

Rule 15. Affidavits

Unless otherwise specified in any court rule, the term "affidavit" means:

(a) a document that has been signed, sworn, and notarized; and

(b) a document that has been signed under penalty of perjury pursuant to Minnesota Statutes, section 358.116, provided that the signature is affixed immediately below a declaration using substantially the following language: "I declare under penalty of perjury that everything I have stated in this document is true and correct." In addition to the signature, the date of signing and the county and state where the document was signed shall be noted on the document.

(Added effective July 1, 2015.)

Advisory Committee Comment - 2015 Amendments

Rule 15 is a new rule, included to address issues relating to the adoption of Minnesota Statutes, section 358.116 (2014) (codifying Minnesota Laws 2014, chapter 204, section 3). The statute allows the courts to require specifically, by rule, that notarization is necessary for particular situations. This rule is intended to improve public access to the courts by removing what may be an unnecessarily difficult obstacle - obtaining a notarization of a signature.

Subdivision (a) of the rule applies to any document that is "signed, sworn, and notarized." This category includes documents signed and sworn to before ex officio notaries, such as deputy court administrators. See Minnesota Statutes, section 358.15. It would also apply to affidavits signed outside Minnesota to the extent authorized by statute. See Minnesota Statutes, sections 358.46 to 358.48.