

INSTRUCTIONS

Conciliation Court Statement of Claim and Summons

Forms you may need for your Conciliation Court case:

- Statement of Claim and Summons (CCT102);
- Conciliation Court Affidavit of Service (CCT103);
- Additional Litigants Form (CCT702);
- Power of Attorney for Conciliation Court (CCT701) – only if you are representing a business;
- Affidavit of Inability to Pay Conciliation Court Fees (CCT104) – not for businesses

What You Need to Do

1. Complete the court forms, following all of the steps in these instructions.
2. File your forms (electronically or at the courthouse), and pay the Conciliation Court filing fee (or ask for a fee waiver if you cannot afford to pay the fee).
3. If your claim is over \$2500, serve Defendant with a copy of your Statement of Claim and Summons form.
4. Appear at the hearing. Each “step” here is described in more detail below.

Important Notices and Resources

The Court has forms and instructions, for some types of cases, as a general guide to the court process. These instructions explain the steps in more detail and answer common questions, but are not a full guide to the law. Court employees may be able to give general information on court rules and procedures, but they cannot give legal advice.

Got a question about court forms or instructions?

- Visit www.MNCourts.gov/SelfHelp
- Call the MN Courts Self Help Center at (651) 259-3888

Not sure what to do about a legal issue or need advice?

- Talk with a lawyer
- Visit www.MNCourts.gov/Find-a-Lawyer.aspx

Helpful materials may be found at your public county law library. For a directory, see <http://mn.gov/law-library/research-links/county-law-libraries.jsp> . For more information, contact your court administrator or call the Minnesota State Law Library at 651-296-2775.

General Information About Conciliation Court

The information contained in this document is not intended as legal advice but as a general guide to you to explain the legal process. **If you do not understand any of these procedures, talk to an attorney. Court staff cannot give legal advice.**

What is conciliation court?

Minnesota statute 491A.01 created conciliation court - also called small claims court. This court allows people to bring their legal claims to court without expensive costs or complicated legal procedures.

Do you have a claim to file in conciliation court?

You can file a claim in conciliation court for an amount up to \$15,000.00, or \$4,000.00 if the claim involves a consumer credit transaction. This is the limit set by law. You cannot file a claim involving title to real estate, libel, slander, class actions or medical malpractice in conciliation court.

Conciliation court will not accept a claim that goes over the dollar limits. If you reduce your claim to the limit of conciliation court, you cannot claim more later. Getting a judgment in conciliation court may prevent you from bringing any other claims based on the same event.

Getting a judgment in conciliation court does not guarantee payment. As you try to collect the judgment, you will have out of pocket expenses for filing fees, transcription costs and other costs of collecting a judgment.

Note: Only a business or government entity may be represented in conciliation court by a nonlawyer. A power of attorney does not authorize a nonlawyer to file a claim, appear, or in any other way “represent” a natural person in conciliation court.

Do you have all the information you need to fill out the forms?

The *Statement of Claim and Summons* form (CCT102) asks for the following information:

- For each plaintiff: name, address, phone number, e-mail address, and date of birth (if a plaintiff is a business, then you will need the business name, address, phone number and e-mail address);
- For each defendant: name, address, phone number, e-mail address, and date of birth if known (if a defendant is a business, then you will need the business name, address, phone number and e-mail address);
- Details about your claim (including amount and approximate date);
- The county and judicial district number where case will be filed.

Step 1
Fill Out Statement of Claim and Summons (CCT102)

State of Minnesota		Conciliation Court	A
County <div style="text-align: center; font-size: 1.5em; border: 1px solid black; width: 40px; margin: 0 auto;">1</div>	Judicial District: 2 <hr/> Court File Number: <i>Leave blank for now</i> <hr/> Case Type: 3		
STATEMENT OF CLAIM AND SUMMONS			
Plaintiff #1 Name Address 4 <hr/> City/State/Zip		Plaintiff #2 Name Address <hr/> City/State/Zip	
vs		Defendant #2 Name Address <hr/> City/State/Zip	
Defendant #1 Name Address 5 <hr/> City/State/Zip			

Section A – The “Caption”

1. List the county where you will be filing your Conciliation Court case. If you are not sure where you should file, please talk to an attorney. Court staff cannot tell you where to file your case.

The general rule is that you must file your Statement of Claim and Summons in the county where the defendant lives. There are exceptions, though:

- You may sue for a bounced check in the county where the check was issued.
- You may make a claim for unpaid rent or return of a security deposit in the county where the rental property is located.
- You may sue corporations in the county where their business office or branch office is located.

