

State of Minnesota
Itasca County

District Court
9th Judicial District

Court File Number: 31-CV-20-2600

Case Type Eviction (UD)

LKE Enterprises, LLC, d/b/a Oakland

Estates vs [REDACTED]

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

This case was heard by the undersigned on November 19, 2020.

Date

PLAINTIFF:

☐ Appeared in person.

☒ Appeared through agent Lance Edminster,
who testified at the hearing.

Represented by: ☒ counsel ☐ agent

Robert Dolan

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. Compliance with Executive Order 20-79:

i. Plaintiff provided Notice of Intent to File Eviction to tenant on November 2 by posting on Tenant's door and sliding a copy under his door. Pictures of this notice were filed with the Court. Defendant sent an email to Plaintiff after that, and the content of the message demonstrated he received the notice.

ii. Defendant, by his assaultive actions, seriously endangers the safety of other tenants. He assaulted another tenant and another individual on October 23, 2020.

☒ c. Service: Itasca County Sheriff's Department served tenant with notice of the eviction action and this hearing by posting the documents on his door on November 13, 2020 at 6:50 pm and November 14, 2020 at 11:48 a.m. Plaintiff was at the property the afternoon of November 14, 2020 and no documents were on the door, suggesting that Defendant had seen and removed them. Plaintiff saw the Defendant in his apartment that afternoon as he had the door open.
Service for expedited procedure is required within 24 hours of the summons being issued unless there is good cause.

A summons was issued about 4:30 on November 13, 2020. Plaintiff gave documents to Sheriff immediately for service, and the Sheriff attempted personal service twice within 24 hours of the issuance of a summons. The summons was also mailed to Defendant. The plaintiff was not out of the area as is normally required for service by posting, but there was a good faith effort to serve Defendant, there is good reason to believe Defendant got actual notice of the proceeding, Defendant poses A risk to other tenants' safety, and there is good cause to excuse personal service within 24 hours of the issuance of the summons.

- ☒ d. Though an expedited proceeding, the Court finds extraordinary and exigent circumstances that warrant staying the writ for a reasonable period of time. The COVID-19 pandemic and the extent of community spread means that Defendant should have additional time to learn of the Court's decision and additional time to find a safe place to live. The reasonable period of time is until Saturday, November 21, 2020 at 11:59 p.m. Plaintiff may request a Writ of Recovery on Monday, November 23, 2020 if Defendant has not vacated the premise

Order

1. ☒ JUDGMENT:

The Court Administrator shall enter judgment for:

- ☒ **Plaintiff** for recovery of the premises on Saturday, November 21, 2020 at 11:59 p.m. The Writ of Recovery of Premises and Order to Vacate shall be:
- ☐ i. issued immediately upon request and payment of fee.
 - ☒ ii. stayed until November 23, 2020. Though an expedited proceeding, the Court stays issuance of the writ of recovery of premises and order to vacate as extraordinary and exigent circumstances that warrant staying the writ for a reasonable period.

- ☒ Court administration shall make arrangements for Defendant to be served a copy of this order.

☒ **Let Judgment Be Entered Accordingly.**

Recommended by:

By the Court:

Filed in District Court
State of Minnesota

McBroom, Sarah

Sarah L McBroom

2020.11.19

Collins, Shari
Nov 19 2020 1:51 PM

13:43:05 -06'00' 11/19/20

Housing Court Referee

Date

Judge

Date

Judgment

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

Dated: _____

Sean R Jones
Court Administrator

By: *Sh. Collins*

Deputy