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21060 Olinda Trail N
Scandia, MN 55073

July 2, 2024

Legislative Hearing Office
15 West Kellog Blvd.
St. Paul, MN 55102

VIA EMAIL ONLY

Re: 1058 Selby Ave, St. Paul; Ref. #122522

Dear Legislative Hearing Council,

Please find this correspondence in response to the Legislative Hearing that took place on June 18, 2024 regarding the above referenced real property.

In that hearing, as legal counsel for the owner, Vincent Hughes, we represented to Marcia Moermond, the Legislative Hearing Council, that we had *prima facie* evidence of our client's use of his real property as his principal residence, including a photocopy of his driver's license (with his principal residence as his address), his vehicle registration (showing his real property as the registered address of his vehicle), and that the real property was in the process of being classified as his homestead for tax purposes. Ms. Moermond asked that we provide the Legislative Hearing Office with this evidence, which we have provided with this correspondence.

As we outlined in our previous correspondence to this office and as we have discussed at both of the Legislative Hearings that have taken place this year regarding our client, Mr. Hughes' work requires him to travel to Kentucky for extended periods of time. He works for Ford Motor Company and his occupation requires extensive travel. Because his job requires extensive travel, he has established a Post Office Box in Kentucky to more readily receive mail. Mr. Hughes has no permanent residence in Kentucky, but rather stays at various locations temporarily while he is working. He routinely returns to his principal residence located at 1058 Selby Avenue in St. Paul, returning at least once per month, and usually staying at least a week at a time. For the times he is away on work, Mr. Hughes arranges for his home to be kept up, including but not limited to lawn services, cleaning services, and snow removal services.

Section 40.02 of the St. Paul Legislative Code states that an "owner-occupied single-family house. . . shall be exempted from the requirement to have and maintain a fire certificate of

occupancy.” Additionally, “‘Owner-occupied’ means the house...for which the exemption is claimed is the owner’s principle [*sic*] residence.”

Under every metric of law, given the above and the enclosures, 1058 Selby Avenue is Mr. Hughes’ principal residence. He owns no other real property, in Minnesota or elsewhere. Mr. Hughes has every right to pursue work where it may take him without abandoning his real property rights.

Minnesota law supports Hughes. For example, “[t]o qualify for homestead property the petitioner must own the property and use it as his principal residence.” Adlin v. Cnty. of Hennepin, TC-11584, 1991 WL 227880, at *2 (Minn. Tax Oct. 30, 1991). Once the real property has obtained “homestead” tax classification, it is prima facie proof that such a dwelling is the “principal residence” of the owner. See Garding v. County of Meeker, 47C-88-301, 1988 WL 114631, at *1 (Minn. Tax Oct. 11, 1988). Moreso, having one’s real property as their “principal residence” “does not prevent temporary absences for vacations, business trips,” or the like. *Id.* Additionally, a “principal residence shall mean the dwelling where a person has established a permanent home from which the person has no present intention of moving.” Studer v. Kiffmeyer, 712 N.W.2d 552, 555 (Minn. 2006) (further holding that where a person stays temporarily is not a principal residence). Being away from the principal residence does not render that real property something other than his principal residence, even when the owner is absent for periods of time, so long as he “intends to return and occupy the dwelling as his residence.” Garding, 1988 WL 114631, at *1.

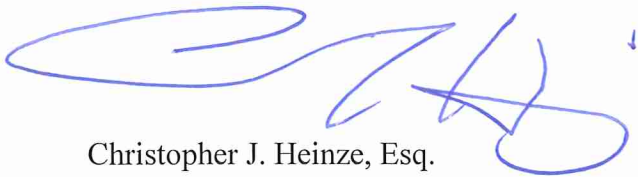
In short, the law allows Mr. Hughes to temporarily, even on a frequent basis, to spend time in another state in order to fulfil the obligations of his employment, without losing his status of the only real property he owns.

There is **nothing** in law that supports a position to the contrary. At the risk of stating the obvious, this law firm is prepared to fully prepared to defend our client’s position, including, if necessary, suit against the City of St. Paul and this Legislative Office.

For the reasons set forth above, we demand that this office deem our client’s real property at 1058 Selby Avenue as “owner-occupied,” and remove his property from any municipal records that state otherwise.

Very Truly Yours,

LIBBY LAW OFFICE, PA

A handwritten signature in blue ink, appearing to read "Chris Heinze", with a stylized flourish at the end.

Christopher J. Heinze, Esq.

Encl.

NOT FOR FEDERAL IDENTIFICATION



1 **HUGHES**
2 **VINCENT RAY**
8 **1058 SELBY AVE**
SAINT PAUL, MN 55104-6534

4d DL#

3 DOB

9 CLASS **D**

12 RESTR **NONE**

9a END **M**

4a ISS **07/06/2022**

4b EXP **08/24/2026**

15 SEX **M**

16 HGT **5'-10"**

17 WGT **210 lb**

18 EYES **BRO**

5 DD **00000006665288**

08/24/62

Vincent Ray Hughes





Minnesota Motor Vehicle Registration | Cab Card

Minnesota Department of Public Safety
Driver and Vehicle Services division
445 Minnesota Street, Suite 160
Saint Paul, MN 55101-5160

Phone: 651-297-2126 | TTY: 651-282-6555

Online: drive.mn.gov | Email: dvs.motor.vehicles@state.mn.us



Residential Address

1058 SELBY AVE
SAINT PAUL MN 55104-6534

Registered Owner(s)

VINCENT RAY HUGHES



Before applying tabs, make sure plates are clean and dry.

