuav pab kom muab tshem tawm.

2. Rau qhov Yuam ua raws cai Tshem Tawm “Mandatory Expungement” muaj raws li cov lus 1-4 lossis 7, saum toj, koj muaj feem tau qhov tshem tawm es tsis tau mus ua ntaub ntawv thov. Sau ib daim ntawv mus rau tus kws txiav txim plaub piam qhia vim li cas koj tsim nyog tau qhov muab tshem tawm thiab nqa mus rau tus neeg tuav ntaub ntawv muab tso rau koj cov ntaub ntawv ntawm rooj plaub. Muaj ib daim ntawv Mandatory Expungement Request lo rau daim ntawv qhia no.

Yog tus kws txiav txim plaub hais tias koj yuav tau ua ntawv mus thov lossis them ib tug nqi, ua raws cov lus qhia hauv qab no. Nrog ib tus kws lijchoj tham kom pab lossis muab tswv yim rau koj yog qhov no tshwm sim rau koj.

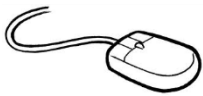
3. Rau qhov Nyob rau hauv txoj cai Tshem tawm, Txoj cai Tshem Tawm, lossis Yuav tau ua raws cai Tshem tawm muaj li cov lus 5-6, saum toj, koj yuav tau ua ntawv mus thov kom muab tshem tawm. Nws muaj ib daim ntawv Thov Muab Rooj Plaub Tshem Tawm nrog daim ntawv tseeb no.



- Saum toj, sau:
 - Lub nroog npe
 - Tus Foob lub los cov npe (koj tus tswv tsev, lossis tus tswv) thiab tus Raug Foob lub los cov npe (koj lub npe). **Qhov no yuav tsum sau kom zoo tib yam li sau rau hauv Tsev Hais Plaub Daim Ntawv Foob Complaint thiab Court Order thiab Tsev Hais Plaub Daim Ntawv ntawm rooj plaub raug ntiab tawm tsev, txawm yog tias cov npe sau tsis thwj lawm.**
 - Koj rooj plaub ntiab tawm tsev tus naj npawj.
- Tsis txhob sau rau ntawm chav “Notice of Motion” Daim Ntawv Sau Thov txog thaum lub tsev hais plaub muab hnuv tim rau koj tuaj hais plaub tso.
- Sau kom tas daim ntawv. Kos cov thawv thiab sau kom ntxaws txog koj qhov teebmeem. Koj kos tshaj ib lub thawv los tau.
- Xee koj daim ntawv thov.
- Luam thiab muab txhua yam ntawv uas yuav pab uas povthawj rau cov lus koj sau hauv daim ntawv thov tias muaj tseeb tiag.

4. Mus ua koj Daim Ntawv Thov nram lub Nroog lub Tsev Hais Plaub
 - Nug tus neeg ua haujlwm seb koj puas tau sau lub hnuv tim tuaj hais rooj plaub rau ntawm daim ntawv “Sau Ntawv Thov.” Tej lub nroog kom koj sau hnuv tim rau, thiab tej lub nroog tsis kom.
 - Nug tus neeg ua haujlwm seb puas tau muaj lus txiav txim “sau tseg” rau koj rooj plaub. Yog muaj lawm, tej tug neeg ua haujlwm yuav kom koj ua daim ntawv kom tshem qhov lus txiav txim. Tej zaum tus neeg ua haujlwm rau qhia tias koj yuav tau ua li no thiab yuav muab daim ntawv rau koj.
 - Nug tus neeg ua haujlwm seb yuav xa daim ntawv “Thov” mus rau Tus Neeg Foob li cas. Feem ntau, koj muab ntawv daim thov “xa mus rau tug neeg” xa hauv qhov chaw xa ntawv mus rau tus tswv tsev qhov chaw nyob paub zaum kawg.
5. Nws muaj ib tug nqi them ua ntaub ntawv thov tshem tawm ib rooj plaub. Yog koj tau nyiaj tsawg, koj sau daim ntawv thov txhob them nqi tsev hais plaub (Court Fee Waiver). Daim ntawv no thov kom lub tsev hais plaub tshem tawm tus nqi. Tsev hais plaub muaj cov ntawv no lossis [koj mus ua](#) tau ntawm. *(Ius Askiv xwb)*

Mus rau www.lawhelpmn.org/forms.



