

MINNESOTA STATUTES 1981 SUPPLEMENT

1601

FORCIBLE ENTRY AND UNLAWFUL DETAINER 566.09

CHAPTER 566

FORCIBLE ENTRY AND UNLAWFUL DETAINER

566.05 Complaint and summons.
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566.05 COMPLAINT AND SUMMONS.

The person complaining shall file a complaint with the court, describing the premises of which possession is claimed, stating the facts which authorize the recovery, and praying for restitution thereof. The court shall issue a summons, commanding the person against whom the complaint is made to appear before the court on a day and at a place stated in the summons. The appearance shall be not less than seven nor more than 14 days from the day of issuing the summons. A copy of the complaint shall be attached to the summons, which shall state that the copy is attached and that the original has been filed.

History: 1981 c 168 s 3

566.06 SUMMONS; HOW SERVED.

The summons shall be served at least seven days before the return day in the manner provided for service of a summons in a civil action in the district court. If the person cannot be found in the county, the summons may be served on him at least seven days before its return day by leaving a copy at his last usual place of abode with a member of his family, or a person of suitable age and discretion residing there, or if he had no place of abode, by leaving a copy upon the premises described in the complaint with a person of suitable age and discretion occupying the same or any part thereof. The summons may be served by any person not named a party to the action. If the defendant cannot be found in the county, of which the return of the sheriff or constable, shall be prima facie proof, and no person actually occupies the premises described in the complaint, upon the filing of an affidavit of the plaintiff or his attorney stating that (1) the defendant cannot be found or on belief that the defendant is not in this state, and (2) a copy of the summons has been mailed to the defendant at his last known address if any is known to the plaintiff, service of the summons may be made upon the defendant by posting the summons in a conspicuous place on the premises for not less than one week. If the defendant or his attorney does not appear in court upon the return day in the action, the trial thereof shall proceed.

History: 1981 c 168 s 4

566.09 JUDGMENT; FINE; EXECUTION.

If the court or jury finds for the plaintiff, the court shall immediately enter judgment that the plaintiff have restitution of the premises and tax the costs for him. The court shall issue execution in favor of the plaintiff for the costs and also immediately issue a writ of restitution. Upon a showing by the defendant that immediate restitution of the premises would work a substantial hardship upon him or his family, the court shall stay the writ of restitution for a reasonable period, not to exceed seven days. If the court or jury finds for the defendant, the court shall enter judgment for the defendant, tax the costs against the plaintiff, and issue execution therefor.

History: 1981 c 168 s 5