Plate: GFF723
Plate Type: Standard Passenger
Sticker: C2870973
Registration Period: 18 Jun, 2024 to 31 Jul, 2025
Vehicle ID Number: 1GNEK13T21J121787
Year | Make | Model: 2001 CHEV KTA
Title Number: G322C0345
Base Value | MSRP: \$28,557
Vehicle Class: Passenger Vehicle
Vehicle Use Type: Personal Use

PAID

JUN 18 2024

Keep this Registration | Cab Card in your vehicle.

You must keep this card in the vehicle at all times if your vehicle is taxed based on gross weight.

Minnesota Statutes, section 169.791 requires the driver to have proof of insurance for the vehicle and to show it to a peace officer upon demand.

I attest by this transaction that this vehicle is insured while operated upon the public roads as required by law. Proof of insurance will be carried in the vehicle.

ADDITIONAL FEES

ELECTRIC VEHICLE SURCHARGE:	0.00
EXPEDITED TITLE FEE:	0.00
RGW/FARM/INSTALLMENT FEE:	0.00
LEASE EXTENSION FEE:	0.00
ORGAN DONATION FEE:	0.00
REINSTATEMENT FEE:	0.00
SALVAGE INSPECTION FEE:	0.00
SPECIAL PLATE TRANSFER FEE:	0.00

Deputy 140 FEES

ADMIN/REGISTRATION TAX:	30.00
PLATE FEE:	0.00
CONTRIBUTION FEE	0.00
WHEELAGE TAX:	20.00
TECH SURCHARGE FEE:	2.25
PS VEHICLE FEE:	0.00
TRANSFER TAX:	0.00
TITLE FEE:	0.00
LIEN FEE:	0.00
MV SALES TAX:	0.00
LATE TRANSFER PENALTY:	0.00
SUB TOTAL:	52.25
VS DEPUTY SURCHARGE:	1.00
STATE/DEPUTY FILING FEE:	8.00
TOTAL PAID:	61.25

Thank you for visiting office 140 Saint Paul on: Tuesday, June 18, 2024 09:44 AM

Pay Property Tax

[Skip to main content](#)
[Pay Property Taxes](#)

Online payment service is provided by CORE Business Technologies.
 You can pay by check, credit card or debit card.
 CORE Business Technologies charges a service fee which is applied directly to your payment.
 - E-check: \$1 per transaction
 - Credit card or debit card: 2.49% per transaction

For payment history, please see [Tax Transaction History](#)



05/10/2019

Summary View

Parcel ID	022823220110
Parcel Status	Active
Property Address	1058 SELBY AVE ST PAUL MN 55104-6534
Sec/Twp/Rng	02/28/23
Brief Tax Description	ROGERS' ADDITION TO,ST. PAUL EX AVE LOT 5 BLK 6 (Note: Not to be used on legal documents)
Parcel Area	0.1001
Parcel Width	40 Feet
Parcel Depth	109 Feet (Note: Width and Depth represent buildable area of lot in the case of irregularly shaped lots)
Tax Classification	1A/1B/4BB RESIDENTIAL SINGLE UNIT;
Homestead Status	Homestead
Roll Type	Real Property
Municipality	ST PAUL
District Code	0151 For homestead vs non-homestead tax calc - use District code above - click here
School District	ISD #625
Watershed	CAPITOL REGION W/S
TIF District	
Land Use Code	510 SINGLE FAMILY DWELLING, PLATTED LOT * The Tax Classification is the Assessor Office's determination of the use of the property and is not the same as the property's zoning. * Please contact the zoning authority for information regarding zoning. * To determine whether your property is Abstract or Torrens, call 651-266-2050

Taxpayers

Please refer to disclaimer at bottom of this page

Type	Name	Address
Owner	Vincent Hughes	PO Box 7875 Louisville KY 40257-0875

Current Tax Year

*Information listed is as of yesterday. For specific payoff information contact [Property Tax Info](#) at 651-266-2000
 See [Tax Transaction History](#) for payment and/or adjustment information.