→ Nias “Court Fee Waiver” lossis tshem tawm nqi tsev hais plaub

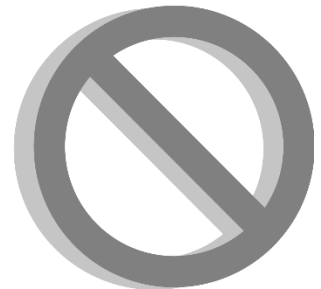
Nqa povthawj txog koj nyiaj tau los, xws li tw tshev haujlwm, lossis povthawj noj nyiaj luam.

Npaj kom tiav thaum mus hais plaub. Nqa cov ntawv uas koj luam nrog daim ntawv “Thov”, thiab lwm yam uas ntxim yuav pab koj rooj plaub. Coj cov tim khawv uas pab txhawb tau koj cov lus nrog koj mus.

Kuv yuav ua li cas yog kuv rooj plaub raug tshem tawm lawm?

Saib tsev hais plaub cov ntaub ntawv seb puas tau tshem tawm tiag. Tus neeg ua haujlwm yuav qhia koj tias thaum twg koj rooj plaub mam li raug tshem tawm thiab yuav mus kuaj keebkwm li cas thiaj paub tseeb tias tshem tawm lawm tiag.

Lub chaw kuaj neeg xauj tsev qhia tsis tau tias muaj qhov raug ntiab tawm tsev yog lawv paub hais tias twb muab tshem tawm lawm. Nws muaj ib daim ntawv los nrog daim ntawv qhia tseeb. Muab luam 16 daim. Xee npe thiab luam koj daim ntawv hais tias muab rooj plaub tshem tawm lawm mus rau txhua lub koomhaum sau rau saum toj ntawm daim ntawv no. Khaws daim ntawv tseeb lossis luam ib daim rau koj khaws cia.



Yog lawv tsis kam xauj tsev kem rau koj, nug seb tus tswv tsev sib lub koomhaum kuaj neeg xauj tsev twg. Hu rau lub koomhaum ntawd kom lawv tsis txhob qhia txog rooj plaub ntiab tawm tsev uas twb muab tshem tawm lawm. Saib peb daim ntawv qhia tseeb [Tshawb Xyuas Neeq Xauj Tsev](#) kom paub ntxiv.

Kuv yuav ua li cas yog tus txiav txim plaub hais tias “tsis kam”?

Txoj cai muab hwjchim ntau heev rau tus txiav txim plaub los txiav txim hom plaub muab tshem tawm hauv ntau ntau no. Txawm yog hais tias koj xav tias koj muaj feem zoo, txoj kevcai hais tias tus txiav txim plaub yeej tseem hais tau tias “tsis kam” yog tias lawv txiav txim li ntau. Tib lub sijhawm uas tus kws txiav txim plaub yuav tau muab rooj plaub tshem tawm tsuas yog hais tias nws yog qhov “yuam ua raws cai.” Yog tsis txaus siab rau tus kws txiav txim plaub txoj kev txiav txim, koj coj rov mus hais tau. TIAMSIS feem ntau lub tsev hais plaub uas rooj plaub yuav mus hais tom ntej yuav pom zoo li tus kws txiav txim plaub ua ntej txoj kev txiav txim thiab. Yog koj xav hais tias tus kws txiav txim plaub tsis muab tagrho cov ntau ntau thiab lus lossis tsis siv txoj kev cai lijchoj yog, nrog ib tus kws lichoij tham seb puas tsim nyog rov hais dua.

Koj mam rov sim hais kom muab rooj plaub tshem tawm dua tom qab sijhawm dhau menstis thiab muaj ntau yam uas tau muab rooj plaub tshem tawm rau koj (tus neeg xauj tsev) tseem ceeb dua li cia cov tswv tsev tom ntej paub txog rooj plaub. Tej yam xws li nyob tsis muaj tse, nyiaj them rau ua ntau xauj tsev, lossis muaj ntau qhov chaw tsis kam xauj tsev rau koj.

