

Mandatory Expungement Request
Solicitud de Cancelación Obligatoria de Antecedentes

Date/Fecha: _____

RE: MANDATORY EXPUNGEMENT REQUEST

RE: SOLICITUD DE CANCELACIÓN DE ANTECEDENTES OBLIGATORIA

Court File Number/ Número de Expediente Judicial: _____

Dear Judge or Referee:

Estimado Juez o Árbitro:

I am a tenant in the eviction case referenced above.

Soy inquilino en el caso de desalojo al que se hace referencia arriba.

I am entitled to a mandatory expungement under Minn. Stat. § 484.014, Subd. 3 because:

Tengo derecho a una cancelación obligatoria conforme a Minn. Stat. § 484.014, Subd. 3 porque:

A court reviewed the law and the facts in my case, and I won (prevailed on the merits).

Un tribunal revisó la ley y los hechos de mi caso, y gané (prevaleció en los méritos).

On _____, the eviction case was dismissed by the Court or my landlord.

El _____, el caso de desalojo fue desestimado por el Tribunal o mi arrendador.

My landlord and I, and any other parties to the case, have agreed that this case can be expunged from the court's records.

Mi arrendador y yo, y cualquier otra parte en el caso, hemos acordado que este caso puede ser eliminado de los registros del tribunal.

Eviction was ordered in this case on _____, and more than three years have passed since this date.

El desalojo se ordenó en este caso el _____, y han pasado más de tres años desde esa fecha.

This eviction was for holdover under Minn. Stat. § 504B.285, subdivision 1, clause (1), the property was subject to contract for deed cancellation or mortgage foreclosure and the time for contract cancellation or foreclosure redemption has expired and I vacated the property prior to commencement of the eviction action; or I was a tenant during the contract cancellation or foreclosure redemption period and did not receive proper notice to vacate on a date prior to commencement of the eviction case;

Este desalojo fue por aplazamiento conforme a Minn. Stat. § 504B.285, subdivisión 1, cláusula (1), la propiedad estaba sujeta a un contrato de cancelación de escritura o de ejecución hipotecaria y el plazo para la cancelación del contrato o la redención de la ejecución hipotecaria ha expirado y yo desalojé la propiedad antes del comienzo de la acción de desalojo; o yo era inquilino durante el período de cancelación del contrato o de redención de la ejecución hipotecaria y no recibí la notificación adecuada para desalojar en una fecha anterior al comienzo del caso de desalojo;

Please expunge this eviction case. Thank you.

Por favor, elimine este caso de desalojo. Muchas gracias.

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116.

Declaro bajo pena de perjurio que todo lo que he declarado en este documento es cierto y correcto. Minn. Stat. § 358.116.

(print name) / (nombre en letra de molde)

(signature) / (fecha)

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF _____

JUDICIAL DISTRICT
CASE TYPE: EVICTION ACTION

Plaintiff(s) (Landlord),

**NOTICE OF MOTION AND
MOTION FOR EXPUNGEMENT**

v.

Case No. _____

Defendant(s) (Tenant).

TO: DISTRICT COURT ADMINISTRATOR; PLAINTIFF.

NOTICE OF MOTION

PLEASE TAKE NOTICE that at ____ a.m./p.m. on _____, Defendant will bring the following Motion on for hearing before the Honorable Presiding Referee or Judge, at the following location: _____

MOTION

- 1. I am asking the court to immediately expunge this court file.**
- 2. Expungement within the Court’s Inherent Authority**

Courts have inherent authority to perform a judicial action when the relief requested “is necessary to the performance of a judicial function as contemplated in [the] state constitution.”¹ Courts also have inherent authority to control their own records, along with the equitable power to prevent unfairness to individuals.² The court “must decide whether expungement will yield a benefit to the

¹ *In re: Clerk of Court’s Compensation for Lyon County v. Lyon County Commissioners*, 241 N.W.2d 781, 786 (Minn. 1976).

² *State v. C.A.*, 304 N.W.2d 353, 358 (Minn. 1981).

