

Step by Step Guide to Filing a Small Claims Lawsuit in Minnesota

General claims of \$10,000 or less can be filed in Minnesota Conciliation Court (also referred to as Small Claims Court). Refer to [Minnesota Statutes § 491A.01](#) for an overview of what type of claims may be heard in Conciliation Court.

Getting Ready to File:

- Before you file, you will need the following information to fill out the necessary forms:
 - Your name & address (Plaintiff)
 - The name & address of the person you are filing a claim against (Defendant)
 - If the Defendant is a person, you need their home address
 - If the Defendant is a business, you need the address of the principal place of business
 - You will need the birthdate (or your best guess) of the Defendant to show that they are legally able to be sued.
 - The amount of your claim
 - The legal reason for the claim & the date the claim occurred
 - You do not need to hire an attorney to represent you in Conciliation Court, but it may help to consult an attorney for advice on how the law applies to your case before you file.
- Download the Summons and Statement of Claim Form from the [Minnesota Judicial Branch's website](#), or pick up a copy at your local courthouse.
 - If you pick up a copy at the courthouse, the staff should be able to help you fill out the necessary areas of the form. However, they will not be able to advise you on what to write for your statement of claim.

Filling Out the Summons and Statement of Claim Form

1. Print your name and information in the top sections marked "Plaintiff"
2. Print the name and address of the person/entity you are suing in the section marked "Defendant"
3. Under the PLAINTIFF'S STATEMENT OF CLAIM you must check one of the first two options.
 - a. Use Box 1 if you believe the Defendant owes you money.



- i. The first space should include the amount they owe you for the harm you believe the Defendant caused you.
 - ii. The second space should be filled in with any filing fees or other costs you've incurred by bringing this claim against them. Filing fees are available online or at your local courthouse.
 - iii. Add the two lines together and enter the total in the third space.
 - iv. In the blank lines provided, print an explanation of how you believe the Defendant wronged you and when this happened.
 - b. Use Box 2 if the Defendant refuses to give you property that you believe belongs to you.
 - i. The first space should include a description of the property.
 - ii. The second space should include the dollar value of that property.
 - iii. Use the third space to include your filing fees and any other costs incurred by pursuing this claim. Filing fees are available online or at your local courthouse.
 - iv. Add the dollar values together and write this in the total line.
4. Print the Defendant's birthdate in the spaces provided on the form.
5. Do not sign the form. Stop after the PLAINTIFF'S STATEMENT OF CLAIM section is complete.

Filing the Claim

1. Take your completed form to the county courthouse.
2. You must sign your completed claim form before a notary public or a court clerk.
3. Pay the filing fee.

After You File the Claim

- The notary public or court clerk will fill out the remainder of the important information on the form.
- A copy of the Summons and Statement of Claim form must be "served" on the Defendant(s).
 - Depending on the amount listed on your claim form, this will either be done by mail through the Court Administrator's office, or the office will give you instructions on how to arrange for service.
- There are several outcomes possible after the Defendant is served.



- If the Defendant doesn't contact you and fails to appear in court on the date listed on the bottom of the form, you win your case by default.
- If the Defendant contacts you to settle the case, you will need to tell the Court Administrator in writing if this occurs to dismiss your case. See the **Notice of Settlement** section of the form just underneath your signature on the first page of the form. If you do not come to court, the case will be dismissed.
- If the Defendant appears in court on the appointed date, each of you will present the facts of your case before a judge. If this is the case, you will need to come to court with all evidence and witnesses necessary to prove your case.

See the [Self Help Center of the Minnesota Judicial Branch](#) website for more resources and information on representing yourself in court.

