

**Rule 521. Removal (Appeal) to District Court**

**(a) Trial de novo.** Any person aggrieved by an order for judgment entered in conciliation court after contested trial may remove the case to district court for trial de novo (new trial). An "aggrieved person" may be either the judgment debtor or creditor.

**(b) Removal Procedure.** To effect removal, the aggrieved party must perform all the following actions within 21 days after the date the court administrator transmitted to that party notice of the judgment order:

(1) Serve a demand for removal of the case to district court by first class mail upon every opposing counsel or self-represented party. Service may also be by personal service in accordance with the provisions for personal service of a summons in district court. Service must be by electronic means under Rule 14 of the General Rules of Practice for the District Courts if the parties or counsel have agreed to or are required to accept electronic service under Rule 14. The demand for removal must state whether trial demanded is to be by court or jury, and must indicate the name, address, and telephone number of the aggrieved party's lawyer, if any. If the aggrieved party is a corporation, the demand for removal must be signed by the party's attorney.

(2) File with the court administrator the original demand for removal with proof of service. The aggrieved party may file with the court administrator within the 21-day period the original and copy of the demand together with an affidavit by the party or the party's lawyer showing that after due and diligent search the opposing party or opposing party's lawyer cannot be located. When an affidavit is filed, the court administrator will mail the copy of the demand to the opposing party at the party's last known residence address.

(3) File with the court administrator an affidavit by the aggrieved party or that party's lawyer stating that the removal is made in good faith and not for purposes of delay.

(4) Except as otherwise provided by law, pay to the court administrator as the fee for removal the amount prescribed by law for filing a civil action in district court, and if a jury trial is demanded under Rule 521(b)(1) of these rules, pay to the court administrator the amount prescribed by law for requesting a jury trial in a civil action in district court. A party who is unable to pay the fees may apply for permission to proceed without payment of fees pursuant to the procedure set forth in Minnesota Statutes, section 563.01.

**(c) Demand for Jury Trial.** Where no jury trial is demanded on removal under Rule 521(b) by the aggrieved party, if the opposing party desires a jury trial that party must perform all the following within 21 days after the demand for removal was served on the party or lawyer:

(1) Serve a jury trial demand by first class mail upon every opposing counsel or self-represented litigant. Service may also be by personal service in accordance with the provisions for personal service of a summons in district court. Service must be by electronic means under Rule 14 if both the counsel or party serving the demand and the counsel or party to be served have agreed to or are required to accept electronic service under Rule 14.

(2) File the jury trial demand and proof of service with the court administrator.

(3) Pay to the court administrator the amount prescribed by law for requesting a jury trial in a civil action in district court and, if the demand is the first document filed by the party in the district court proceeding, pay to the administrator the amount prescribed by law for filing a civil action in district court. A party who is unable to pay the fees may apply for permission to proceed without payment of fees pursuant to the procedure set forth in Minnesota Statutes, section 563.01.

**(d) Removal Perfected; Vacating Judgment; Transmitting File.** When all removal documents have been filed properly and all requisite fees paid as provided under Rule 521(b), the removal is perfected, and the court must issue an order vacating the order for judgment in conciliation court as to the parties to the removal, and transfer the pertinent portions of the conciliation court file to the district court.

**(e) Limited Removal.**

(1) When a motion for vacation of an order for judgment, or judgment under Rule 520 of these rules is denied, the aggrieved party may demand limited removal to the district court for a hearing de novo (new hearing) on the motion for vacation. Service and filing of the demand for limited removal and the notice of hearing de novo must follow the same procedure prescribed in part (b) of this rule, except that the deadline for filing and serving a demand for limited removal is 21 days after the date that the court administrator transmits notice of the denial of the motion for vacation of the order for judgment or judgment. The fee payable by the aggrieved party to the court administrator of district court for the demand for limited removal will be the same as the filing fee prescribed by law for filing a civil action in district court. The court administrator of district court will place the matter on the special term calendar for the date specified in the notice. At the hearing in district court, either party may be represented by a lawyer.

(2) A district court judge other than the conciliation court judge who denied the motion, will hear the motion de novo (anew) and may (A) deny the motion or (B) grant the motion. In determining the motion the judge must consider the entire record plus any affidavits submitted by either party or their lawyers.

(3) The court administrator of district court must transmit a copy of the order from the district court to both parties at which point the case is transferred back to conciliation court.

(Amended effective January 1, 1998; amended effective March 1, 2001; amended effective January 1, 2005; amended effective July 1, 2015; amended effective January 1, 2020; amended effective November 22, 2023; amended effective July 1, 2026.)

**Cross Reference:** Minn. R. Civ. P. 4.02, 4.06, 5.02, 6.01, 6.02, and 6.05.

***Advisory Committee Comment - 2023 Amendments***

*Rule 521(b)(4) is modified in 2023 to accommodate fee waivers including statutory fee waivers under Minnesota Statutes, sections 169A.63, subdivision 8, paragraph (e), and 609.5314, subdivision 3, paragraph (a).*

***Advisory Committee Comment - 2026 Amendments***

*Rule 521(d) is amended to clarify that the court is responsible for transferring pertinent portions of the conciliation court record to the district court upon removal.*

*Rule 521 has been further amended as part of a comprehensive set of changes to the conciliation court rules in 2026 to use plain language and improve clarity.*