7. Statutory Expungement⁶

The Court may order expungement upon finding that expungement is clearly in the interests of justice and those interests are not outweighed by the public's interest in knowing about the record."⁷

Numbers 3 through 6 above explain why the expungement is clearly in the interests of justice and those interests are not outweighed by the public's interest in knowing about the record. For those same reasons, I am asking the Court to grant a discretionary expungement.

Mandatory Expungement because Defendant Prevailed on the Merits

8. A court reviewed the law and the facts in my case, and I won. Expungement is mandatory under law.⁸

Mandatory Expungement because the Case Was Dismissed

9. On _____, the Court issued an order dismissing this eviction case or my landlord dismissed the case. Expungement is mandatory under law.⁹

Mandatory Expungement because the Parties Agreed to Expungement

10. My landlord and I, and any other parties to the case, have agreed that this case can be expunged from the court's records.

We reached a written settlement agreement that I am enclosing with this motion.

OR

We agreed orally or by some other mode of communication. My proof of the agreement, if any, is enclosed with this motion. Expungement is mandatory under law.¹⁰

Mandatory Expungement because the Eviction Is More Than Three Years Old

11. Eviction was ordered in this case on _____, and more than three years have passed since this date. Expungement is mandatory under law.¹¹

⁶ Minn. Stat. § 484.014, subd. 2

⁷ *Id*

⁸ Minn Stat. § 484.014, subd. 3.

⁹ Minn Stat. § 484.014, subd. 3.

¹⁰ Minn Stat. § 484.014, subd. 3.

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Mandatory Expungement because of Certain Marijuana or Cannabis Offenses

8. The grounds for my eviction were violation of section 504B.171 or a breach of my lease and

the breach of lease was based solely on possession of marijuana or tetrahydrocannabinols;

OR

I am eligible to receive an automatic expungement under Minn. Stat. Section 609A.055. Expungement is mandatory under law.¹⁴

Mandatory Expungement because of Foreclosure

10. The property in this case was in foreclosure. Expungement is mandatory under law.¹⁵

a. I moved out of the property on _____, before this case started¹⁶ on _____. The foreclosure redemption period is over.

OR

b. The landlord said I stayed past my move out date (holdover). I was a tenant at the property during the redemption period. My lease started after the landlord's mortgage began. *Check one:*

i. I did not get the notice required by law.¹⁷

ii. I received the notice required by law¹⁸, but this case started before the date I was supposed to move.

Mandatory Expungement because of Contract Cancellation

11. The property in this case was in contract cancellation. Expungement is mandatory under law.¹⁹

a. I moved out of the property on _____, before this case started²⁰ on _____. The time for contract cancellation is over.

¹⁴ Minn Stat. § 484.014, subd. 3.

¹⁵ Minn Stat. § 484.014, subd. 3.

¹⁶ In Minnesota a case starts at service. Minn. R. Civ. P. 3.01(A); *Appletree Square I, Limited Partnership v. W.R. Grace & Co.*, 29 F.3d 1283, 1286 (8th Cir. 1994); *Appletree Square I Limited Partnership v. O'Connor & Hannan*, 575 N.W.2d 102, 103 (Minn. 1998).

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OR

- b. The landlord said I stayed past my move out date (holdover). I was a tenant at the property during the during the contract cancellation period. My lease started after the contract for deed. *Check one:*
 - i. I did not get the notice required by law.²¹
 - ii. I received the notice required by law²², but this case started before the date I was supposed to move.

10. I certify that, to the best of my knowledge:

- this document is not being filed for an improper reason, such as harassment or delay,
- my claims are supported by the law, and
- there is evidence for my claims and/or my denials.

I know that I may be fined or sanctioned by the court if this certification is false.

I declare under penalty of perjury that everything I have stated in this document is true and correct.²³

Date

Defendant (Tenant)

Address: _____

Email: _____

Phone: _____

²¹ Minn. Stat. § 504B.285, subd. 1a requires a minimum notice period of 90 days. Some tenants get a longer notice period.

²² *Id.*

²³ Minn. Stat. § 358.116.

