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Jun 12, 2019 3:25 PM

Office of the Registrar of Titles  
Ramsey County, Minnesota  
Tara J Bach, Registrar of Titles  
Christopher A. Samuel, County Auditor and Treasurer

Deputy 713

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Document Recording Fee Torrens	\$46.00
<b><i>Document Total</i></b>	<b>\$46.00</b>

**Existing Certs**

552673

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**NOTICE OF CANCELLATION  
OF CONTRACT FOR DEED**

To: SMH Inc.  
10000 Morgan Avenue South  
Minneapolis, MN 55431

**YOU ARE HEREBY NOTIFIED:**

1. Default has occurred in the conditions of that certain Contract for Deed dated November 30, 2016 ("Contract"), and recorded on December 9, 2016, as Document Number T02575555, in the Office of the Registrar of Titles of Ramsey County, Minnesota, in which L.H. Meltzer, LLC, a Minnesota limited liability company ("Seller"), agreed to sell to SMH Inc., a Minnesota corporation ("Purchaser"), that certain real property located in Ramsey County, Minnesota, and legally described as follows:

The West 30 feet of Lot 13; Lots 14 and 15, Block 2, Eastville Heights, Ramsey County, Minnesota ("Property").

*Check here if all or part of the described real property is Registered (Torrens)*

Unless otherwise defined herein, all capitalized terms used in this Notice of Cancellation of Contract for Deed shall have the same meanings as described in the Contract.

2. The default is as follows:

- (a) Failure of Purchaser to comply with paragraph 12 of the Contract, which states in relevant part: "Purchaser shall not . . . commit or allow waste of the Property. Purchaser shall maintain the Property in good condition and repair." On October 17, 2018, the City of Saint Paul sent Purchaser an Order to Abate Nuisance Building(s), attached hereto as Exhibit 1, outlining how the Property was left by Purchaser in a nuisance condition in violation of the Saint Paul Legislative Code, Chapter 45.02. Purchaser was notified that if the deficiencies outlined in the Order to Abate were not corrected by November 16, 2018, the Department of Safety and Inspection would begin a substantial abatement process to demolish and remove the building on the Property. Purchaser did not correct the deficiencies by November 16, 2018. To date, Purchaser has failed to correct the following deficiencies:

(1) **EXTERIOR**

1. The eaves and soffits are in a state of disrepair or deterioration. Repair all defects, holes, breaks, lose or rotting boards, to a professional state of maintenance.
2. The exterior walls and/or trim of the house and/or garage have defective, peeled, flaked, scaled or chalking paint or have unpainted wood surfaces. Scrape and repaint to affect a sound condition in a professional manner.
3. The exterior walls of the house and/or garage are defective. Repair all holes, breaks, lose or rotting siding, to a professional state of maintenance.
4. The windows and/or storm windows are in a state of disrepair. Replace all missing or broken window glass. Make all necessary repairs to frames, sashes, hardware and associated trim in a professional manner.

(2) **INTERIOR**

1. Lack of Electricity: Immediately restore electrical service. Failure to provide proper electrical service will result in these premises being declared Unfit for Human Habitation and ordered vacated for lack of this basic facility. Use of candles, fuel operated lighting or extension cord wiring is not permitted while the power is off.
2. Furnace: Have a licensed heating contractor service and clean the furnace or boiler and make any necessary repairs. Perform a C/O test on the heating plant.
3. Lack of Natural Gas Service: Immediately restore natural gas service.
4. The interior ceilings are defective. Repair all ceiling defects and finish in a professional manner.
5. The interior walls are defective. Repair all wall defects and finish in a professional manner.
6. Sanitation: Immediately remove improperly stored or accumulated refuse including; garbage, rubbish, junk, vehicle parts, wood, metal, recycling materials, household items, building materials, rubble, tires, etc., from yard. The Saint Paul Legislative Code requires all exterior property areas to be maintained in a clean and sanitary condition.

Usable materials must be stored in an approved manner, so as not to constitute a nuisance.

7. Smoke Detector: Lack of properly installed and operable smoke detector. Provide functioning smoke detectors in accordance with the attached requirement, within 24 hours.