Saib peb daim ntau qhia tseeb [Nrhiav Tsev Kem Xauj Nyob](#) thiab [Tshawb Xyuas Neeq Xauj Tsev](#), txog nrhiav tsev kem tom qab thaum muaj qhov raug ntiab tawm tsev nyob hauv koj qhov keebkwm. Sim nrhiav cov tswv tsev uas tsis kom them nqi ua ntau xauj tsev thiab tsis siv chaw kuaj neeg xauj tsev.

Koj muaj cai ntxiv ib daim ntau sau piav txog koj qhov teebmeem raug ntiab tawm tsev rau tom chaw kuaj neeg xauj tsev. Saib kom koj daim ntau keebkwm hauv qhov chaw kuaj neeg xauj tsev yog. Tej zaum nws hos muaj tej yam tsis yog txog koj hauv.

Cov tuam txhab kuaj neeg xauj tsev qhia txog cov neeg raug ntiab tawm tsev mus ntev li 7 xyoo, thiab cov tswv tsev mus tau tus kheej nram tsev hais plaub mus kuaj cov ntau ntau tsev hais plaub tseem khaws txog cov plaub qub raug ntiab tawm tsev. Hais kom lub tuam txhab kho tej yam tsis yog nyob hauv daim ntau.



Cov ntau qhia tseeb yog qhia kom paub txoj kevcai xwb TSIS yog muab txwv yim txog txoj kevcai. Mus ntsib ib tug kws lij choj rau tswv yim. Tsis txhob siv daim ntau qhia tseeb yog tias nws qub tshaj ib xyoo lawm. Nug peb txog cov hloov tshiab, daim ntau qhia txog cov ntau qhia tseeb, lossis lwm hom ntau.

© 2024 Minnesota Legal Services Coalition. Luam tau daim ntau no los siv rau tus kheej tsis ua lag luam thiab qhia kom paub xwb. Tagrho lwm cov cai ceev tseg. Qhov lus sau no yuav tsum nyob rau txhua daim ntau. Txwv tsis pub muab luam, faib, thiab siv ua lag luam.

Mandatory Expungement Request

“Thov Yuam Tshem Tawm Raws Cai”

Date: Hnub tim: _____

RE: MANDATORY EXPUNGEMENT REQUEST (“Thov Yuam Tshem Tawm Raws Cai”)

Court File Number:

Roos plaub tus Naj Npawb _____

Dear Judge or Referee:

Nyob Zoo Tus Kws Txiav Txim Plaub lossis Kws Mloog Plaub:

I am a tenant in the eviction case referenced above.

Kuv yog tus neeg xauj tsev ntawm roos plaub ntiab tawm tsev hais saum toj no.

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

Kuv muaj cai rau qhov kev yuam tshem tawm raws cai nyob hauv Minn. Stat. § 484.014, Subd. 3 vim hais tias:

A court reviewed the law and the facts in my case, and I won (prevailed on the merits).

Tus kws txiav txim plaub tshab xyuas txoj cai lijchoj thiab cov ntsiab lus hauv kuv roos plaub, thiab kuv yeej lawm (yeej tsim nyog).

On _____ the Court issued an order dismissing this eviction case.

Ntawm _____, tus Kws Txiav Txim Plaub ua ntawv kom muab roos plaub ntiab tawm tsev tso tseg.

My landlord and I, and any other parties to the case, have agreed that this case can be expunged from the court’s records.

Kuv tus tswv tsev thiab kuv, thiab lwm tog nyob hauv roos plaub no, tau pom zoo tias roos plaub no muab tshem tawm ntawm cov keebkwm hauv tsev hais plaub tau.

Eviction was ordered in this case on and more than three years have passed since this date.

Daim ntawv ntiab tawm tshem ntawm roos plaub rau _____, thiab twb ntev tshaj peb xyoo dhau lwm txij hnub tim no lawm.

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;

Qhov ntiab tawm tsev no yog yav tas nyob hauv Minn. Stat. § 504B.285, subdivision 1, clause (1), lub vaj tse raug muab daim ntawv cog lus yuav tsev tso tseg lossis tsev raug kaw thiab lub sijhawm tso tseg daim ntawv cog lus yuav tsev lossis muab lub tsev kaw rov qab tag sijhawm lawm thiab kuv twb tawm lub vaj tse ua ntej raug ntiab tawm tsev; lossis kuv yog tus neeg xauj tsev thaum lub sijhawm muab daim ntawv cog lus yuav tsev tso tseg lossis mus muab lus tsev kaw rov qab thiab tsis tau txais daim ntawv ceebtoom kom tsiv tawm ntawm hnuv tim ua ntej pib rooj plaub ntiab tawm tsev.

