

INFORMATION SHEET AND INSTRUCTIONS
Affidavit in Support of Request for Expedited Hearing

For Use With: Affidavit in Support of Request for Expedited Hearing

Citations: Minn. Stat. § 504B.321, subd. 2

General Information:

An expedited hearing will be scheduled on the 5th, 6th, or 7th day after a request is granted. If your request is granted, then you must have the Defendant(s) served within 24 hours. Service is done by having someone, at least 18 years old and NOT a party to the case, hand the papers to the Defendant(s) OR hand the papers, at the Defendant(s)'s home, to an adult who lives there. For an expedited hearing, you must have the papers served within 24 hours of the time the Court gives you the Summons.

An expedited hearing may be granted if the Affidavit specifically describes:

1. The Defendant(s)'s violation of the covenant not to allow unlawful activities (Minn. Stat. § 504B.171) or other illegal or nuisance acts done by the Defendant(s)
2. AND explains how those acts cause a serious danger to other tenants or to the property of the landlord or other tenants.

The Affidavit needs to be specific, including the dates, the names, and exactly what happened. If you have police reports, you may attach them to your Affidavit. Don't rely on police reports alone, though. You need to describe in your own words exactly what happened and how it causes a danger.

If the Court grants your request, and if you have the papers served within 24 hours, then the first hearing will be five (5) to seven (7) days after the Court issues the Summons. If the facts later show that you did not have a sufficient reason under the law to request the expedited hearing, then you will have to pay a civil penalty up to \$500. If the facts show that you had a sufficient basis for your request, and the tenant(s) should be evicted, then the Court will order a Writ of Restitution to evict the tenant(s) and to give you possession of the property.

Filling Out the Request Affidavit:

1. Put the names of the parties in the top part of the Affidavit. These names must be the same as the names you put on the Complaint.
2. Print your name in the first line of the Affidavit.
3. In #4, write in your description of what happened. The more specific you are, the more likely your request will be granted. Describe exactly why you believe there is an immediate risk of danger to other tenants, their property, or the landlord's property.
4. Don't forget to read the statements in #3 and #5 before you sign the Affidavit.
5. Sign and swear/affirm to Affidavit before a Notary Public or a Deputy Court Administrator.
6. The Deputy Court Administrator will bring your Request to a Referee/Judge as soon as possible. If your request is granted, then you must bring it to the Deputy Court Administrator, file it, and get the Summons. The Summons, the Complaint, your Affidavit, the Order, and any attachments, must be served within 24 hours. Whoever delivers the papers needs to sign an Affidavit of Service, and you must return that to the Court three (3) days before the hearing.