8. Lack of Water Service: Immediately restore water service.

(b) Failure of Purchaser to comply with paragraph 14 of the Contract, which states in relevant part: "Purchaser shall comply or cause compliance with all laws and regulations of any governmental authority which affect the Property or the manner of using or operating the same . . ." Due to Purchaser's failure to cure the deficiencies outlined above, the City of Saint Paul City Council held a public hearing on February 27, 2019, at the conclusion of which the City Council issued a resolution finding in relevant part: "That the structure(s) at 888 Maryland Avenue East is a nuisance building pursuant to Saint Paul Legislative Code § 45.02, as 1) it is a vacant building as defined in §43.02; and 2) it has multiple housing code or building code violations or it has conditions constituting material endangerment as defined in §34.23, or it has a documented and confirmed history as a blighted influence in the community; and 3) these nuisance conditions have not been corrected after notice of the same to the owner."

(c) Failure of Purchaser to keep and maintain the Property in a good condition and in compliance with all laws has jeopardized Seller's interest in the Property. Due to Purchaser's failure to cure the deficiencies outlined above, the City of Saint Paul City Council held a public hearing on February 27, 2019, at the conclusion of which the City Council ordered "that the owners, interested parties or responsible parties . . . raze and remove the structure(s) [on the Property] within 15 days after the City Council Public Hearing." Thus, in order to protect Seller's interest in the Property, Seller must exercise its rights pursuant to paragraph 17 of the Contract, which provides in relevant part: "If Purchaser fails . . . to perform any of the Purchaser's obligations as set forth in this Contract, Seller may, at Seller's sole option, pay the same or cause the same to be performed, or both, and the amounts so paid by Seller and the cost of such performance shall be payable at once, with interest at the rate stated in Paragraph 4 of this Contract, as an additional amount due Seller under this Contract." According to correspondence dated January 30, 2019, attached hereto as Exhibit 2, City of Saint Paul Legislative Hearing Coordinator Mai Vang, estimated rehabilitation costs exceed fifty thousand dollars (\$50,000). Thus, Seller expects to incur such rehabilitation costs in order to perform Purchaser's obligations under the Contract and such costs will be payable at once by Purchaser as they are incurred by Seller.

3. That the conditions contained in Minnesota Statutes §559.209 are not applicable.

**4. THIS NOTICE IS TO INFORM YOU THAT BY THIS NOTICE THE SELLER HAS BEGUN PROCEEDINGS UNDER MINNESOTA STATUTES, §559.21, TO TERMINATE YOUR CONTRACT FOR THE PURCHASE OF THE PROPERTY FOR THE REASONS SPECIFIED IN THIS NOTICE. THE CONTRACT WILL TERMINATE SIXTY (60) DAYS AFTER SERVICE OF THIS NOTICE UPON YOU UNLESS BEFORE THEN:**

**(a) THE PERSON AUTHORIZED IN THIS NOTICE TO RECEIVE PAYMENTS RECEIVES FROM YOU:**

- (1) THE AMOUNT THIS NOTICE SAYS YOU OWE; PLUS**
- (2) THE COSTS OF SERVICE (TO BE SENT TO YOU); PLUS**
- (3) FIVE HUNDRED AND 00/100 DOLLARS (\$500.00) TO APPLY TO ATTORNEYS' FEES ACTUALLY EXPENDED OR INCURRED IN CONNECTION WITH THIS NOTICE OF CANCELLATION OF CONTRACT FOR DEED; PLUS**
- (4) FOR CONTRACTS EXECUTED ON OR AFTER MAY 1, 1980, ANY ADDITIONAL PAYMENTS BECOMING DUE UNDER THE CONTRACT TO THE SELLER AFTER THIS NOTICE WAS SERVED ON YOU; PLUS**
- (5) FOR CONTRACTS, OTHER THAN EARNEST MONEY CONTRACTS, PURCHASE AGREEMENTS, AND EXERCISED OPTIONS, EXECUTED ON OR AFTER AUGUST 1, 1985, ONE THOUSAND AND NO/100 DOLLARS (\$1,000.00) (WHICH IS TWO PERCENT (2.00%) OF THE AMOUNT IN DEFAULT AT THE TIME OF SERVICE OTHER THAN THE FINAL BALLOON PAYMENT, ANY TAXES, ASSESSMENTS, MORTGAGES, OR PRIOR CONTRACTS THAT ARE ASSUMED BY YOU); OR**

