

**CHART 1**  
**OLD-TO-NEW EVICTION STATUTES**  
**Conversion from 1851 Territorial Statutes to 2019 Statutes**

Minnesota Territorial Statutes 1851, Chapter 87 <sup>1</sup> , Section Number	2019 Minn. Stat. Chap. 504B Eviction Action Statutes <sup>2</sup> Section Number	Material Differences	Citation/s for Change/s <sup>3</sup>	Subject of Statute
1	504B.281	Clause providing for a fine not in current law	1973 Minn. Laws ch. 611, s 6	General subject of unlawful detainer chapter
2	504B.301, clause 1	Clause providing for a fine not in current law  Jurisdiction changed from justice of peace to district court	1973 Minn. Laws ch. 611, s 7  1981 Minn. Laws ch. 168, s 6	Types of cases
3	504B.321	Initial hearing was 6-10 days from filing, now 7-14 days	1981 Minn. Laws ch. 168, s 3	Time from filing to date of initial hearing
4	504B.331(a)	Deadline was 3 days notice, now is 7 days. Also, service was by sheriff, now by any adult as in any civil action	1981 Minn Laws ch.168, s. 4	Personal Service
5	504B.335			Trial/initial appearance

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<sup>1</sup>Except where another chapter of the statutes is noted.

<sup>2</sup>These are 504B.281-.471, the ones under the “EVICTION ACTION” heading plus 504B.171 which is closely related.

<sup>3</sup>When several amendatory session laws were passed but the main material change was in one of them (usually the earliest), only that law is cited.

6	504B.331(b)	<p>Deadline was 6 days notice, now is 7 days.</p> <p>Also, service was by sheriff, now by any adult.</p> <p>Sheriff to explain contents to recipient; now documents just handed over</p> <p>Prerequisite was “If at the time of making of complaint, it shall be made to appear that [a defendant is] ... absent from the county”; now is “If the defendant cannot be found in the county”</p>	<p>1981 Minn Laws ch.168, s. 4</p> <p>1973 Minn. Laws ch. 611, s. 8-9 and 1976 Minn. Laws ch. 123, s. 1</p> <p>Rev Laws 1905 §4041 has new language; old language was still in 1903 Minn. Laws ch. 373</p>	Substitute service and nail-and-mail service (note that in 1851 nail-and-mail was not allowed)
7	504B.341			Continuance of trial
8	none		Rev Laws 1905 ch. 76, the UD chapter, does not have this language; language; old language was still in Gen. Stat. 1894, § 6115	Depositions allowed
9	504B.345	Clause providing for a fine not in current law	1973 Minn. Laws ch. 611, s. 10	Judgment; execution

10	504B.351			Impanel new jury if first one is hung
11	none		Gen. Stat. 1863, ch. 84, the UD chapter, does not have this language	Treble damages to plaintiff in forcible entry or unlawful detainer case
12	504B.285	Required 3-day notice and if for non payment 3-day quit-or-pay notice; 3-d notices not in current law  Unlike current law, no provision for contract-for-deed nor for tax-forfeiture holdovers	Gen. Stat. 1863, ch. 84, s. 11 does not have the 3-day notice language and in the margin says "C.S. p 651, Sect. 12 amended"  1992 Minn. Laws ch. 376, art. 1, s. 10  2017 Minn. Laws ch. 1, art. 2, s. 40	List of allowable reasons to file a UD (now EA)
13	504B.311			Protection for occupant who has had quiet possession for at least 3 years
14	none		Gen. Stat. 1863, ch. 84, the UD chapter, does not have this language	Complainant may bring civil trial complaint for treble damages
15	none		Gen. Stat. 1863, ch. 84, the UD chapter, does not have this language	Punishment for juror who won't serve or appear and for witness who won't appear or testify

