



APPLICATION FOR APPEAL

RECEIVED
DEC 05 2012
CITY CLERK

Saint Paul City Clerk
310 City Hall, 15 W. Kellogg Blvd.
Saint Paul, Minnesota 55102
Telephone: (651) 266-8560

The City Clerk needs the following to process your appeal:

- \$25 filing fee payable to the City of Saint Paul (if cash: receipt number _____)
- Copy of the City-issued orders or letter which are being appealed
- Attachments you may wish to include
- This appeal form completed
- Walk-In OR Mail-In

YOUR HEARING Date and Time:

Tuesday, Dec 11, 2012

Time 1:30 PM

Location of Hearing:
Room 330 City Hall/Courthouse

Address Being Appealed:

Number & Street: 427 Whitall City: St. Paul State: MN Zip: 55130

Appellant/Applicant: Eleanore W Scott Email ELHEHOME2@YAHOO.COM

Phone Numbers: Business _____ Residence 320-352-3006 Cell 651-777-1000

Signature: Eleanore W Scott Date: 11/30/12

Name of Owner (if other than Appellant): Richard A. Wybierala Trust

Address (if not Appellant's): Deceased

Phone Numbers: Business _____ Residence _____ Cell _____

What Is Being Appealed and Why? *Attachments Are Acceptable*

- Vacate Order/Condemnation/
 - Revocation of Fire C of O
 - Summary/Vehicle Abatement
 - Fire C of O Deficiency List
 - Fire C of O: Only Egress Windows
 - Code Enforcement Correction Notice
 - Vacant Building Registration
 - Other
- People are still living there 11/30/12



CITY OF SAINT PAUL

Christopher B. Coleman, Mayor

Nuisance Building Code Enforcement

375 Jackson Street, Suite 220

Saint Paul, MN 55101-1806

651-266-8989

651-266-1919

www.stpaul.gov/dsi

November 21, 2012

Richard A Wybierala/Richard A
Wybierala Trustee
625 Lake Shore Dr
Sauk Centre MN 56378-1034

VACANT BUILDING REGISTRATION NOTICE

The premises at **427 WHITALL ST**

has been inspected and found to meet the legal definition of a Vacant Building as described in Saint Paul Legislative Code, Chapter 43. You are required to register this building with the Department of Safety and Inspections, Vacant Buildings Division, by filling out and returning the registration form provided with this letter. You are also required to pay the annual Vacant Building Registration Fee of **\$1,100.00**. The fee is due upon receipt of this letter and must be paid no later than thirty (30) days from the date of this letter, as required in Saint Paul Legislative Code Chapter 43. If this building is vacant due to a fire, complete the enclosed registration form and return it to this office within 30 days.

Please return the enclosed registration form along with your payment by December 21, 2012.

Do not mail cash.

If you wish to pay in person, you may do so from 8:00 a.m. to 4:00 p.m. Monday through Friday at:

DEPARTMENT OF SAFETY AND INSPECTIONS
375 Jackson Street, Suite 220
Saint Paul, MN 55101-1806

You may file an appeal to this fee or registration requirements by contacting the Office of the City Clerk at (651) 266-8688. Any appeal of this fee must be made within ten (10) days of the date of this notice.

If the registration fee is not received in this office within 45 days of the date of this letter the full amount owed will be assessed to, and collected with, the taxes for this property as permitted by Saint Paul Legislative Code Chapter 43.

The Code Enforcement Officer has notified the Building Inspection And Design Section that this property meets the legal definition of a registered vacant building and in accordance with Legislative Code Chapter 33, no permits (except demolition, wrecking and removal permits) will be issued until the requirements of all applicable ordinances are fulfilled.

All category 2 and category 3 vacant buildings must be winterized with gas and water services shut off or, alternately, an excess flow gas valve must be installed in the dwelling, within sixty (60) days of the date of this Notice.

WRITTEN PERMISSION FROM THE CITY OF SAINT PAUL IS REQUIRED BEFORE A CATEGORY 2 OR CATEGORY 3 VACANT BUILDING CAN BE OCCUPIED OR SOLD.

