

First National Bank of
Montgomery, Minnesota,

Plaintiff

-vs-

A F F I D A V I T

Jerome Daly,

Defendant

STATE OF MINNESOTA)
) ss
COUNTY OF LE SUEUR)

Theodore R. Mellby, being duly sworn, on oath, deposes and states:
Plaintiff has duly appealed a jury verdict in favor of defendant
in Justice Court, Credit River Township, County of Scott, Justice Martin
V. Mahoney. Unlawful detainer is the nature of the civil action.

M.S.A. Section 566.12 is the exclusive statute governing the appeal
of unlawful detainer actions to the District Court. The normal appellate
procedures from Justice Court, contained in M.S.A. Sec. 532.37 to 532.50
are inapplicable to unlawful detainer actions as a result of M.S.A. Sec.
532.37.

The most significant reason why M.S.A. Sections 532.37 to 532.50
are inapplicable to unlawful detainer actions is that speedy relief must
be afforded in an unlawful detainer action. If the appeal of an unlaw-
ful detainer action could not be heard until "the next general term of
the District Court occurring more than twenty (20) days after the filing
of such notice of appeal " (M.S.A. 532.38) the intent to afford that
speedy relief which is necessary in proceedings of this character would
be frustrated. Hoffman V. Parsons. 27 MINN 236, 238 (1880) 6 N.W. 797.

Theodore R. Mellby
Theodore R. Mellby

Subscribed and sworn to
before me this 20th day
of December, 1968

Wilma V. Fortney
Wilma V. Fortney - Notary Public
Le Sueur County, Minnesota
My Commission expires, November ²³~~30~~, 1971

State of Minnesota,

DISTRICT COURT

County of SCOTT } ss.

FIRST Judicial District

First National Bank of Montgomery, Minnesota,

Plaintiff

Affidavit of Service by Mail

-vs-

Jerome Daly,

Defendant

State of Minnesota,

County of Le Sueur } ss.

Wilma V. Fortney of the City of Montgomery

County of Le Sueur in the State of Minnesota, being duly sworn, says that on the

30th day of December, 1968 s, he served the annexed

Notice of Motion, Motion and Affidavit in Support of Motion

on Jerome Daly

the Attorney in this action, by mailing to

him a copy thereof, inclosed in an envelope, postage prepaid, and directed to said

Jerome Daly Attorney at law at

Subscribed and sworn to before me, this 30th day of December, 1968

Theodore R. Mellby, Notary Public
Le Sueur County, Minnesota
My commission expires November 30, 1971