

State of Minnesota  
Hennepin County

District Court  
Fourth Judicial District

Court File Number: 27-CV-HC-20-1064

Case Type: Eviction (UD)

27CVHC20-1521

Filed in District Court  
State of Minnesota

SEP 14 2020

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

This case was heard by the undersigned on September 14, 2020

**PLAINTIFF:**

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

Represented by: ☐ attorney ☐ agent

Name

**DEFENDANT:**

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

Represented by: ☒ attorney ☐ agent

Gary G. Van Winkle, Jr.

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.

2. ☐ COMPLAINT:

Plaintiff proved the following allegations by a preponderance of the evidence.

- ☐ a. Compliance with Minn. Stat. § 504B.181.  
☐ b. Nonpayment of rent.  
☐ c. 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 \$ \_\_\_\_\_.  
☐ d. Notice to vacate was properly given and Defendant has failed to vacate said property.  
☐ e. Defendant has broken the terms of the rental agreement and Defendant has failed to vacate the property \_\_\_\_\_.  
☐ f. Defendant mortgagor(s) failed to timely redeem after mortgage foreclosure sale.  
☐ g. Other: \_\_\_\_\_.

3. ☐ DEFENSES:

Defendant(s) asserts the following defenses:

4. ☐ SETTLEMENT:

Appendix PED-45a

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

### Order

1. ☐ The settlement is hereby approved as agreed upon.
2. ☐ JUDGMENT:  
The Court Administrator shall enter judgment for:
  - ☐ a. **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
  - ☐ b. **Defendant** to remain in possession of the premises.
  - ☐ c. **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.  
*No seven notice under E.O. 20-79*
4. ☐ REDEMPTION: *waive filing ~~name~~ fee if refiled within 14 days.*  
Defendant may redeem the premises (for nonpayment of rent) by paying to the Plaintiff \$ \_\_\_\_\_ by \_\_\_\_\_.  
Date If not, a judgment and writ shall issue by default.
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.) for \_\_\_\_\_  
hour/minutes. Both parties shall come to C-3 Government Center for courtroom assignment.
8. ☐ DISCOVERY:  
**Parties must bring to trial three (3) copies of all exhibits.** 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 \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
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 \_\_\_\_\_ business 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. ☐ TITLE/NAME REMOVAL:

Pursuant to the Court's inherent authority over its own records to "to reduce or eliminate unfairness to individuals," and because the Court finds that this Order "will yield a benefit to the [removed party] commensurate with the disadvantages to the public from the elimination of the record and the burden on the court in issuing, enforcing and monitoring [this] [O]rder." *State v. C.A.* 304 N.W.2d 353 (Minn. 1981).

☐ The title of the case is amended to read as follows:

\_\_\_\_\_ v. \_\_\_\_\_

☐ \_\_\_\_\_ shall be dismissed from this action and removed from the index of plaintiffs and defendants maintained pursuant to Minn. Stat. § 485.08 in this case.

11. ☒ EXPUNGEMENT: This matter shall be expunged.

12. ☐ OTHER:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☒ Let Judgment Be Entered Accordingly.

Recommended by:



Housing Court Referee

9/14/2020

Date

By the Court:



TODDRICK S. BARNETTE

Judge

Date

9/14/2020

### Judgment

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

Dated: 9/14/2020

Sarah Lindahl-Pfieffer

Fourth District Court Administrator

By   
Court Deputy

You are notified that judgment was entered on 9/14/2020.