Letter to Tenant Screening Companies (send a copy to each company on the list below)
Carta a las Compañías de Evaluación de Inquilinos - (envíe una copia a cada una de las compañías de la lista de abajo)

Nota: Esta es una lista de las agencias más utilizadas por los arrendadores de MN para evaluar a los inquilinos. Hay muchas otras. Es mejor obtener el nombre y la dirección de la agencia de su arrendador.

First Advantage

PO Box 105108
Atlanta, GA 30348
resident.s@fadv.com

Rental History Reports, Inc

7760 France Ave S, Suite 1173
Minneapolis, MN 55435
www.rentalhistoryreports.com

Rental Research Services, Inc.

7525 Mitchell Rd, Suite 301
Eden Prairie, MN 55344
(952) 935-5700
www.rentalresearch.com

Twin City Tenant Check

910 Ivy Ave East
St. Paul, MN 55106
(651) 224-3002
<https://twincitytenantcheck.com/>

Checkr.com

Attn: Legal Department
1 Montgomery St, Ste. 2400
San Francisco, CA 94104
www.checkr.com

First Check

P.O. Box 334
Wyoming, MN 55092
(612) 834-5112
kris@firstcheck.info

Multihousing Credit Control (MCC)

10125 Crosstown Circle, Suite 100
Eden Prairie, MN 55344
(952) 941-0552
www.mccgrp.com

Screening Reports, Inc.

220 Gerry Dr.
Wood Dale, IL 60191
(866) 389-4042
www.screeningreports.com

Experian Rent Bureau

PO Box 26
Allen, TX 75013
1-(877) 704-4519

TenantReports.com, LLC

370 Reed Rd, Suite 101
Broomali, PA 19008
1-(855) 244-2400
www.tenantreports.com

TransUnion

My Smart Move- Disputes
PO Box 800
Woodlyn, PA 19094
1-(866) 775-0961
www.mysmartmove.com

RealPage Resident Screening

c/o Leasing Desk Screening - Consumer Relations
2201 Lakeside Blvd
Richardson, TX 75082
1-(866) 934-1124

AppFolio, Inc

70 Castillian Dr.
Goleta, CA 93117
1-(866) 349-3630
Consumer.relations@appfolio.com

TenantAlert.com

23801 Calabasas Rd, Ste 1022
Calabasas, CA 91302
1-(866) 272-8400
www.TenantAlert.com

Equifax Corp. Central Source, LLC

PO Box 105283
Atlanta, GA 30348
1-(877) 897-5001
residentscreening@equifax.com

Appriss

Oyster Point Professional Park
11824 Fishing Point Dr, Ste B
Newport News, VA 23606
compliance@knowthefact.com

Date (*Fecha*): _____

Dear Directors (*Estimados Directores*):

I am the tenant listed in the enclosed expungement order(s).

Soy el inquilino que figura en la(s) orden(es) de invalidación adjunta(s).

Minnesota Statutes § 504B.241, Subd. 2 says that "If the completeness or accuracy of an item of information contained in an individual's file is disputed by the individual, the residential tenant screening service must reinvestigate and record the current status of the information. If the information is found to be inaccurate or can no longer be verified, the residential tenant screening service must delete the information from the individual's file and residential tenant report."

Los Estatutos de Minnesota § 504B.241, Subd. 2 dice que "Si la persona cuestiona la integridad o exactitud de un dato contenido en su expediente, el servicio de investigación de inquilinos residenciales debe volver a investigar y registrar el estado actual de la información. Si se determina que la información es inexacta o ya no puede verificarse, el servicio de investigación de inquilinos residenciales debe eliminar la información del expediente de la persona y del informe de inquilinos residenciales."

Subdivision 2 also states that "At the request of the individual, the residential tenant screening service must give notification of the deletions to persons who have received the residential tenant report within the past six months."

La Subdivisión 2 también dice que "A petición del individuo, el servicio de evaluación de inquilinos residenciales debe notificar las eliminaciones a las personas que hayan recibido el informe de inquilinos residenciales en los últimos seis meses".

I am asking you to delete all of your references to this court file, and that you notify anyone who got my tenant report in the last 6 months that the eviction was expunged and deleted from my file.

Le pido que borre todas sus referencias a este expediente judicial, y que notifique a cualquiera que haya recibido mi informe de inquilino en los últimos 6 meses que el desalojo fue borrado y eliminado de mi expediente.