Please expunge this eviction case. Thank you.

Thov muab rooj plaub ntiab tawm tsev tshem tawm. Ua tsaug.

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

Kuv tshaj tawm hauv txoj cai tsis pub dag hais tias txhua yam kuv tau hais hauv daim ntawv no yog muaj tseeb thiab yog.

(print name) (sau Npe)

(signature) (kos npe)

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.”¹ Courts also have inherent authority to control their own records, along with the equitable power to prevent unfairness to individuals.² The court “must decide whether expungement will yield a benefit to the petitioner commensurate with the disadvantages to the public from the elimination of the record and the burden on the court in issuing, enforcing and monitoring an expungement order.”³

¹ *In re: Clerk of Court’s Compensation for Lyon County v. Lyon County Commissioners*, 241 N.W.2d 781, 786 (Minn. 1976).
² *State v. C.A.*, 304 N.W.2d 353, 358 (Minn. 1981).
³ *Id.*

I'm asking the court to expunge this file within its inherent authority for the following reasons: Expungement is necessary to the performance of the judicial function of effecting justice.⁴ The burden on the court in issuing an expungement order in this action is minimal. The benefits of expungement to me are equal to, or greater than, any disadvantage to the public from elimination of the record and any burden on the court in expunging the record of this case. I explain my reasons below.

3. These things were going on in my life when this case happened:

- I had less money to pay rent because I lost my job or my hours got cut.
- I had less money to pay rent because of illness or a family emergency.
- I was the victim of domestic violence or another crime.
- I was having other problems in my life.

Here are the details:

⁴ Minn. Const. Art. 1 § 8.

6. There are other reasons why it would be fair to expunge this case:

- There was something wrong with the landlord’s case (see #7 below).
- I don’t owe the landlord any money.
- This case settled, and I did everything I agreed to in the settlement agreement.
- This case record is old.
- This case record should be expunged under the Court’s Retention Schedule⁵ because:
 - No money judgment was ordered in this case and the case file was closed over one year ago, or
 - A money judgment was ordered in this case, but I do not owe money anymore and the case is over ten years old.
- Something has changed in my life for the better that helps me be a good tenant.

Here are the details:

⁵ Minnesota Judicial Branch Court Services Division District Court Record Retention Schedule Effective June 1, 2018. Retention Schedule available at https://mncourts.gov/mncourtsgov/media/scao_library/MN-District-Court-Record-Retention-Schedule.pdf.

7. Statutory Expungement⁶

(Check Box #7 if there was something wrong with the landlord's case)

There was something wrong with the landlord's case. The Court may order expungement upon finding that "plaintiff's case is sufficiently without basis in fact or law, which may include lack of jurisdiction over the case, 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."⁷

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.

The landlord's case was sufficiently without basis in fact or law. These things were wrong with the landlord's case:

- The landlord did not follow the rules when they served me the court papers.
- The case was about nonpayment of rent and the property had pests or needed repairs.
- The landlord dropped their case against me before we went to court.
- There were other things wrong about the landlord's case.

Here are the details:

⁶ Minn. Stat. § 484.014, subd. 2

⁷ *Id*

Mandatory Expungement because of Foreclosure

8. The property in this case was in foreclosure. Expungement is mandatory under law.⁸

- a. I moved out of the property on _____, before this case started⁹ 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.¹⁰
- ii. I received the notice required by law¹¹, but this case started before the date I was supposed to move.

Mandatory Expungement because of Contract Cancellation

9. The property in this case was in contract cancellation. Expungement is mandatory under law.¹²

- a. I moved out of the property on _____, before this case started¹³ 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.¹⁴
- ii. I received the notice required by law¹⁵, but this case started before the date I was supposed to move.

⁸ Minn Stat. § 484.014, subd. 3.

⁹ 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 (8th Cir. 1994); *Appletree Square I Limited Partnership v. O'Connor & Hannan*, 575 N.W.2d 102, 103 (Minn. 1998).