**(b) YOU SECURE FROM A COUNTY OR DISTRICT COURT AN ORDER THAT THE TERMINATION OF THE CONTRACT BE SUSPENDED UNTIL YOUR CLAIMS OR DEFENSES ARE FINALLY DISPOSED OF BY TRIAL, HEARING OR SETTLEMENT. YOUR ACTION MUST SPECIFICALLY STATE THOSE FACTS AND GROUNDS THAT DEMONSTRATE YOUR CLAIMS OR DEFENSES.**

**IF YOU DO NOT DO ONE OR THE OTHER OF THE ABOVE THINGS WITHIN THE TIME PERIOD SPECIFIED IN THIS NOTICE, YOUR CONTRACT WILL TERMINATE AT THE END OF THE PERIOD AND YOU WILL LOSE ALL THE MONEY YOU HAVE PAID ON THE CONTRACT; YOU WILL LOSE YOUR RIGHT TO POSSESSION OF THE PROPERTY; YOU MAY LOSE YOUR RIGHT TO ASSERT ANY CLAIMS OR DEFENSES THAT YOU MIGHT HAVE; AND YOU WILL BE EVICTED. IF YOU HAVE ANY QUESTIONS ABOUT THIS NOTICE, CONTACT AN ATTORNEY IMMEDIATELY.**





CITY OF SAINT PAUL

375 Jackson Street., Suite 220  
Saint Paul, MN 55101-1806

Telephone: 651-266-8989  
Facsimile: 651-266-1919  
Web: [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)



October 17, 2018

SMH Inc  
15593 Shadow Creek Rd  
Maple Grove MN 55311-1519

LH Meltzer LLC  
513 Summit Ave  
St Paul MN 55102-2603

Drake Bank  
60 Plato Blvd  
St Paul MN 55107

Franklin Bank NA  
525 Washington Avenue N  
Minneapolis MN 55401

## Order to Abate Nuisance Building(s)

Dear Sir or Madam:

**The Vacant/Nuisance Buildings Unit, Department of the Department of Safety and Inspections, Division of Code Enforcement, hereby declares the premises located at:**

**888 MARYLAND AVE E**

With the following Historic Preservation information: NONE

**and legally described as follows, to wit:**

EASTVILLE HEIGHTS W 30 FT OF LOT 13 AND ALL OF LOTS 14 AND LOT 15  
BLK 2

**to comprise a nuisance condition in violation of the Saint Paul Legislative Code, Chapter 45.02, and subject to demolition under authority of Chapter 45.11.**

On September 26, 2018 a Building Deficiency Inspection Report was compiled and the following conditions were observed.

**This list of deficiencies is not necessarily all the deficiencies present at this time. This building(s) is subject to the restrictions of Saint Paul Ordinance Chapter 33.03 and shall not again be used for occupancy until such time as a Certificate of Compliance or a Certificate of Occupancy has been issued. All repairs must be in accordance with appropriate codes. Changes or additions to the electrical system, mechanical system, or the plumbing system may necessitate updating or upgrading the systems involved.**

This is a one-story, steel girder and masonry, commercial building.

### **EXTERIOR**

- The eaves and soffits are in a state of disrepair or deterioration. Repair all defects, holes, breaks, lose or rotting boards, to a professional state of maintenance. Permit may be required.
- The exterior walls and/or trim of the house and/or garage have defective, peeled, flaked, scaled or chalking paint or have unpainted wood surfaces. Scrape and repaint to affect a sound condition in a professional manner.
- The exterior walls of the house and/or garage are defective. Repair all holes, breaks, lose or rotting siding, to a professional state of maintenance.
- The windows and/or storm windows are in a state of disrepair. Replace all missing or broken window glass. Make all necessary repairs to frames, sashes, hardware and associated trim in a professional manner. Permit may be required.