Category 2: Requirements include: 1. register/re-register the building, 2. pay outstanding fee(s), 3. obtain a code compliance report, 4. submit for approval a rehab cost estimate from a licensed contractor and a schedule for completion of all code compliance work, 5. submit proof of financial responsibility acceptable to the City, and 6. obtain Zoning approval of the proposed use.

Category 3: All requirements listed for Category 2 vacant buildings, AND obtain a **Certificate of Occupancy OR Certificate of Code Compliance** prior to the sale of the building.

If the use of this building meets the definition of a nonconforming use by the Zoning Code then the use will lose its nonconforming status 365 days from the date the building was declared vacant.

**You must contact the Enforcement officer, Tom Friel,
at 651-266-1906 to find out what must be done before this
building can be legally reoccupied.**

The Enforcement Officer may declare this building(s) to constitute a Nuisance Building subject to demolition and issue an Order to Abate under authority of Legislative Code Chapter 45. In the event this building is declared a Nuisance Building subject to demolition, the Enforcement Officer will notify all owners and interested parties of the Order to Abate, as provided in the Legislative Code Chapter 45.

If you have questions about this annual registration fee or other vacant building requirements, please contact the Enforcement Officer, Tom Friel, at 651-266-1906.

This registration form and fee is required by law. Your prompt attention to this matter is appreciated.

Thank You,

Steve Magner
Vacant Buildings Program Manager
Department of Safety and Inspections

Enclosures: Regulations Requirements Information
Vacant Building Registration Form

SM: tf
vb_registration_notice 06/10

11/30/12

Richard's other family, Son Thomas, grandson Todd and other Grandson Richard Schultz were still living there when I was last there. We have a judgment ordering them to move on the 3rd of December from the judge from District court. I physically could not make them move any sooner.

Richard's daughter, Patricia Schultz wants to maintain the house and live in it and take care of it. She has some disability and can get some help to fix the furnace. Her family has locked her out of the house prior to this. She should be given a chance to live in the house as she is on limited funds.

Thank you,

Eleanore Scott, Trustee

Eleanore Scott, Trustee

We have very limited funds available at this time.

Richard A. Wyberala
Plaintiff
(Landlord)

vs.

Todd Wyberala, Tom Wyberala
Colin Puffer, Richard Schultz, Doe/Roe
Defendant(s)
(Tenant)

DECISION AND ORDER
Case No. 62.H641123033

This (residential/commercial) case was heard by the undersigned Referee of District Court on
November 14, 2012

PLAINTIFF:

appeared in person

represented by (counsel/agent) Gerald Frisch, Esq., and Eleanor Scott

DEFENDANT (S):

Todd Wyberala, Tom Wyberala, Richard Schultz did not appear and is in default.

appeared with counsel _____

FOR COURT USE ONLY:

THE COURT FINDS AND ORDERS THAT:

the allegations of the complaint are (true / untrue).

the tenant has breached lease by _____

the parties have reached a settlement OR the statutory covenants of habitability have been breached OR other: _____

Possession established by virtue of trust documents and deed Ex. Part 2 at trial. Writ of recovery issued as indicated below subject to any requirements in deed by City of St. Paul Safety/Licensing Board on Nov. 26, 2012. Claim for rent not proven.

Plaintiff is entitled to recovery of the property plus filing fees and service costs paid for this court action.

it is ordered that the rent now on deposit shall be released as follows:

\$ _____ to Plaintiff

\$ _____ to Defendant

THE WRIT OF RECOVERY:

issued immediately
 issued after Dec. 3, 2012
 issued if any of the above settlement conditions have not met children/other hardship

The foregoing shall constitute the entry of the order of the court.

Date: _____

BY: _____

copies mailed/ given to defendant

RECOMMENDED BY:

Referee

BY THE COURT:

Judge of District Court

11-19-12

MEMORANDUM

TO : DIRECTOR

FROM : SAC, [illegible]

SUBJECT: [illegible]

DATE: [illegible]

CLASSIFICATION: [illegible]

[illegible text]

[illegible text]

[illegible text]

[illegible text]

[illegible text]

[illegible text]

[illegible text]

[illegible text]

[illegible text]

[illegible text]

[illegible text]