¹⁰ Minn. Stat. § 504B.285, subd. 1a requires minimum notice period of 90 days. Some tenants get a longer notice period.
¹¹ *Id.*

¹² Minn. Stat. § 484.014, subd. 3.

¹³ 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 (8th Cir. 1994); *Appletree Square I Limited Partnership v. O'Connor & Hannan*, 575 N.W.2d 102, 103 (Minn. 1998).

¹⁴ Minn. Stat. § 504B.285, subd. 1a requires a minimum notice period of 90 days. Some tenants get a longer notice period.

¹⁵ *Id.*

10. 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.

I declare under penalty of perjury that everything I have stated in this document is true and correct.¹⁶

Date

Defendant (Tenant)

Address: _____

Email: _____

Phone: _____

¹⁶ Minn. Stat. § 358.116.

Letter to Tenant Screening Companies / *Sau Ntawv Mus rau Cov Tuam Txhab Kuaj Neeg*

Xauj Tsev - xa ib daim ntawv mus rau txhua lub tuam txhab ntawm daim ntawv hauv qab no

Nco Cia: Daim ntawv no yog cov koomhaum siv heev los tshawb xyuas neeg xauj tsev hauv MN. Muaj coob ntxiv thiab. Zoo dua yog kom koj tus tswv tsev muaj lub koomhaum npe thiab xov tooj rau koj.

First Advantage

PO Box 105108
Atlanta, GA 30348
resident.s@fadv.com

Rental History Reports, Inc

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

Rental Research Services, Inc.

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

Twin City Tenant Check

910 Ivy Ave East
St. Paul, MN 55106
(651) 224-3002
www.tcofmn.com

Checkr.com

Attn: Legal Department
1 Montgomery St, Ste. 2400
San Francisco, CA 94104
www.checkr.com

First Check

P.O. Box 334
Wyoming, MN 55092
kris@firstcheck.info

Multihousing Credit Control (MCC)

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

Screening Reports, Inc.

220 Gerry Dr.
Wood Dale, IL 60191
(866) 389-4042
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

AppFolio, Inc

Consumer.relations@appfolio.com

TransUnion

My Smart Move- Disputes
PO Box 800
Woodlyn, PA 19094
www.mysmartmove.com

RealPage Resident Screening

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

TenantAlert.com

23801 Calabasas Rd, Ste 1022
Calabasas, CA 91302
www.TenantAlert.com

Equifax Corp. Central Source, LLC

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

Appriss

Oyster Point Professional Park
11824 Fishing Point Dr, Ste B
Newport News, VA 23606
compliance@knowthefact.com

Date (*Hnub tim*): _____

Dear Directors (*Nyob Zoo Cov Thawj Coj*):

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

Kuv yog tus neeg xauj tsev sau rau hauv cov ntawv muab rooj plaub tshem tawm.

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.”

Minnesota txoj cai Statutes § 504B.241, Subd. 4 hais tias “Yog hais tias yog ib qhov chaw kuaj neeg xauj tsev paub hais tias tsev hais plaub twb muab rooj plaub tshem tawm lawm, qhov chaw kuaj neeg xauj tsev yuav tsum muab lww tawm hauv lawv cov ntaub ntawv khaws cia lossis nthuav tawm rau qhov chaw kuaj xauj tsev.”

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.”

Subdivision 2 hais tias “Yog ib tug neeg tau nug lawm, qhov chaw kuaj neeg xauj tsev yuav tsum qhia txog qhov muab lww tawm lawm mus rau tus neeg uas tau txais daim ntawv keebkwm txog tus neeg xauj tsev, tsis pub dhau 6 lub hlis.”

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.

Kuv thov kom koj muab tagnrho txhua yam hais txog rooj plaub no lww tawm, thiab qhia rau txhua tus uas tau kuv daim ntawv xauj tsev keebkwm li 6 lub hlis yav tas los hais tias twb muab rooj plaub raug ntiab tawm tsev no tshem tawm thiab lww tawm ntawm kuv cov ntaub ntawv lawm.

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

Minnesota kevcai tsis pub cov chaw kuaj neeg xauj tsev nug kom qhia lwm yam ntxiv txog tus neej xauj tsev ua ntej yuav ua li no.

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

Thov tiv tauj kuv yog koj muaj lus nug. Ua tsaug.

(print name) (*sau npe*)

(signature) (*kos npe*)