

**Filed in District Court
State of Minnesota**

State of Minnesota
Cass County

Oct 29 2020 3:41 PM

District Court
Ninth Judicial District

Court File Number:	11-CV-19-2181
Case Type	Eviction (UD)

DARREN JAMES KELLEY, Marlene
Kelley vs [REDACTED]
[REDACTED]

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

This case was heard by the undersigned on _____.
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.

2. ☒ COMPLAINT:

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 _____ Nov 2019 thru present.
amount of \$ 515.00 per month payable on the 1st day of each month for a total
due of \$ 6180.00 plus allowable fees.

☒ 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 has 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: Plaintiffs previously gave 30 notice to vacate however matter was stayed pursuant to Governor's Executive Order. Plaintiff testified under oath that a family member is prepared to move into the premises. Court Orders that this is a sufficient 30 day notice and orders eviction stayed until November 30, 2020. Plaintiff testified that said family member is prepared to move into the premises within 7 days of vacation by Def's.

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:

<input checked="" type="checkbox"/>	a. Plaintiff for recovery of the premises. The Writ of Recovery of Premises and Order to Vacate shall be:
	<input type="checkbox"/> i. issued immediately upon request and payment of fee.
	<input checked="" type="checkbox"/> ii. stayed until November 30, 2020 at 4:00 p.m.
	Date
<input type="checkbox"/>	b. Defendant to remain in possession of the premises.
<input checked="" type="checkbox"/>	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.

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 bring to trial three (3) copies of all exhibits.

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: The Court did not reach a final determination on whether there had been controlled substances on the premises.

☒ Let Judgment Be Entered Accordingly.

Recommended by:

By the Court:

Michael J. Strandle

Strandle, Christopher
Oct 29 2020 3:40 PM

Housing Court Referee

Date

Judge

Date

Judgment

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

Dated: _____

Kayla Littler
Court Administrator

By: *Lorick R. Hudson*

Deputy