

Filed in District Court  
State of Minnesota  
State of Minnesota  
Anoka County

NOV 04 2020

District Court  
Tenth Judicial District

Court File Number: 02-CV-20-3913

Case Type Eviction (UD)

Sara Bard vs

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

This case was heard by the undersigned on NOV 4, 2020  
Date

PLAINTIFF:

- ☒ Appeared in person.  
☐ Appeared through agent  
☐ Did not appear and is in default.

Represented by: ☐ counsel ☐ agent

Name

DEFENDANT:

- ☒ Appeared in person.  
☐ Did not appear and is in default.

Represented by: ☐ advocate ☐ counsel

Name

Defendant has ☐ admitted ☐ 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.~~ Comply with
2. ☐ COMPLAINT: Emergency Executive Order 20-79A6  
Plaintiff proved the following allegations by a preponderance of the evidence.
  - ☐ a. Compliance with Minn. Stat. § 504B.181.
  - ☐ b. Defendant has failed and refuses to pay rent for the month(s) of \_\_\_\_\_  
in the amount of \$ \_\_\_\_\_ per month payable on  
the \_\_\_\_\_ day of each month for a total due of \$ \_\_\_\_\_.
  - ☐ c. Notice to vacate was properly given and Defendant has failed to vacate said property.
  - ☐ d. Defendant has broken the terms of the rental agreement and Defendant has failed to vacate the property.
  - ☐ e. Defendant defaulted on the mortgage and the property has been sold at a Sheriff's sale. The Redemption period has expired and Plaintiff is entitled to possession.
  - ☐ f. Defendant defaulted on a contract deed and is holding over after proper cancellation of the contract.
  - ☐ g. Other: \_\_\_\_\_.
3. ☐ DEFENSES:  
Defendant(s) proved the following defenses by a preponderance of the evidence.
  - ☐ a. Improper service by \_\_\_\_\_
  - ☐ b. Violation of the covenants of habitability by \_\_\_\_\_
  - ☐ c. Improper notice because \_\_\_\_\_

- ☐ d. Waiver of \_\_\_\_\_ by \_\_\_\_\_  
☐ e. Other: \_\_\_\_\_

4. ☐ **SETTLEMENT: No judgment to be entered at this time.**

The parties have reached a settlement, which is approved and incorporated in this Decision and Order.

- ☐ Settled through Mediation (See attached settlement agreement)  
☐ Settled by the Litigants (See attached settlement agreement)  
☐ Settlement terms are as follows: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

### Order

1. ☐ The settlement is hereby approved as agreed upon.

2. ☐ **JUDGMENT:**

The Court Administrator shall enter judgment for:

- ☐ **Plaintiff** for recovery of the premises. The Writ of Recovery of Premises and Order to Vacate shall be:

- ☐ i. issued immediately upon request and payment of fee.  
☐ ii. stayed until \_\_\_\_\_

Date

- ☐ **Defendant** to remain in possession of the premises.  
☐ **Allowable** costs and disbursements to the prevailing party.

3. ☒ **DISMISSAL:**

The case is dismissed ☐ WITH ☒ WITHOUT prejudice and the Court Administrator shall enter Judgment accordingly.

4. ☐ **REDEMPTION:**

Defendant may redeem the premise (for nonpayment of rent) by paying to the Plaintiff \$ \_\_\_\_\_ by \_\_\_\_\_. If not, a judgment and writ shall issue by default.  
 Date

5. ☐ **RENT ABATEMENT:**

Defendant has had diminished use and enjoyment of the premises. Rent is abated for the months of \_\_\_\_\_ by a total of \$ \_\_\_\_\_, and is abated by \$ \_\_\_\_\_ per month until the first month following completion of court ordered repairs.

6. ☐ **RENT DISBURSEMENT:**

The rent now on deposit with the Court shall be released as follows:

- ☐ \$ \_\_\_\_\_ to Plaintiff ☐ \$ \_\_\_\_\_ to Defendant.

7. ☐ HEARING:

This is scheduled for ☐ court trial ☐ jury trial ☐ motion hearing on issues of \_\_\_\_\_ on \_\_\_\_\_, at \_\_\_\_\_ (a.m./p.m.) at \_\_\_\_\_.

8. ☐ DISCOVERY:

The parties shall provide to each other by \_\_\_\_\_, the following: a list of witnesses, with phone numbers and addresses, and the subjects about which they will testify, and copies of exhibits (documents, photographs, etc.) to be introduced at trial, and \_\_\_\_\_.

**Parties must file all exhibits they intend to present at trial at least 1 (one) day prior to the trial date. Exhibits may be submitted electronically to the Tenth Anoka Court Mailbox, placed in the drop box near Court Security or delivered to the Civil Division at Court Administration.**

9. ☐ RENT INTO COURT:

Defendant shall pay into Court the rent of \$ \_\_\_\_\_ in cash or certified funds payable to the Court Administrator, on or before \_\_\_\_\_ (a.m./p.m.) on \_\_\_\_\_, and all future rent by the \_\_\_\_\_ day of each month until further Order of the Court, or the Court will issue a Writ of Recovery of Premises and Order to Vacate.

10. ☒ OTHER:

Plaintiff failed to provide Def 7 days  
written notice of her intent to file  
the eviction action required by  
Executive Order 20-79

☒ Let Judgment Be Entered Accordingly.

Recommended by:

By the Court:

Housing Court Referee

Date

Judge

Date

**Judgment**

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

Dated: 11/4/2020

Lori O'Brien  
Court Administrator

By: [Signature]  
Deputy