



Checklist: Ask for a New Hearing if you have a Conciliation Court Default Judgment

This checklist helps you ask for a new hearing if you lost your case by “Default.” This checklist is for cases that were filed in **Conciliation Court**.

You might have a Default Judgment against you if:

- someone sued you

AND

- you didn't Answer the Complaint **OR** you didn't go to your hearing

A Default Judgment means you **automatically lose** your case. You owe the money the person or company says you owe.

If your case was filed in **District Court**, talk to a lawyer. The courts do not have forms to ask for a new hearing if you lose by default in District Court. The court has information on [hiring a lawyer](#).

For each section, check off the items as you finish them. Depending on your situation, you may not need to do each step.

1. Decide if You Should Ask for a New Hearing

- ☐ Did you get papers that said you were being sued?
If you didn't get papers, this is a good reason to ask for a new hearing.
- ☐ Was there another reason you could not go to your hearing?
If there is a reason you couldn't go to your hearing, this is a good reason to ask for a new hearing. For example, you were in the hospital, or out of the country. If you have a good reason for not going, you should ask for a new hearing.
- ☐ Do you owe the money they say you owe?
If you agree that you owe the money, think about whether it is worth the time and effort to have a new hearing.

2. Find the Papers Filed in Your Case

☐ Look up your court case online

- Go to [Minnesota Court Records Online \(MCRO\)](#)
- Type in your first and last name
- Under Case Category, check “Civil”
- Click Find
- Locate any cases that match your name and say Case Type of Conciliation or Default Judgment.

☐ Make sure your case was filed in Conciliation Court

- If the Case Type is **Conciliation**: your case was filed in Conciliation Court. Continue to the next step in this Checklist.
- If the Case Type is **Default Judgment**: your case was filed in District Court. The court doesn’t have forms for District Court. Talk to a lawyer if you want a new hearing.

☐ Find the deadline to ask for a new hearing

In most counties, you get a “Notice of Filing of Order and Entry of Judgment.” This paper says how long you have to ask the court to “vacate” the judgment and give you a new hearing (see an [example](#)).

- Click “View Case Details”
- Under Case Events, find the entry for **Notice of Filing of Order and Entry of Judgment**.
- Click Download PDF
- Find where it says, “If a judgment has been entered, you have until [Date], to...” The date will be 24 days after the judgment was filed, but it might be a little longer depending on weekends and holidays.

If your case was in **Hennepin County**:

- Click “View Case Details”
- Under Case Events, find the entry for **Order for Judgment on Claim and/or Counterclaim** (see an [example](#)).
- Click Download PDF
- Find where it says, “NOTICE: THE PARTIES ARE NOTIFIED that the Judgment has been entered as indicated above, but the Judgment is stayed by law until [Date].” The date will be 24 days after the judgment was filed, but it might be a little longer depending on weekends and holidays.

3. If the date to ask for a new hearing has NOT passed:

☐ **Download and fill out the [Request to Vacate Order](#)**

- Download the [Request to Vacate Order for Judgment and Grant New Trial](#) from the court's website
- Use the information from the papers in the step before to fill in the County, Judicial District, Court File Number, Plaintiff name, and Defendant name.
- Fill in your name and check the Defendant box
- Explain why you didn't go to the hearing. For example, you didn't know about the hearing because you didn't get papers about it. Or you had some other reason you did not know about the hearing or could not attend.

If you are not sure what to say, you can try to [find a lawyer](#) to talk to.

- Date and Sign the form. Fill in your contact information and the County where you signed.

☐ **File your form with the court.**

- You can file in person, by mail, or electronically

4. If the date to ask for a new hearing has passed:

☐ **If you can, talk to a lawyer!**

It is much harder to get a new hearing after the deadline has passed.

- Check LawHelpMN's [Providers and Clinics Directory](#)
- The court also has information on [hiring a lawyer](#).

☐ **Read the [court's instructions](#)**

The instructions tell you how to fill out the forms to ask the court to vacate a Conciliation Court judgment after the deadline has passed.

☐ **Download and fill out the [Notice and Motion](#)**

- Download the [Notice and Motion to Vacate Conciliation Court Judgment after Deadline](#) from the court's website

- Use the information from the papers in the step before to fill in the County, Judicial District, Court File Number, Plaintiff name, and Defendant name.
- Under “MOTION,” fill in your name and the name of the other party.
- Date and Sign the form. Fill in your contact information and the County where you signed.

☐ **Download and fill out the [Affidavit](#)**

- Download the [Affidavit in Support of Motion to Vacate Conciliation Court Judgment after Deadline](#) from the court’s website
- Use the information from the papers in the step before to fill in the County, Judicial District, Court File Number, Plaintiff name, and Defendant name.
- Fill in your name.
- Fill in the date of the Notice of Filing of Order and Entry of Judgment.
- If you got papers called a “Summons” saying you were being sued and when to come to court, check that box and write the date you got the Summons on.
- If you did **not** get the Summons, check that box.
- Fill in the date when you learned about the default judgement against you.
- Explain why you didn’t go to the hearing. For example, you didn’t know about the hearing because you didn’t get papers about it. Or you had some other reason you did not know about the hearing or could not attend.

If you are not sure what to say, you can try to [find a lawyer](#) to talk to.

- Date and Sign the form. When you sign the form, you are signing under penalty of perjury. You are saying the information is true to the best of your knowledge.
- Fill in your contact information and the County where you signed.

- ☐ **Make copies of the forms you filled out** (the Notice and Motion and the Affidavit)

- Make 1 copy for yourself
 - Make 1 copy for each of the other parties
 - You give the original to the Court

Example: ABC Credit Card Company sued you. Make 2 copies of your papers. One for yourself and one for ABC Credit Card Company.

Example: George Washington and Alexander Hamilton sued you. Make 3 copies of your papers. One for yourself, one for George Washington, and one for Alexander Hamilton.

- ☐ **Serve the other party**

You have to tell the other party you want a new hearing. You have to give them a copy of the forms you filled out.

- You can serve the other party by either mailing the papers or handing them to the other party
 - You, another adult, or the sheriff can serve the papers

- ☐ **Fill out the [Affidavit of Service](#)**

- If you (or another adult) mailed the papers, use the [Affidavit of Service by Mail](#)
 - If you (or another adult) personally handed the other party the papers, use the [Affidavit of Personal Service](#)
 - Read the [Instructions](#) for more information on how to fill out these forms.

- ☐ **File all of your forms with the court.**

- You can file in person, by mail, or electronically
 - You have to pay a fee, usually around \$70-\$80 (it depends on what county you are in). If you can't afford the fee, fill out the [Affidavit of Inability to Pay](#).

5. Wait for the Judge's Decision

- ☐ **If the judge denies your Motion**

You do not get a new hearing. This means you still owe the money the court said you owed. There are forms to [appeal the decision](#).

☐ **If the judge grants your Motion**

The judge may say you have to pay up to \$50 fee to reopen the case. You have to pay the fee before you get your new hearing date.

After you pay the fee (if the judge says you have to), the court tells you when your new hearing is. Write the date on your calendar right away!

To get ready for your hearing, read Step 2 in the [Responding to a Debt Collection Lawsuit Checklist](#).

Checklists are legal information NOT legal advice. See a lawyer for advice.

Don't use this checklist if it is more than 1 year old. Ask us for updates or alternate formats.

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