

**THIS DOCUMENT AND INCLUDED COMMENTS ARE INTENDED TO BE OF ASSISTANCE IN PREPARING THE DOCUMENT AND IDENTIFYING THE RULES THAT AFFECT THE NOTED PORTIONS OF THE DOCUMENT. THEY ARE NOT INTENDED TO BE COMPLETE OR APPLICABLE TO EVERY SITUATION THAT MAY ARISE. COUNSEL SHOULD RELY ON THEIR OWN READING OF THE RULES AND APPLICABLE CASE AND STATUTORY LAW.**

\_\_\_\_\_, 2014

Ms. AnnMarie O'Neill  
<sup>1</sup>Clerk of Appellate Courts  
Minnesota Court of Appeals  
305 Minnesota Judicial Center  
25 Rev. Dr. Martin Luther King Jr. Boulevard  
St. Paul, MN 55155

**Re:   \*\*\*[Case Name]  
      \*\*\* Co. District Court File No. \*\*\*;  
      Appellate Court File No. \_\_\_\_\_<sup>2</sup>**

Dear Ms. O'Neill:

I enclose for filing with the Court Appellant's Notice of Appeal<sup>3</sup>; Appellant's Statement of the Case<sup>4</sup>; a check in the amount of \$550.00 for the filing fee<sup>5</sup>; and a copy of the judgment<sup>6</sup> entered, \*\*\* including the \*\*\* Order [Granting/Denying] \*\*\*.

By copy of this letter, I am serving the same on counsel of record<sup>7</sup> and providing a copy to the trial judge<sup>8</sup>. Also by copy of this letter, I am filing with the \*\*\* County District Court Administrator a copy of Appellant's Notice of Appeal<sup>9</sup> as well as a cost bond<sup>10</sup>. Proof of service and filing<sup>11</sup> is enclosed.

Sincerely,

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Enclosures

cc:   \*\*\*[opposing counsel]  
      Hon. \*\*\*  
      \*\*\* County District Court Administrator

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## ANNOTATIONS

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<sup>1</sup> The original notice of appeal and statement of the case are filed with the clerk of appellate courts, a position currently held by Ms. AnnMarie O'Neill.

<sup>2</sup> The Appellate Case Number should remain blank. The case number will be assigned by the court and provided with the Notice of Case Filing. The blank appellate number on the cover letter helps identify an appellate court filing.

<sup>3</sup> Per [Rule 103.01 Subd. 1](#), as amended in 2014, now requires filing only a single copy of the notice of appeal needs to be filed with the court of appeals. Timely filing and serving the Notice of Appeal are the only jurisdictional acts required to perfect an appeal. Relief can and often will be granted from non-jurisdictional omissions where there is no prejudice upon the opposing party ([Rule 103.01 Subd. 2](#); *Boom v. Boom*, 361 N.W.2d 34 (Minn. 1985)). The additional requirements listed in [Rule 103.01 Subd. 1](#) are important as the appellate courts have the authority to impose appropriate sanctions, up to and including dismissal, for failure to comply with the rules. See chart below summarizing who gets what and how many.

<sup>4</sup> Per [Rule 103.01 Subd. 1](#), the statement of the case needs to be filed with the court of appeals. See chart below summarizing who gets what and how many.

<sup>5</sup> A filing fee of \$550 is required by [Rule 103.01 Subd. 1](#). Exceptions to the filing fee requirement are listed in [Rule 103.01 Subd. 3](#), which include the appellant is represented by a public defender or legal aid society, in cases of certain public assistance or unemployment appeals, or by authorized relief under [Rule 109.01](#) to proceed *in forma pauperis*, among other circumstances.

<sup>6</sup> Per [Rule 103.01 Subd. 1](#), a copy of the judgment is required to be filed along with the notice of appeal. See chart below summarizing who gets what and how many. Per the 2014 rule amendments, the copy of the judgment no longer needs to be certified.

<sup>7</sup> Service is required upon all opposing parties by [Rule 103.01 Subd. 1](#). Service of the notice of appeal is a jurisdictional act. See chart below summarizing who gets what and how many.

<sup>8</sup> Though not required, a copy of the notice of appeal and statement of the case can be provided to the trial judge as a courtesy, who otherwise may be unaware an appeal was taken from his/her decision.

<sup>9</sup> [Rule 103.01 Subd. 1](#) requires a copy of the notice of appeal be filed with the underlying district court administrator. With e-filing requirements in various counties, wording for both the cover letter and the affidavit of filing may need to be revised to reflect the proper filing method.

<sup>10</sup> [Rule 107.01](#) no longer requires an appellant to obtain a cost bond when appealing, "unless ordered by the trial court on motion and for good cause shown."

<sup>11</sup> Proof of service and filing are required by [Rule 103.01 Subd. 1](#). The affidavits should include a description of the documents, the method of service/filing, address of who is being service/filed and notarized signature. See sample copies of Affidavit of Service and Affidavit of Filing in sample appellate packet provided.

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MN NOTICE OF APPEAL DOCUMENTS -- WHO GETS WHAT AND HOW MANY\*

	Court of Appeals	Dist. Court/ Originating Agency <sup>#</sup>	Each Opposing Counsel/Pro Se Party	Courtesy Copy to District court Judge <sup>^</sup>
Cover letter	<b>Original</b>	1 copy	1 copy	1 copy
Notice of Appeal	<b>Original</b>	1 copy	1 copy	1 copy
Statement of Case	<b>Original</b>	--	1 copy	1 copy
Copy(s) of Judgment/Order(s) appealed (need not be certified)	<b>Original</b>	--	1 copy	--
Affidavit of Service	<b>Original</b>	--	1 copy	--
Affidavit of Filing	<b>Original</b>	--	1 copy	--
\$550 filing check	<b>Original</b>	--	--	--

\*Remember to keep a file copy of everything.

<sup>#</sup>These numbers may change if e-filing in the district court is required for either or both the notice of appeal or cost bond.

<sup>^</sup>Optional but helpful.