

State of Minnesota  
Steele County

District Court  
Third District

Court File Number: 74-CV-21-986

Case Type Eviction (UD)

Martina Narvaez 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 August 17, 2021  
Date

**PLAINTIFF:**

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

Represented by: ☒ counsel ☐ agent  
**Mark Carver**  
Name

**DEFENDANT:**

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

Represented by: ☐ advocate ☒ counsel  
**Marc Reese**  
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: ☐

**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 \_\_\_\_\_

Appendix PED-64

- ☐ d. Waiver of \_\_\_\_\_ by \_\_\_\_\_
- ☒ e. Other: A tenancy at will was created when Plaintiff accepted \$1,500 for Transitional housing with [REDACTED] name on it. Plaintiff did not prove that [REDACTED] unlawfully allow controlled substances in those premises or in the common area and curtilage of the premises under Minn Stat. 504B.171. At best, [REDACTED] possessed or allowed petty misdemeanor amounts of marijuana and drug paraphernalia on the premises. Minn. Stat. 152.027, 152.092 and 609.02, subd. 4a.

3. ☐ **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 \_\_\_\_\_

Date

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

- ☐ **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:

\_\_\_\_\_ This matter shall be expungement immediately. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

☒ Let Judgment Be Entered Accordingly.

Recommended by: \_\_\_\_\_

By the Court:  
08/17/2021 10:50:23 AM

*Joseph A. Buehler*

Housing Court Referee

Date

Judge

Date

Filed in District Court  
State of Minnesota

### Judgment

I hereby certify that the above Order constitutes the entry of Judgment of the Court. <sup>Aug 17 2021 2:57 PM</sup>

Dated: \_\_\_\_\_

Robin Hoesley  
Court Administrator

*Tammy M. Hoesley*

By: <sup>Aug 17 2021 2:56 PM</sup>

Deputy