

State of Minnesota
Hennepin County

District Court
Fourth Judicial District

Court File Number: 27-CV-HC-21-394

RAJPATTIE PERSAUD, DHANANJAI
MATAI vs [REDACTED]
[REDACTED]

Case Type: Eviction (UD)

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

This case was heard by the undersigned on 07/20/2021

PLAINTIFF:

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

Represented by: attorney agent

Name

DEFENDANT:

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

Represented by: attorney agent
Gary Van Winkle, Esq.

Name

Defendant (“Tenant”) has admitted denied the allegations in the Eviction Action complaint.

Findings of Fact and Conclusions of Law

- 1. Plaintiff (“Landlord”) has failed to prove the allegations in the complaint.
- 2. COMPLAINT:

Landlord proved the following allegations by a preponderance of the evidence.

- a. Compliance with Minn. Stat. § 504B.181.
- b. Nonpayment of rent.
- c. Tenant 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 \$ _____.
- d. Notice to vacate was properly given and Tenant has failed to vacate said property.
- e. Tenant has broken the terms of the rental agreement and Tenant has failed to vacate the property _____.
- f. Tenant mortgagor(s) failed to timely redeem after mortgage foreclosure sale.
- g. Other: _____.

- 3. DEFENSES:

Tenant(s) asserts the following defenses:

Appendix PED-60

- 4. SETTLEMENT:

The parties have reached a settlement, which is approved and incorporated in this Decision and Order.

Order

1. The settlement is hereby approved as agreed upon.
2. JUDGMENT:
The Court Administrator shall enter judgment for:
- a. **Landlord** 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
- b. **Tenant** to remain in possession of the premises.
- 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:
Tenant may redeem the premises (for nonpayment of rent) by paying to the Landlord \$ _____ by _____. If not, a judgment and writ shall issue by default.
Date
5. RENT ABATEMENT:
Tenant 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 Landlord \$ _____ to Tenant.
7. HEARING:
This is scheduled for a continued first appearance court trial jury trial motion hearing on the issues of _____
_____ on _____, at _____ (a.m./p.m.) for _____
hour/minutes.

Landlord and/or Tenant will attend the hearing/trial remotely by Zoom.

The parties can access the hearing either by navigating to the website link below or using the Zoom App on a computer or smartphone, or by calling the telephone number below and connecting to the hearing through phone.

| | |
|---|--|
| Website or App: www.zoomgov.com Meeting ID: Password: | Telephone Call-in: 1 833 568 8864 Meeting ID: Password: |
|---|--|

Note anyone joining only by telephone without video will be unable to view exhibits.
Parties may get more information on accessing Zoom hearings on the Court's website:
<http://www.mncourts.gov/Remote-Hearings.aspx>. Follow these tips when connecting:

- Use headphones, for the best sound quality.
- There may be other cases being heard when you enter the virtual courtroom. Turn off your video if you're waiting for your hearing to start.
- Turn off TVs, radios, and cell phone notifications.
- If there are others around you, try moving to a room with a door you can close.
- Do NOT join while operating a car or other moving vehicle.
- If you are connecting with a computer or using the app enter your full first and last name when you join.

8. PRE-TRIAL DOCUMENT EXCHANGE

The parties shall provide to each other informal discovery by _____ by _____.m. including but not limited to 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.

9. PROPOSED EXHIBITS:

The parties shall email all proposed exhibits (including photographs, documents, video, audio, etc.) two business days in advance of the trial to:

4thRefereeHoughtalingChambers@courts.state.mn.us

4thRefereeSedillosChambers@courts.state.mn.us.

4thRefereeReedChambers@courts.state.mn.us

Exhibits should be pre-labeled, with Landlord's using letters and Tenant's using numbers. The exhibits should be sent as individual documents (pdf's preferred) and have document names such as, "Landlord's Ex. A" or "Tenant's Ex. 1". If a party is unable to provide exhibits electronically they may mail to: Hennepin County Government Center, Attn: Referee _____, 300 South Sixth Street, Minneapolis, MN 55487 and must arrive to the court prior to 12:00 p.m. two days before the trial.

10. RENT INTO COURT:

Tenant 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 _____ business 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.

11. TITLE/NAME REMOVAL:

Pursuant to the Court's inherent authority over its own records to "to reduce or eliminate unfairness to individuals," and because the Court finds that this Order "will yield a benefit to the [removed party] commensurate with the disadvantages to the public from the elimination of the record and the burden on the court in issuing, enforcing and monitoring [this] [O]rder." *State v. C.A.* 304 N.W.2d 353 (Minn. 1981).

The title of the case is amended to read as follows:

_____ v. _____

_____ shall be dismissed from this action and removed from the index of plaintiffs and defendants maintained pursuant to Minn. Stat. § 485.08 in this case.

12. EXPUNGEMENT: This matter shall be expunged.

13. MEDIATION: Landlord and Tenant shall engage in mediation prior to _____, 20____. Mediation assists parties in trying to reach a settlement agreement outside of court. The Court orders the parties to contact Conflict Resolution Center at 612-822-9883 and/or Community Mediation & Restorative Services at 763-561-0033 by _____, 20____ to request mediation services. There is no fee to the parties for mediation.

14. OTHER:
For the reasons stated on the record - non-compliance with 504B.181, no valid POA, no jurisdiction over non-payment claims, no lease attached for material breach claim, cannot terminate lease unless exception per Eviction Moratorium Phase-Out legislation

Let Judgment Be Entered Accordingly.

Recommended by:

By the Court:

Melissa J. Houghtaling

Date: 2021.07.20

Todd S. Barnett

Housing Court Referee

~~11:53:35-05'00'~~

Judge

Date

Jul 20, 2021

Judgment

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

Dated: Jul 20, 2021

Sarah Lindahl-Pfieffer
Fourth District Court Administrator

By *K Keon*
Court Deputy

You are notified that judgment was entered on Jul 20, 2021.