### **INTERIOR**

- Lack of Electricity: Immediately restore electrical service. Failure to provide proper electrical service will result in these premises being declared Unfit for Human Habitation and ordered vacated for lack of this basic facility. Use of candles, fuel operated lighting or extension cord wiring is not permitted while the power is off.
- Furnace: Have a licensed heating contractor service and clean the furnace or boiler and make any necessary repairs. Perform a C/O test on the heating plant. Repair of gas fired appliances requires a permit.
- Lack of Natural Gas Service: Immediately restore natural gas service. Failure to provide natural gas service will result in these premises being declared Unfit for Human Habitation and ordered vacated for lack of this basic facility.
- The interior ceilings are defective. Repair all ceiling defects and finish in a professional manner.
- The interior walls are defective. Repair all wall defects and finish in a professional manner.
- Sanitation: Immediately remove improperly stored or accumulated refuse including; garbage, rubbish, junk, vehicle parts, wood, metal, recycling materials, household items, building materials, rubble, tires, etc., from yard. The Saint Paul Legislative Code requires all exterior property areas to be maintained in a clean and sanitary condition. Usable materials must be stored in an approved manner, so as not to constitute a nuisance.
- Smoke Detector: Lack of properly installed and operable smoke detector. Provide functioning smoke detectors in accordance with the attached requirement, within 24 hours.
- Lack of Water Service: Immediately restore water service. Failure to provide water service will result in these premises being declared Unfit for Human Habitation and ordered vacated for lack of this basic facility.



As owner, agent or responsible party, you are hereby notified that if these deficiencies and the resulting nuisance condition is not corrected by **November 16, 2018** the Department of Safety and Inspections, Division of Code Enforcement, will begin a substantial abatement process to demolish and remove the building(s). The costs of this action, including administrative costs and demolition costs will be assessed against the property taxes as a special assessment in accordance with law.

As first remedial action, a Code Compliance Inspection Report must be obtained from the Building Inspection and Design Section, 375 Jackson Street, Suite 220, (651) 266-8989. This inspection will identify specific defects, necessary repairs and legal requirements to correct this nuisance condition. You may also be required to post a five thousand dollar (\$5,000.00) performance bond with the Department of Safety and Inspections before any permits are issued, except for a demolition permit. Call the Department of Safety and Inspections for more information at 651-266-8989.

If this building is located in a historic district or site (noted on page 1, above, just below the property address) then you must contact Heritage Preservation (HPC) staff to discuss your proposal for the repairs required by this order and compliance with preservation guidelines. Copies of the guidelines and design review application and forms are available from the Department of Safety and Inspections web site (see letterhead) and from the HPC staff. No permits will be issued without HPC review and approval. HPC staff also can be reached by calling 651-266-9078.

As an owner or responsible party, you are required by law to provide full and complete disclosure of this "Order to Abate" to all interested parties, all present or subsequent renters and any subsequent owners. The property shall not be sold, transferred or conveyed in any manner until the Nuisance Conditions have been abated and the Certificate of Code Compliance or Certificate of Occupancy has been issued.

The Enforcement Officer is required by law to post a placard on this property which declares it to be a "nuisance condition", subject to demolition and removal by the City. This placard shall not be removed without the written authority of the Department of Safety and Inspections, Division of Code Enforcement. The department is further required to file a copy of this "Order to Abate" with the City Clerk's Office.

If corrective action is not taken within the time specified in this order, the Enforcement Officer will notify the City Council that abatement action is necessary. The City Clerk will then schedule dates for Public Hearings before the City Council at which time testimony will be heard from interested parties. After this hearing the City Council will adopt a resolution stating what action if any, it deems appropriate.

If the resolution calls for abatement action the Council may either order the City to take the abatement action or fix a time within which this nuisance must be abated in accordance with the provisions of Chapter 33 of the Saint Paul Legislative Code and provide that if corrective action is not taken within the specified time, the City shall abate this nuisance. The costs of this action, including administrative costs will be assessed against the property as a special assessment in accordance with law.

October 17, 2018  
888 MARYLAND AVE E  
Page 4

If you have any questions or request additional information please contact **Tom Friel** at **651-266-1906**, or you may leave a voice mail message.

Sincerely,

Tom Friel  
Vacant Buildings Enforcement Inspector

cc: Legistar Approval list and City Council



**CITY OF SAINT PAUL**  
OFFICE OF THE CITY COUNCIL  
310 CITY HALL  
15 WEST KELLOGG BOULEVARD  
SAINT PAUL, MN 55102-1615  
EMAIL: [legislativehearings@ci.stpaul.mn.us](mailto:legislativehearings@ci.stpaul.mn.us)  
PHONE: (651) 266-8585 FAX: (651) 266-8574



January 30, 2019

Randall Strand  
Attorney for Hasan Hasan  
1700 W. Hwy 36 #200  
Roseville MN 55113