Minnesota law does not permit tenant screening agencies to ask for any other information on tenants before taking this action.

La ley de Minnesota no permite que las agencias de selección de inquilinos pidan otra información sobre los inquilinos antes de tomar esta acción.

Please contact me if you have any questions. Thank you.

Por favor, comuníquese conmigo si tiene cualquier pregunta. Gracias.

(print name) (*nombre en letra de molde*)

(signature) (*firma*)

This eviction was for holdover under Minn. Stat. § 504B.285, subdivision 1, clause (1), the property was subject to contract for deed cancellation or mortgage foreclosure and the time for contract cancellation or foreclosure redemption has expired and I vacated the property prior to commencement of the eviction action; or I was a tenant during the contract cancellation or foreclosure redemption period and did not receive proper notice to vacate on a date prior to commencement of the eviction case;

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Please expunge this eviction case. Thank you.

Por favor, elimine este caso de desalojo. Muchas gracias.

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Plaintiff(s) (Landlord),

**NOTICE OF MOTION AND
MOTION FOR EXPUNGEMENT**

v.

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TO: DISTRICT COURT ADMINISTRATOR; PLAINTIFF.

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Mandatory Expungement because Defendant Prevailed on the Merits

8. A court reviewed the law and the facts in my case, and I won. Expungement is mandatory under law.⁸

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Date

Defendant (Tenant)

Address: _____

Email: _____

Phone: _____

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First Advantage

PO Box 105108
Atlanta, GA 30348
resident.s@fadv.com

Rental History Reports, Inc

7760 France Ave S, Suite 1173
Minneapolis, MN 55435
www.rentalhistoryreports.com

Rental Research Services, Inc.

7525 Mitchell Rd, Suite 301
Eden Prairie, MN 55344
(952) 935-5700
www.rentalresearch.com

Twin City Tenant Check

910 Ivy Ave East
St. Paul, MN 55106
(651) 224-3002
<https://twincitytenantcheck.com/>

Checkr.com

Attn: Legal Department
1 Montgomery St, Ste. 2400
San Francisco, CA 94104
www.checkr.com

First Check

P.O. Box 334
Wyoming, MN 55092
(612) 834-5112
kris@firstcheck.info

Multihousing Credit Control (MCC)

10125 Crosstown Circle, Suite 100
Eden Prairie, MN 55344
(952) 941-0552
www.mccgrp.com

Screening Reports, Inc.

220 Gerry Dr.
Wood Dale, IL 60191
(866) 389-4042
www.screeningreports.com

Experian Rent Bureau

PO Box 26
Allen, TX 75013
1-(877) 704-4519

TenantReports.com, LLC

370 Reed Rd, Suite 101
Broomali, PA 19008
1-(855) 244-2400
www.tenantreports.com

TransUnion

My Smart Move- Disputes
PO Box 800
Woodlyn, PA 19094
1-(866) 775-0961
www.mysmartmove.com

RealPage Resident Screening

c/o Leasing Desk Screening - Consumer Relations
2201 Lakeside Blvd
Richardson, TX 75082
1-(866) 934-1124

AppFolio, Inc

70 Castillian Dr.
Goleta, CA 93117
1-(866) 349-3630
Consumer.relations@appfolio.com

TenantAlert.com

23801 Calabasas Rd, Ste 1022
Calabasas, CA 91302
1-(866) 272-8400
www.TenantAlert.com

Equifax Corp. Central Source, LLC

PO Box 105283
Atlanta, GA 30348
1-(877) 897-5001
residentscreening@equifax.com

Appriss

Oyster Point Professional Park
11824 Fishing Point Dr, Ste B
Newport News, VA 23606
compliance@knowthefact.com

Date (*Fecha*): _____

Dear Directors (*Estimados Directores*):

I am the tenant listed in the enclosed expungement order(s).

Soy el inquilino que figura en la(s) orden(es) de invalidación adjunta(s).

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Por favor, comuníquese conmigo si tiene cualquier pregunta. Gracias.

(print name) (*nombre en letra de molde*)

(signature) (*firma*)