

**TRIALS 546.44**

cause of action nor any part thereof arose in the county designated in the complaint. This demand and affidavit, with proof of service thereof upon the plaintiff's attorney, shall be filed with the clerk in the county where the action was begun within 30 days from the date of its service and thereupon, unless the county where the action was begun is a county in which the cause of action or some part thereof arose, the place of trial shall be changed to the county where the defendant resides without any other proceedings. If the county designated in the complaint is not the county in which the cause of action or some part thereof arose and if there are several defendants residing in different counties, the trial shall be had in the county upon which a majority of them unite in demanding or, if the numbers be equal, in that whose county seat is nearest. When the place of trial is changed all other proceedings shall be had in the county to which the change is made, unless otherwise provided by consent of parties filed with the clerk or by order of the court and the papers shall be transferred and filed accordingly. When a demand for a change of the place of trial is made as herein provided the action shall not for any of the reasons specified in section 542.11 be retained for trial in the county where begun, but can be tried therein only upon removal thereto from the proper county in the cases provided by law.

A party who has paid the filing fee of the county where the action originated shall not be required to pay the filing fee of the county to which the action is transferred. The transferor county may retain any filing fees received prior to the change of county, but shall in writing advise the county to which the action is transferred of any and all such filing fees paid to the transferor county.

[1975 c 123 s 1]

**CHAPTER 546. TRIALS**

<p>Sec. 546.42 546.43</p>	<p>Handicapped persons; interpreters. [New] Proceedings where interpreter appointed. [New]</p>	<p>Sec. 546.44</p>	<p>Qualified interpreter. [New]</p>
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**546.42 Handicapped persons; interpreters.**

For the purposes of sections 546.42 to 546.44 a handicapped person is one who, because of a hearing, speech or other communication disorder, or because of the inability to speak or comprehend the English language, is unable to understand the proceedings in which he is required to participate, or when named as a party to a legal proceeding, is unable by reason of such deficiency to obtain due process of law.

[1975 c 337 s 1]

**546.43 Proceedings where interpreter appointed.**

Subdivision 1. In a civil action in which a handicapped person is a litigant or witness, the presiding judicial officer shall appoint a qualified interpreter to serve throughout the proceedings.

Subd. 2. In a proceeding before a board, commission, agency, or licensing authority of the state, or of a political subdivision of the state, where a witness or the principal party in interest is a handicapped person, all of the proceedings that are pertinent shall be interpreted in a language the handicapped person understands by a qualified interpreter appointed by the board, commission, agency, or licensing authority.

[1975 c 337 s 2]

**546.44 Qualified interpreter.**

Subdivision 1. No person shall be appointed as a qualified interpreter pursuant to sections 546.42 to 546.44 unless he is readily able to communicate with the handicapped person, translate the proceedings for him, and accurately repeat and translate the statements of the handicapped person to the officials before whom the proceeding is taking place.

# MINNESOTA STATUTES 1975 SUPPLEMENT

## 546.44 TRIALS

Subd. 2. A qualified interpreter appointed pursuant to the provisions of sections 546.42 to 546.44, before entering upon his duties shall take an oath that he will, to the best of his skill and judgment, make a true interpretation to the handicapped person being examined of all the proceedings, in a language which the person understands, and that he will repeat in the English language the statements of the handicapped person to the court or other official before whom the proceeding is taking place.

Subd. 3. The fees and expenses of a qualified interpreter shall be determined by the presiding official and paid by the court, board, commission, agency or licensing authority before whom the proceeding is taking place.

[1975 c 337 s 3]

## CHAPTER 566. FORCIBLE ENTRY AND UNLAWFUL DETAINER

Sec.

566.175 Unlawful removal or exclusion; recovery of possession. [New]

### 566.175 Unlawful removal or exclusion; recovery of possession.

Subdivision 1. Any tenant who is unlawfully removed or excluded from lands or tenements which are demised or let to him may recover possession of the premises in the following manner:

(a) The tenant shall present a verified petition to the county or municipal court of the county in which the premises are located, which petition shall:

(1) describe the premises of which possession is claimed and the owner, as defined in section 566.18, subdivision 3, of the premises;

(2) specifically state the facts and grounds that demonstrate that the removal or exclusion was unlawful including a statement that no judgment and writ of restitution have been issued under section 566.09 in favor of the owner and against petitioner as to the premises and executed in accordance with section 566.17; and

(3) ask for possession thereof.

(b) If it clearly appears from the specific grounds and facts stated in the verified petition or by separate affidavit of petitioner or his counsel or agent that the removal or exclusion was unlawful, the court shall immediately order that petitioner have possession of the premises.

(c) The petitioner shall furnish monetary or other security if any as the court deems appropriate under the circumstances for payment of all costs and damages the defendant may sustain if the order is subsequently found to have been obtained wrongfully. In determining the appropriateness of any security the court shall consider petitioner's ability to afford monetary security.

(d) The court shall direct the order to the sheriff or any constable of the county in which the premises is located and the sheriff or constable shall execute the order immediately by making a demand upon the defendant, if he can be found, or his agent or other person in charge of the premises, for possession of the premises. If the defendant fails to comply with the demand, the officer shall take with him whatever assistance may be necessary and immediately place the petitioner in possession of the premises. If the defendant or his agent or other person in control of the premises cannot be found and if there is no person in charge of the premises detained so that no demand can be made, the officer shall immediately enter into possession of the premises and place the petitioner in possession of the premises. The officer shall also serve the order and verified petition or affidavit without delay upon the defendant or upon his agent, in the same manner as a summons is required to be served in a civil action in district court.

Subd. 2. The defendant by written motion and notice served by mail or personally upon petitioner or his attorney at least two days prior to the hearing date on the motion may obtain dissolution or modification of the order for possession, issued pursuant to subdivision 1, clause (b), unless the petitioner proves the facts and grounds upon which the writ is issued. A defendant bringing a motion pursuant to this subdivision may recover possession of the premises only in accor-