VIA EMAIL: [rstrand@mnbiz.net](mailto:rstrand@mnbiz.net)

Lester Meltzer  
LH Meltzer LLC  
513 Summit Avenue  
St Paul MN 55102

VIA EMAIL: [homez38@comcast.net](mailto:homez38@comcast.net)

Drake Bank  
60 Plato Blvd  
St Paul MN 55107

Ahmad Al-Hawwari  
SMH Inc  
770 Lilium Trail N  
Medina MN 55340

VIA EMAIL: [loonexpress@msn.com](mailto:loonexpress@msn.com)

Nathan J. Krogh  
Attorney for Mohamed Shamolia  
1700 W. Hwy 36 #223  
Roseville MN 55113

VIA EMAIL: [nathan@kroghlawfirm.com](mailto:nathan@kroghlawfirm.com)

SMH Inc  
15593 Shadow Creek Rd  
Maple Grove MN 55311

Franklin Bank NA  
525 Washington Avenue N  
Minneapolis MN 55401

Chris Royal  
Attorney for Ahmad Al-Hawwari  
4130 Fernbrook Lane N  
Plymouth MN 55446

VIA EMAIL: [croyal@royal-counsel.com](mailto:croyal@royal-counsel.com)

RE: Remove or Repair of the Structure at 888 Maryland Avenue East

Dear Owners and/or Interested Parties:

This is to confirm that on January 29, 2019 at the Legislative Hearing, Marcia Moermond, Legislative Hearing Officer recommended continuing the above-referenced to **Tuesday, February 12, 2019 at 9:00 a.m. in Room 330 City Hall.**

The following is an outline of conditions which Ms. Moermond would look for if the owner(s) want to rehabilitate the property:

1. **Code Compliance Team Inspection** – this inspection application was applied for on November 9, 2018 and completed on December 20, 2018. Note. Ms. Moermond will follow up with the Building Official as to any intended use inspectors were considering in the preparation of inspection report;
2. **Performance Deposit** – deposit was posted on November 9, 2018;
3. **Property Maintenance** – the owners must continue to maintain the exterior areas of the property; e.g. pick up trash, shovel the walk, etc.

As there are apparent differences among the owners as to the intended end use of the building, Ms. Moermond will look for resolution of these differences to the point there is agreement on the abatement of the nuisance/dangerous building conditions. This translates to the development of a work plan and financing which all parties have agreed and which agreement will need to be approved by the City. The following is a description of what is generally required for work plans and financing.

4. **Work Plan** - preliminary plans, with timelines, or sworn construction, noting that a certificate of code compliance shall be the measure used in determining whether the building has been rehabilitated and the nuisance and dangerous conditions have been addressed;
5. **Bids** - provide general and subcontractor bids;
6. **Document Demonstrating Financial Capacity** - provide financial documentation, such as a construction loan, a line of credit or a bank statement which demonstrates the financial means to complete the project;
7. **Affidavit** - if using funds from a bank account, will need to provide an affidavit indicating the ability to pay for the work. The City currently estimates the rehabilitation exceeds \$50,000; and

Ms. Moermond is anticipating that the owners and/or their representatives will have had the opportunity to discuss this matter among themselves prior to the Legislative Hearing Tuesday, February 12, 2019 at 9:00 a.m. in Room 330 City Hall. The goal of the hearing on this date is to establish

1. Whether the above conditions have been met; or
2. If they have not, under what conditions Ms. Moermond would ask the City Council to continue the matter in order that these plans can be developed.

The City Council Public Hearing is scheduled for Wednesday, February 27, 2019 at 3:30 p.m. in Room 300 Council Chambers.

If you have questions, please contact me at 651-266-8563.

