

State of Minnesota

County of St. Louis

District Court

Judicial District:	Sixth
Court File Number:	69VI-CV-20-419
Case Type:	Housing

AYSTA PROPERTIES, INC., d/b/a

AYSTA PROPERTIES,

Plaintiff (Landlord)

Address

VS.

Defendant (Tenant)

Address

**Eviction Action – Findings of
Fact, Conclusions of Law,
Order and Judgment
(Minn. Stat. § 504B.345)**This case was heard by the undersigned on November 6, 2020.

Date

Plaintiff appeared with attorney Bryan Lindsay
Defendant appeared with attorney William Maxwell

Defendant has denied the allegations in the Eviction Action complaint.

Findings Of Fact And Conclusions Of Law

1. ☒ Plaintiff has failed to prove the allegations in the complaint.

Order

1. ☒ DISMISSAL:

The case is dismissed ☒ WITH ☐ WITHOUT prejudice and the Court

Administrator shall enter Judgment accordingly only. Prejudice attaches only as to the
specific issues presented to the Court as indicated below.

Appendix PED-8

2. Plaintiff's case was not sufficiently without basis in fact or law for expungement to be clearly in the interests of justice. However, the Court reserves the issues of expungement for determination upon further motion, evidence and argument.
3. The attached memorandum is made a part hereof.

Let Judgment Be Entered Accordingly

By the Court:



Friday, Robert
Nov 13 2020 10:40 AM

Judge

Date

Judgment

I hereby certify that the above Order constitutes the entry of Judgment of the Court.

Dated: _____

Amy Tonnquist

Nov 13 2020 1:01 PM

Court Administrator

By: _____



Nov 13 2020 1:01 PM

Deputy

MEMORANDUM

Plaintiff provided circumstantial evidence of drug activity of Defendant through the testimony of another tenant indicating that she overheard talk of drugs, and there was a significant amount of people going in and out of the apartment. Defendant provided circumstantial evidence of a social worker that Defendant had testified negative for controlled substances. This testimony was not persuasive in either establishing that illegal drug activity was occurring or rebutting it.

The only direct evidence of drug presence in the apartment was the testing completed by the owner of the property Doug Aysta. The Court finds this evidence credible, and rejects the assertion of Defendant that the testing was somehow flawed or should be disregarded by the Court. There is no question that methamphetamine residue was found in the apartment. This, however, does not establish that the cause of the positive test is because of the behavior or use,

either directly by, or permitted by, Defendant in the residence. Ultimately, for the test to have evidentiary value in establishing Defendant as the responsible party for the positive test, a baseline test showing no presence of methamphetamine would be needed, or some other direct evidence of drug use by Defendant in the residence to corroborate the positive test. Simply put, the court is without sufficient evidence to conclude that Defendant is responsible for the presence of methamphetamine in the apartment. Thus, the court must dismiss the complaint, and Defendant will remain in possession of the premises, subject to the terms of her lease. Any prejudice resulting from this decision is limited to the claim of illegal drug activity based on the test, and does not prohibit Plaintiff from seeking eviction on a different basis, when permitted, or upon the same basis upon new evidence....Friday, J.