

Answer Form to Landlord's Eviction Petition

STATE OF MINNESOTA

COUNTY OF _____

DISTRICT COURT

_____ JUDICIAL DISTRICT

UNLAWFUL DETAINER (EVICTION)

_____,
Landlord-Plaintiff.

vs.

_____,
Tenant-Defendant.

ANSWER

File No.:

For my answer to the landlord's unlawful detainer (eviction) case, I state the following defenses:

A. TYPE OF TENANCY OR OCCUPANCY

1. _____ Private term lease.
2. _____ Private month-to-month or periodic tenancy.
3. _____ Mobile home park lot rental.
4. _____ Foreclosed mortgage or canceled contract for deed.
5. _____ Other:

B. THE PAPERS WERE NOT SERVED/FILED PROPERLY (Minn. Stat. § 504B.332):

1. _____ I did not get the Court papers at least 7 days before the court date.
2. _____ Landlord-Plaintiff delivered the Court papers (M.R.C.P. 4.02).
3. _____ The Court papers were not handed to me, but were given to _____, who does not live with me, or is only _____ years old.
4. _____ The Court papers were mailed to me and posted on the door, but I have been in the County and could have been found to get the papers.

C. THIS LANDLORD DOES NOT HAVE THE RIGHT TO BRING ME TO COURT:

1. _____ I did not know the names and addresses of the owner or manager of my apartment at least 30 days before the landlord filed this case (Minn. Stat. §504B.181).
2. _____ My landlord did not register a trade name with the Secretary of State. My landlord owes me \$250.00 (Minn. Stat. §333.06).

3. _____ My landlord failed to state in the court papers why I have done wrong with enough detail so I can defend myself. (Minn. Stat §504B.321; Minn. R. Gen Prac. 604(a).)
4. _____ The property is covered by the "CARES Act," which requires a 30-day notice for public and subsidized housing, and rental houses and buildings with federally backed mortgages. 15 U.S.C. § 9058(c). My landlord failed to give this notice 30 days before filing this case.

D. NON-PAYMENT OF RENT CASES:

1. _____ My landlord did not give me proper notice before filing this case.
2. _____ I have paid the rent.
3. _____ I withheld my rent because my landlord has not made the following repairs: _____

I can pay into Court the rent as it comes due until the case is done. I also request that the Court reduce the rent claimed by \$ _____ (Fritz v. Warthen, 298 Minn. 54, 213 N.W.2d 339 (1973)).

4. _____ My landlord raised my rent without giving proper notice as required in the lease, or written notice at least one month before the increase. I can pay into Court the amount of rent before the increase (Minn. Stat. §504B.147).
5. _____ My landlord raised my rent because I made complaints to _____ on _____, 20 _____. I can pay into Court the amount of rent before the increase (Minn. Stat. §504B.285 subd.3).
6. _____ My landlord is charging an illegal late fee.
7. _____ I live in a mobile home park lot. The landlord did not give me 10 days written notice before filing this case. (Minn. Stat. §327C.09 (2)).

E. NOTICE TO MOVE OUT CASES:

1. _____ My landlord did not give me proper notice.
2. _____ My landlord asked me to move because I made complaints to _____ around _____, 20 _____ (Minn. Stat. 504B.285, 504B.441).
3. _____ My landlord waived the notice by taking my rent after the move out date.
4. _____ I live in a mobile home park lot. The landlord did not give me proper written notice. (Minn. Stat. §327C.09.)

F. BROKEN LEASE CASES:

1. _____ I deny that I have broken my lease.
2. _____ My lease does not say that my landlord can "re-enter" or evict me for breaking the lease. (Bauer v. Knoble, 51 Minn. 358, 53 N.W.2d 805 (1892)).
3. _____ My landlord waived any lease violations by taking my rent after the time she/he said I broke the lease.
4. _____ I live in a mobile home park lot. The landlord did not give me proper written notice. (Minn. Stat. § 327C.09.)
5. _____ I have a disability. Landlord-Plaintiff did not reasonably accommodate my disability. (42 U.S.C. § 3604(f)(3); 24 C.F.R. Part 100.)

G. OTHER:

H. REQUEST FOR RELIEF

1. _____ Deny Landlord-Plaintiff's request to evict me.
2. _____ Reduce (abate) the rent claimed by Landlord-Plaintiff by \$ _____ to _____.
3. _____ Reduce (abate) the future rent by \$ _____ to \$ _____ until Landlord-Plaintiff completes repairs.
4. _____ Order Landlord-Plaintiff to provide for discovery of Landlord-Plaintiff's file on me, that is, to show me any papers or other information she/he has about me, give me a list of witness and what they will say in their testimony, and any evidence Landlord-Plaintiff has. (Minn Stat. § 504B.335(a), Minn. Gen. R. Prac. 612.)
5. _____ Continue the hearing for the following reasons: _____

6. _____ If I owe rent, give me _____ days to pay it. 614 Co. v. D.H. Overmayer, 297 Minn. 395, 398, 211 N.W.2d 891, 893 (1973).
7. _____ If I lose, give me seven days to move. Minn. Stat. §504B.345.
8. _____ If I lose, give me 60 days to try to sell my mobile home. Minn.Stat. § 327C.11
9. _____ Do not award costs to Landlord-Plaintiff.
10. _____ Expunge the court file.
11. Other: _____

I, the Tenant-Defendant, acknowledge that the court may award costs, disbursements, and reasonable attorney and witness fees to Landlord-Plaintiff, if Tenant-Defendant acts in bad faith, asserts a defense that is frivolous and costly to Landlord-Plaintiff, asserts an unfounded position solely to delay the ordinary course of the proceedings or to harass Landlord-Plaintiff, or commits a fraud upon the court.

Date

Tenant-Defendant