Sincerely,

Page 3 of 3

/s/

Mai Vang

Legislative Hearing Coordinator

c: Steve Magner  
Joe Yannarelly  
Vicki Sheffer  
Reid Soley  
Eric Hudak  
Stephen Ubl

**AFFIDAVIT OF FAILURE TO COMPLY WITH NOTICE OF  
CANCELATION OF CONTRACT FOR DEED**

STATE OF MINNESOTA        )  
  )     ss.  
COUNTY OF RAMSEY        )

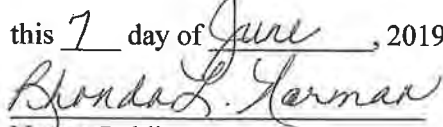
Lester Meltzer, being duly sworn, on oath, states:

1. I am the Manager of L.H. Meltzer, LLC (“Seller”). I make this affidavit of my own personal knowledge, could testify competently to the matters attested to, if called upon to do so.
2. I am authorized to receive payments or otherwise confirm a cure by SMH Inc. (“Purchaser”) of the defaults identified in the Notice of Cancellation of Contract for Deed dated March 1, 2019 and served on Purchaser via the Minnesota Secretary of State on March 5, 2019.
3. More than 60 days have passed service of the Notice of Cancellation of Contract for Deed.
4. The terms of the notice have not been complied with. The defaults set forth in the Notice of Cancellation of Contract for Deed continue.
5. I make this affidavit for the purpose of terminating that Contract for Deed dated November 30, 2016 and recorded on December 9, 2016 in the Office of the Registrar of Titles of and for Ramsey County as Document Number T02575555, and recording the Notice of Cancellation of Contract for Deed, the proofs of service of said notice, and this affidavit.

FURTHER YOUR AFFIANT SAITH NOT.

  
\_\_\_\_\_  
Lester Meltzer, Manager

Subscribed and sworn to before me by Lester Meltzer, as Manager of L.H. Meltzer, LLC., a limited liability corporation under the laws of the State of Minnesota.

this 7 day of June, 2019.  
  
\_\_\_\_\_  
Notary Public



This Instrument was drafted by:

DEWITT LLP (pcs)  
2100 AT&T Tower  
901 Marquette Avenue  
Minneapolis, MN 55402



## Office of the Minnesota Secretary of State

### Service of Process Acknowledgment

Plaintiff: L.H. Meltzer, LLC  
Defendant: SMH Inc.  
File Number: 1072581500041 Statute: 302A.901  
Date Filed: 03/05/2019 Date Mailed: 3/5/2019

Certified Mail Number: 70100290000019625963

#### **NOTICE TO ALL PERSONS ATTEMPTING SERVICE THROUGH THE OFFICE OF THE MINNESOTA SECRETARY OF STATE**

The Office of the Secretary of State does not determine or attempt to determine if your service of process is valid. It is your responsibility to determine which statute, if any, authorizes the service you are making through this office. Substituted service of process through the Office of the Secretary of State does not guarantee that the service will be sufficient and permit a court to obtain or accept jurisdiction over the business entity against whom service is made.

#### **Selected Statutes Authorizing Substituted Service of Process**

5.25	General Service of Process
60A.19 and 60A.21	Foreign Insurance Companies
72A.43	Service upon Unauthorized Company by Commissioner
141.25	Non Resident Private Trade Schools
221.67	Foreign motor carrier in interstate commerce
240.07 and 240.08	Pari-Mutuel Horsing Racing
302A.901	Minnesota Corporations
303.13	Non-Minnesota Corporations
303.25	Foreign Trust Association
317A.901	Minnesota Nonprofit Corporations
321.0117	Limited Partnerships and Foreign Limited Partnerships
322B.876	Minnesota Limited Liability Companies
322B.955	Non-Minnesota Limited Liability Companies
322C.0116	Minnesota and Non-Minnesota Limited Liability Companies
325F.70	Consumer Fraud
330.11	Auctioneers
540.152, 541.153 and 541.154	Unions, groups and other associations
548.181	Discharge of Judgments
559.21	Notice of Cancellation of Contract for Deed
543.08	Other Corporations

11:27 Jana Floyd



State of Minnesota  
County of Hennepin

Affidavit of Service

I, Mark Miller, state that on Tuesday, March 05, 2019 at 11:25 AM I served the Notice of Cancellation of Contract for Deed upon SMH Inc., therein named, personally at 60 Empire Drive, Suite 100, Saint Paul, MN, by handing to and leaving with Jana Floyd, The Office of the Secretary of State, an Expressly Authorized agent of said SMH Inc., a true and correct copy thereof.

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minnesota Statute § 358.116.

Dated: 3/5/2019

  
\_\_\_\_\_  
Mark Miller, Process Server



2321248 - 2



330 2nd Avenue South, Suite 150  
Minneapolis, MN 55401  
(800) 488-8994  
www.metrolegal.com