State of Minnesota		District Court
Hennepin	Judicial District:	Fourth
	Court File Number:	27-CV-HC-20-1523
	Case Type:	Housing
Minneapolis Public Housing Authority,		
Plaintiff,		
		Order
VS.		
Defendant.		
Defendant.		

This matter came on for administrative review before the Honorable Melissa J. Houghtaling, District Court Referee, on October 8, 2020.

The Plaintiff was present through written request only. Plaintiff shall hereinafter be referred to as Landlord. Landlord is represented by Kristen Ferris, Esq. The Defendant was not present. Defendant shall hereinafter be referred to as Tenant.

Findings Of Fact And Conclusions Of Law

- 1. On August 6, 2020, Landlord filed an eviction action against Tenant.
- 2. On September 25, 2020, the Court entered judgment in favor of Landlord and allowed a writ of recovery to issue immediately pursuant to an exception as permitted by Executive Order 20-79.
- 3. The Governor's Order requires a 7-day pre-filing notice the purpose of which is to encourage Landlords and Tenants to negotiate and reach agreements. Here, the parties did reach an agreement, however the Tenant violated the agreement and the Court entered judgment. Regardless of the agreement, that does not change the underlying claims by the Landlord *or* the Court's initial determination that the facts as alleged in the Complaint qualified as an exception to EO 20-79.
- 4. On October 5, 2020, Landlord filed correspondence alleging the Hennepin County Sheriff was refusing to execute the writ of recovery unless it was designated priority.
- 5. Paragraph 5 of Governor Walz's Peacetime Emergency Executive Order 20-79 clearly states:

All officers who hold a writ of recovery of premises and order to vacate must cease executing such writs as required by Minnesota Statutes 2019, section 504B.365, subdivision 1, with the exception of:

- a. Writs designated as a priority execution under Minnesota Statutes 2019, section 504B.365, subdivision 2;
- b. Writs issued as a result of an eviction action judgment entered prior to the enactment of Executive Order 20-14 on March 24, 2020 at 5:00 pm; or

- c. Writs issued as a result of an eviction action permitted by paragraph 2. See Executive Order 20-79 (filed July 14, 2020) (emphasis added).
- 5. Here, the Sheriff is required to execute the writ of recovery, even without a designation of "priority", because it was issued as a result of an eviction action permitted by paragraph 2 of Executive Order 20-79.

Order

- 1. Plaintiff's request for a Writ of Recovery is hereby GRANTED. No further payment is required by the Plaintiff to obtain a writ of recovery if the previous writ as expired.
- The Hennepin County Sheriff SHALL execute the writ of recovery without further delay or further action from the Landlord.
- 3. SERVICE OF ORDER: The Clerk of Court shall either give to the parties or mail to the parties by first class mail a copy of this Order. The Clerk of Court shall additionally send a copy of this Order to the Hennepin County Sheriff's Department.

Recommended By:

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Melissa Houghtaling, Referee

By the Court:

District Court Judge

Oct 08, 2020

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