16	none		Fines and criminal parts of evictions eliminated in 1973 Minn. Laws ch. 611	Fines; and jail if won't pay fine
17-20	504B.371	<p>Appeal bond now covers cost of appeal and rent and not just cost of appeal (see current subdivision 3)</p> <p>Also, appeal deadline was 10 days, now 15 days</p>	<p>Rev Laws 1905 §4046 has new language; old language that was still in Gen. Stat. 1894, § 6120</p> <p>2013 Minn. Laws ch. 100, s. 4</p>	Appeals
21	504B.371, subdivision 6	This was a stand-alone provision, apparently applicable throughout case; now it is a sentence in the middle of 504B.371, subdivision 6 applying just to appeals	Rev Laws 1905 §4049 combined sections 20 and 21 from the 1851 statutes into one section, suggesting that it was thought that the rule about amendments was always related to appeals (even though that is not the plain language)	<u>Amendments</u> "may be allowed by the court at any time before final judgment, upon such terms as to the court shall appear just, in the same cases and manner, and to the same extent as in civil actions"

<p>22</p>	<p>504B.335(a)</p>	<p>Now, the statute just says “At the court appearance specified in the summons, the defendant may answer the complaint, and the court shall hear and decide the action”</p>	<p>The old language survived through Minn. Stat. § 566.07. It was changed in the recodification bill at 1999 Minn. Laws ch. 199, s. 47. This probably should not have been an actual change, see <i>Occhino v. Grover</i>, 640 N.W.2d 357,362 (Minn. App. 2002)</p>	<p><u>Answer</u>: “All matters in excuse, justification or avoidance of the allegations of the complaint, shall be set up in the answer.”</p>
<p>23</p>	<p>504B.371, subdivisions 6-7</p>	<p>A bit different now but no material difference or importance apparent</p>		<p>Powers of appellate court</p>

<p>24, parts 1 and 2</p> <p>1</p>	<p>504B.361</p>	<p>Form of summons and of writ specified by statute; now written by court administrator</p> <p>See court's form HOU 112<sup>4</sup>, which is clearer than the prior statute's language and which also allows tenant 24 hr to move after the writ is posted. In 1851 move out was immediate</p>	<p>2007 Minn. Laws ch. 54, art. 5, s. 12</p> <p>1905 Minn. Laws ch. 496 enacted Rev. Laws 1905, § 4051½, a new section, now codified at Minn. Stat. §504B.365. This law created the 24-hour move-out period</p>	<p>Forms of summons and of writ</p>
<p>24, part 3</p>	<p>504B.355</p>			<p>Form of verdict</p>

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<sup>4</sup>See Endnote 1.

Minnesota Territorial Statutes 1851, Chapter 74, Section 14	504B.291	When Minn. Stat. § 504.02 was recodified into Minn. Stat. § 504B.291, the right to file a non-payment UD without a re-entry clause as held in <u>Woodcock v. Carlson</u> , 41 Minn. 542, 43 N.W. 479 (1889) and <u>Suchaneck v. Smith</u> , 45 Minn. 26, 47 December 6, 2019iN.W. 397 (1890) was explicitly put into the statute, see 1999 Minn Laws ch. 199, art. 1, s. 39	1999 Minn Laws ch. 199, art. 1, s. 39	Non payment UD allowed even without a re-entry clause;  6-month cure period of leases longer than 20 years
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Endnote

1. *The following is the language of HOU112: ("WRIT OF RECOVERY OF PREMISES AND ORDER TO VACATE, Minn. Stat. § 504B.361")*

**WRIT OF RECOVERY OF PREMISES**

**To the Sheriff of the County:**

On \_\_\_\_\_, this court entered judgment against the Defendant. The Plaintiff is entitled to recovery from the Defendant of the following premises (describe the premises as in the complaint):

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The Sheriff shall remove the Defendant from the premises, using the force of the county if necessary, and return the premises to the Plaintiff according to the procedure set out in Minn.

Stat. § 504B.365. The Sheriff may seize and sell a portion of the Defendant's property located in the county to generate a sufficient sum to pay the Plaintiff \$\_\_\_\_\_, the costs assessed against the Defendant, together with the fee for this writ. The Sheriff shall return this writ to the court administrator within 30 days.

This  is **OR**  is not a priority writ under Minn. Stat. § 504B.365, subd. 2.

### **ORDER TO VACATE**

**Based upon the findings and conclusions in the above referenced case, the Court ORDERS:**

The Defendant, any adult members of the Defendant's family occupying the premises, and any other person in charge, shall remove themselves and their family and all their personal property from the premises. They will do so within 24 hours after the officer's service or posting of this writ upon the premises.

If the defendants cannot be found in the county and no person is in charge of the premises, this 24-hour period does not apply and the officer shall enter immediately