2. List the Judicial District. Each county belongs in one of ten judicial districts. If you need help, see <http://www.mncourts.gov/Find-Courts.aspx>.
3. For the *case type*, list *Conciliation*.
4. As the person or business suing (bringing the claim), you are the **Plaintiff**. List your full name and address. If there is more than one plaintiff, then you will be *Plaintiff # 1*. The next plaintiff will be *Plaintiff # 2*.

This form has room for only two plaintiffs. If there are more than two, you will have to use *Additional Litigants Form* (CCT702). The *Additional Litigants Form* will allow you to include up to four plaintiffs. If you have more than four plaintiffs, please check with Court Administration in the county where you will be filing your claim.

5. The person or business being sued is the **Defendant**. If there is more than one defendant, then the first one listed will be *Defendant # 1*. The second person or business being sued will be *Defendant # 2*. For each defendant, please list the full name and address.

This form has room for only two defendants. If there are more than two, you will have to use *Additional Litigants Form* (CCT702). The *Additional Litigants Form* will allow you to include up to four defendants. If you have more than four defendants, please check with Court Administration in the county where you will be filing your claim.

B

1. I am filing this claim against Defendant for: (*check all that apply*)

6 The Defendant owes me \$ 7, plus fees and costs in the amount of \$ 8, so my total claim is for \$ 9 (amount Defendant owes plus filing fees and costs). I have a claim for this amount because in 10 (month and year), the following happened (briefly describe):
11

12 The Defendant has the following property that belongs to me (list property): 13.

My property is valued at \$ 14. The filing fees and costs for this case are \$ 15. I want the court to order this property returned to me or make the Defendant pay me \$ 16 (property's value plus the filing fees and costs).

Section B – Details About Your Claim

In Conciliation Court, you can sue another person or business because they owe you money or because they have property that belongs to you.

6. Check this box if Defendant owes you money.
7. List the amount of money Defendant owes you. Please see the section on page 2 titled “*Do you have a claim to file in conciliation court?*” to read about Conciliation Court limits.
8. In this blank, you will need to figure out the filing fees (and allowable costs, if any).

Conciliation Court filing fee: You will need the Conciliation Court filing fee for the county you listed in # 1. You can find the filing fees online starting at <http://mncourts.gov/Help-Topics/Court-Fees.aspx>, or you can ask Court Administration.

Costs: Sometimes there are additional costs; for example, if you file electronically, there is a cost of \$5.00 to do so.

If you are not sure if you have costs that are allowed to be included, please talk to an attorney for legal advice.

9. Add the amount you listed in # 7 to the amount listed in # 8. This is the total amount of your claim.

For the next two items, think about why Defendant owes you money. What happened? When did it happen?

10. List the month and year (for example, 10/2016) that something happened that made Defendant owe you money.
11. Describe what happened. Why does Defendant owe you money? Be brief and include important details (but do not list sensitive personal information like bank account numbers).
12. Check this box if Defendant has property that belongs to you, and you want to ask the Court to order Defendant to return the property.
13. List your property that Defendant has.
14. What is the value of your property? Please read the section on page 2 titled “*Do you have a claim to file in conciliation court?*” to read about Conciliation Court limits.
15. In this blank, you will need to figure out the filing fees (and allowable costs, if any).

Conciliation Court filing fee: You will need the Conciliation Court filing fee for the county you listed in # 1. You can find the filing fees online starting at <http://mncourts.gov/Help-Topics/Court-Fees.aspx>, or you can ask Court Administration.

Costs: Sometimes there are additional costs; for example, if you file electronically, there is a cost of \$5.00 to do so.

If you are not sure if you have costs that are allowed to be included, please talk to an attorney for legal advice.

16. Add the amount you listed in # 14 to the amount listed in # 15. This is the total amount of your claim (the amount you are asking Defendant pay you if Defendant does not return your property).

C

2. I believe the person I am suing is at least 18 years old.

Defendant #1 date of birth: ____/____/____ Unknown; Defendant #2 date of birth: ____/____/____
Unknown. **17**

If a defendant is a business, leave this section blank for that defendant.

3. About military service: **18**

Defendant # 1 is in the military service / is not in the military service / Unknown

Defendant # 2 is in the military service / is not in the military service / Unknown

If a defendant is a business, leave this section blank for that defendant.

4. I understand that if I do not come to court on my hearing date, my case may be dismissed **19** and I may have to pay money to Defendant on any counterclaim that has been filed.

Section C – Information About Defendant, Statement About Appearing

The next two items only apply if you are suing a person (not a business).

17. List each defendant’s date of birth (or check “unknown”). If a defendant is a business, leave this section blank for that defendant.
18. Check the box stating whether each defendant is or is not in the military service (or check “unknown”). If a defendant is in the military service, special laws may apply. If you have questions about this, talk with an attorney for legal advice before signing the

Statement of Claim and Summons. If a defendant is a business, leave this section blank for that defendant.

