

Dec 14 2020

State of Minnesota

County of St. Louis

District Court

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|--------------------|----------------|
| Judicial District: | Sixth |
| Court File Number: | 69VI-CV-20-421 |
| Case Type: | Housing |

Aysta Properties, Inc. d/b/a Aysta Properties

Plaintiff (Landlord)

P.O. Box 470

Virginia, Minnesota 55792

Address

**Eviction Action – Findings of
Fact, Conclusions of Law,
Order and Judgment
(Minn. Stat. § 504B.345)**

VS.

Defendant (Tenant)

205 3rd Street South, Apt. 5

Virginia, Minnesota 55792

Address

This case was heard by the undersigned on December 7, 2020. The hearing was conducted remotely by Zoom electronic video, due to the COVID-19 pandemic.

Plaintiff Aysta Properties, Inc. d/b/a Aysta Properties appeared by and through its owner, Douglas Aysta, who appeared by video with Attorney Bryan Lindsay, who also appeared by video. Defendant, [REDACTED] appeared by video with Attorney William Maxwell, who also appeared by video.

Defendant denied the allegations in the Eviction Action complaint. Mr. Douglas Aysta and Mr. Jimmie Nichols testified on behalf of Plaintiff. Ms. [REDACTED] testified on behalf of Defendant. By stipulation of the parties, the Court received into evidence a Property Evaluation Report, which was marked as Exhibit 1; a screen shot of a text message, which was marked as Exhibit 2; and an Inspection Checklist, which was marked as Exhibit 101.

Upon the evidence adduced, the exhibits received by the Court, the testimony of the witnesses, and review of the entire Court file, this Court, being fully advised, upon all the files records and proceeding herein, enters the following:

Findings Of Fact And Conclusions Of Law

1. The subject property is located at 205 Third Street South, Apt. 5, Virginia, Minnesota.
2. Plaintiff offered Exhibit 1, a Property Evaluation Report dated September 22, 2020, which stated: "A methamphetamine test was conducted and the presence of meth use was detected (it was determined to have 0 on a scale of 1-10 with 10 being no presence and 0 being a strong presence.)"
3. The Report contained photographs of AccuMeth cards from rooms designated "Bathroom 1," "Bedroom 1," "Family Room," and "Kitchen." Said cards were labeled "9/22/2020."

Appendix PED-9

4. Mr. Nichols and Mr. Aysta explained the process by which the tests were conducted.
5. The Court finds the evidence of the methamphetamine tests to be credible.
6. The methamphetamine tests are the only direct evidence of drug presence in the apartment.
7. Mr. Aysta testified that there was no baseline test showing an absence of methamphetamine in the apartment prior to or at the time of Defendant's assuming tenancy in the apartment.
8. The record lacks evidence establishing the cause of the positive test. There was no direct evidence of drug use by the Defendant to corroborate the positive test.
9. Plaintiff offered circumstantial evidence of drug activity of Defendant through testimony that there was a significant amount of people going in and out of the apartment and through a text message, presumably stating that [REDACTED] was going to be given notice by another tenant that Mr. Aysta was collecting "wall swabs" and urinalyses from "all 5 apartments."
10. The text message was not persuasive in establishing that Defendant was responsible for illegal drug activity in the apartment.
11. The Court is without sufficient evidence to conclude by a preponderance of the evidence that Defendant is responsible for the presence of methamphetamine in the apartment.
12. Plaintiff has failed to prove the allegations in the complaint.
13. The Court must dismiss the Complaint.

Order

1. The case is dismissed with prejudice and the Court Administrator shall enter Judgment accordingly. Prejudice attaches only to the claim of unlawfully allowing controlled substances on the premises and does not prevent Plaintiff from seeking eviction on a different basis when permitted by law.

Let Judgment Be Entered Accordingly

By the Court:

Andrew R. Peterson

Peterson, Andrew
Dec 14 2020 9:38 AM

Judge

Date

Judgment

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

Dated: _____

Amy Turnquist

Dec 15 2020 2:21 PM

Court Administrator

By: _____

Dec 15 2020 2:22 PM

Deputy

State of Minnesota
St. Louis County

District Court
Sixth District

Court File Number: **69VI-CV-20-421**

Case Type: Eviction (UD)

FILE COPY

Notice of:

| | |
|-------------------------------------|------------------------------|
| <input checked="" type="checkbox"/> | Filing of Order |
| <input checked="" type="checkbox"/> | Entry of Judgment |
| <input type="checkbox"/> | Docketing of Judgment |

Aysta Properties, Inc. d/b/a Aysta Properties vs Rachel Lofgren

You are hereby notified that the following occurred regarding the above-entitled matter:

| | |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | An Order was filed on December 14, 2020. |
| <input checked="" type="checkbox"/> | Judgment was entered on December 15, 2020. |
| <input type="checkbox"/> | You are notified that judgment was docketed on at in the amount of \$. Costs and interest will accrue on this amount from the date of entry until the judgment is satisfied in full. |

Dated: December 15, 2020

Amy Turnquist
Court Administrator
St. Louis County District Court
300 South 5th Avenue
Virginia Minnesota 55792-2666
218-749-7106

cc: BRYAN MICHAEL LINDSAY
WILLIAM EARL MAXWELL

A true and correct copy of this Notice has been served pursuant to Minnesota Rules of Civil Procedure, Rule 77.04.