

Filed in District Court

State of Minnesota

State of Minnesota
Beltrami County

April 20, 2020

District Court
Ninth Judicial District

Court File Number: 04-CV-20-1069

Case Type Eviction (UD)

Bradley Lofgren, Sharon Lofgren, Shawn
Johnson, and Tina Johnson,

Plaintiffs,

vs

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

Defendants.

This case was heard by the undersigned on April 17, 2020.
Date

PLAINTIFF:

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

Represented by: ☒ counsel ☐ agent
Darrell Carter, Esq.
Name

DEFENDANT:

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

Represented by: ☐ advocate ☒ counsel
Robert Enger, Esq.
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 _____
_____ 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: Defendants possessed and smoked marijuana in the apartment and/or the
home's curtilage in violation of Minn. Stat. § 504B.171, subd. 1 (1)(i).

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 April 27, 2020, at 12:00 p.m.

Date

- ☐ **Defendant** to remain in possession of the premises.

- ☒ **Allowable** costs and disbursements to the prevailing party: \$295.00 filing fee and service fee.

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:

☒ **Let Judgment Be Entered Accordingly.**

Recommended by:

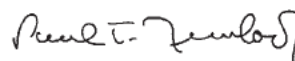
By the Court:

Housing Court Referee

Date

Judge

Date

 Benshoof, Paul
2020.04.20 14:59:39 -05'00'

Judgment

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

Dated: _____

Kayla Littler
Court Administrator



By: _____
Braaten, Samantha
Apr 21 2020 9:32 AM

Deputy

Filed in District Court
State of Minnesota

Braaten, Samantha
Apr 21 2020 9:32 AM