19. This item (paragraph 4) is your statement to the court and to the other party about appearing at the Conciliation Court hearing. If you do not go to the hearing, your case can be dismissed, and you may have to pay money to Defendant if a counterclaim has been filed.

Step 2

Sign the *Statement of Claim and Summons* (CCT102)

Sign the *Statement of Claim and Summons* form, and print your phone number, date of birth, and e-mail address in the blanks under the signature line. When you sign the *Statement of Claim and Summons* (CCT102), you are signing under *penalty of perjury*. This means you are saying that everything in the form is true and correct; if you know something in the form is not true when you sign it, you could be found guilty of the crime of perjury (see Minn. Stat. § 609.48, <https://www.revisor.mn.gov/statutes/?id=609.48>).

Are you representing a business? If yes, then be sure to attach the *Power of Attorney for Conciliation Court* (CCT701) to your *Statement of Claim and Summons* (CCT102).

The *Power of Attorney for Conciliation Court* is a form that an officer of the business entity (corporation, partnership, sole proprietorship, association) signs to give you authority to act on behalf of the business in conciliation court.

Is there more than one plaintiff? If yes, then you are Plaintiff # 1. The next plaintiff is Plaintiff # 2, and so on. If you have more than two plaintiffs (or more than two defendants), you will need to fill out CCT702, the *Additional Litigants Form*. If you have more than four plaintiffs or more than four defendants, please check with Court Administration. Each plaintiff must sign the *Statement of Claim and Summons*. **Each plaintiff must sign the *Statement of Claim and Summons*.**

Step 3

File Original Forms with Court Administration and Pay Filing Fee

You will need to file the original *Statement of Claim and Summons* (CCT102) with Court Administration. You may also need to file the *Additional Litigants Form* (CCT702) and the *Power of Attorney for Conciliation Court* (CCT701), depending on your situation.

When you file the original forms with Court Administration, there will be a filing fee of at least \$65 (in some counties, there is an additional amount for the law library fee). You can find the filing fees for your county online starting at <http://mncourts.gov/Help-Topics/Court-Fees.aspx>.

If you are a person (not a business) and cannot afford to pay the filing fee, please fill out the *Affidavit of Inability to Pay Conciliation Court Fee* (CCT104) and file it when you file the other Conciliation Court papers. CCT104 is available online at <http://mncourts.gov/GetForms.aspx?c=10&f=173>.

Step 4

**Serve Each Defendant
(if claim is over \$2500, or if Court Administration
tells you it is required)**

Rule 508(d) of the Minnesota General Rules of Practice describes how each defendant should be served with the *Statement of Claim and Summons*.

If Defendant's address is within the county you're filing in, and if your claim is less than \$2500, then the Court Administrator will try to serve Defendant.

If your claim is for more than \$2500, then you must serve Defendant by certified mail, and you must file proof of service with Court Administration within 60 days of when the Summons was issued.

- Fill out *Conciliation Court Affidavit of Service* (CCT103) after serving Defendant to prove service. CCT103 is available online at <http://mncourts.gov/GetForms.aspx?c=10&f=172>.

If a defendant does not live in Minnesota, you may be required to serve that defendant. Please check with Court Administration if you have any questions about serving a defendant in Conciliation Court.

Step 5

Prepare for Your Hearing, then Appear at the Hearing

Conciliation Court hearings are informal, but you must be prepared to present your case. If a witness does not want to appear, you can ask Court Administration for a subpoena to compel them to appear. There is a fee for each subpoena. Written statements and affidavits of people who do not appear in court have very little value, and the judge may not accept them as evidence.

You should also **bring all other relevant evidence** to court such as receipts, repair bills, estimates, and other items to help prove your claim. If a defendant or some other person has documents relating to your claim that they will not give to you, you can get a subpoena to require the person to give you the documents.

Before you go to court, **prepare a list of facts you want to present**. Organize your presentation as clearly and completely as possible so you will not forget important facts and details.

There is a 10-minute video on the MN Judicial Branch website called “How to Handle a Conciliation Court Hearing.” You can watch that video to get tips on how to prepare for your Conciliation Court hearing. See <http://www.mncourts.gov/documents/50/Public/videos/Conciliation%20Court%20Hearing/conciliationvideo.htm> .

What happens if you do not appear for the hearing?

All parties must appear at the hearing. If you do not appear at the hearing, the judge may dismiss your claim or award a "default" judgment against you on any counterclaims.

For more information about Conciliation Court, please look at the “Conciliation Court” Help Topic online starting at <http://mncourts.gov/Help-Topics/Conciliation-Court.aspx> .