

STATE OF MINNESOTA
COUNTY OF SAINT LOUIS

DISTRICT COURT
SIXTH JUDICIAL DISTRICT

Raintree Associates LLP,

Plaintiff,

ORDER

vs.

Theresa [REDACTED]

Judicial Officer: Michelle M. Anderson
Court File No. 69VI-CV-20-413

Defendant.

The above-entitled matter came on before the Honorable Michelle M. Anderson, Judge of the District Court, on November 24, 2020 through a Zoom based remote hearing platform. The hearing was held pursuant to cross motions for Summary Judgement in the eviction action.


Richard Prebich appeared on behalf of Plaintiff and Defendant appeared on behalf of Defendant.

Based upon all of the files, records and proceedings herein, the Court being fully advised of the premises, makes the following:

ORDER

1. The above-entitled eviction action is hereby stayed pursuant to the Governor's Executive Order 20-79 until such time as the Executive Order is ended or modified to permit an eviction action under the circumstances of the present action.
2. After such time, the motions for summary judgment may be heard.

BY THE COURT:

 Anderson, Michelle
Dec 1 2020 12:45 PM
Michelle M. Anderson, Judge
Sixth Judicial District
State of Minnesota

Appendix PED-7

Memorandum

On July 14, 2020, the Governor issued Executive Order 20-79 modifying an earlier executive Order 20-14 placing a moratorium on eviction actions. Executive Order 20-79 states in part:

The ability of property owners, mortgage holders, or other persons entitled to recover residential premises to file an eviction action on the grounds that a residential tenant remains in the property after a notice of termination of lease, after a notice of nonrenewal of a lease, after a material violation of a lease, after the termination of the redemption period for a residential foreclosure, or after nonpayment of rent, is suspended. Nothing in this Executive Order relieves a tenant's obligation to pay rent. This suspension does not include eviction actions where the tenant:

- a. Seriously endangers the safety of other residents;
 - b. Violates Minnesota Statutes 2019, section 504B.171, subdivision 1;
 - c. Remains in the property past the vacate date after receiving a notice to vacate or nonrenewal under paragraph 4 of this Executive Order; or
 - d. Materially violates a residential lease by the following actions on the premises, including the common area and the curtilage of the premises:
 - i. Seriously endangers the safety of others; or
 - ii. Significantly damages property.
3. Residential landlords must not issue notices of termination of lease or nonrenewal of lease or terminate residential leases during the pendency of the peacetime emergency unless the termination or nonrenewal is based upon one of the grounds permitted by paragraph 2.

At the hearing, Plaintiff argued that Defendant's damage to a neighboring tenant's door constituted a significant damage to property. While Plaintiff presented evidence indicating the Defendant damaged the door, the damage does not constitute significant damage to property. Similarly, Defendant's alleged conduct toward the neighbor did not constitute a violation of Minnesota Statutes § 504B.171 Subd. 1 or seriously endanger the safety of others. Therefore,

the Court has no alternative but to suspend the present action until such time as the Governor's

Executive Order is modified or expires.

M.M.A.