First Half Due 05-15-2024		Second Half Due 10-15-2024	
Amount Due	\$0.00	Amount Due	\$2,019.00
Penalty & Fees Due	\$0.00	Penalty & Fees Due	\$0.00
(thru current month)		(thru current month)	
Balance Due	\$0.00	Balance Due	\$2,019.00
Total Due	\$2,019.00		

Tax Summary

For payment history, please see [Tax Transaction History](#)

	2024 Payable	2023 Payable	2022 Payable	2021 Payable	2020 Payable
Estimated Market Value	\$217,900	\$207,500	\$193,900	\$171,800	\$180,600
Taxable Market Value	\$217,900	\$207,500	\$193,900	\$171,800	\$159,600
Net Tax Amount	\$3,280.72	\$3,180.24	\$3,098.08	\$2,645.59	\$2,686.48
+ Special Assessments	\$757.28	\$723.76	\$661.92	\$518.41	\$427.52
= Total Taxes	\$4,038.00	\$3,904.00	\$3,760.00	\$3,164.00	\$3,114.00
+ Penalty	\$0.00	\$156.15	\$0.00	\$0.00	\$0.00
+ Interest	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
+ Fees	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
- Amount Paid	\$2,019.00	\$4,060.15	\$3,760.00	\$3,164.00	\$3,114.00
= Outstanding Balance	\$2,019.00	\$0.00	\$0.00	\$0.00	\$0.00

Special Assessments

Note: + sign indicates a multiple year assessment. Click on the + to view additional years.

Assess #	Year	Description	Initial Amount	Principal	Interest	Installment Amount	Remaining Balance	Deferred
R012499960	2024	R012499960 2024 Recycling	\$134.91	\$0.00	\$0.00	\$134.91	\$0.00	No
T012499970	2024	T012499970 2024 Solid Waste	\$33.00	\$0.00	\$0.00	\$33.00	\$0.00	No
T012201140	2024	T012201140 Delinquent Garbage Bill July	\$113.55	\$0.00	\$0.00	\$113.55	\$0.00	No
T012300800	2024	T012300800 2023 SSSC / Storm Sewer	\$117.44	\$0.00	\$0.00	\$117.44	\$0.00	No
T012301060	2024	T012301060 Delinquent Garbage Bill Octob	\$113.55	\$0.00	\$0.00	\$113.55	\$0.00	No
T012301080	2024	T012301080 Delinquent Garbage Bill Janua	\$122.39	\$0.00	\$0.00	\$122.39	\$0.00	No
T012301110	2024	T012301110 Delinquent Garbage Bill April	\$122.39	\$0.00	\$0.00	\$122.39	\$0.00	No

Note: Installment amount is the amount that will be included in the property tax total for the referenced payable year.
Remaining Balance is the amount eligible for prepayment. Prepayment must be paid in full by November 15th of the current year.
Please call the City of Saint Paul General Assessment line for payoff amounts or additional information concerning any Saint Paul assessment. You can reach them at 651-266-8858 or go to [Assessment Lookup](#).

Suburban property owners should call 651-266-2000 for detailed assessment information.

Tax Transaction History

Tax Year	Business Date	Effective Date	Transaction Type	Tax Amount	Special Assessment	Penalty	Interest	Fees	Overpayment	Total
2024	5/10/2024	5/10/2024	Payment	(\$1,640.36)	(\$378.64)	\$0.00	\$0.00	\$0.00	\$0.00	(\$2,019.00)
2024	3/1/2024	3/1/2024	Original	\$3,280.72	\$757.28	\$0.00	\$0.00	\$0.00	\$0.00	\$4,038.00
2023	11/13/2023	11/13/2023	Payment	(\$1,590.12)	(\$361.88)	(\$156.15)	\$0.00	\$0.00	\$0.00	(\$2,108.15)
2023	4/17/2023	4/17/2023	Payment	(\$1,590.12)	(\$361.88)	\$0.00	\$0.00	\$0.00	\$0.00	(\$1,952.00)
2023	3/1/2023	3/1/2023	Original	\$3,180.24	\$723.76	\$0.00	\$0.00	\$0.00	\$0.00	\$3,904.00
2022	10/14/2022	10/14/2022	Payment	(\$1,549.04)	(\$330.96)	\$0.00	\$0.00	\$0.00	\$0.00	(\$1,880.00)
2022	5/14/2022	5/14/2022	Payment	(\$1,549.04)	(\$330.96)	\$0.00	\$0.00	\$0.00	\$0.00	(\$1,880.00)
2022	3/2/2022	3/2/2022	Original	\$3,098.08	\$661.92	\$0.00	\$0.00	\$0.00	\$0.00	\$3,760.00

Sales

Date	eCRV #	Sale Price	State Study Recommendation	State Study Reject Reason	Cnty Stdy Rec
3/11/2004	.	\$117,000	N	02-RELATIVE SALE OR RELATED BUSINESS	N

Statements and Notices

2024
[Value Notice](#)
[Tax Statement](#)
[Payment Stubs](#)
[Proposed Tax Statement](#)

2023
[Value Notice](#)
[Tax Statement](#)
[Payment Stubs](#)

[Proposed Tax Statement](#)

2022

[Value Notice](#)[Tax Statement](#)[Payment Stubs](#)[Proposed Tax Statement](#)

2021

[Value Notice](#)[Tax Statement](#)[Payment Stubs](#)[Proposed Tax Statement](#)

2020

[Value Notice](#)[Tax Statement](#)[Payment Stubs](#)[Proposed Tax Statement](#)

State of Minnesota

The Property Tax Refund Program is administered by the State of Minnesota. For information regarding the program, please call 651-296-3781.

[Form M1PR\(Property Tax Refund\)](#)

Photos



05/10/2019

No data available for the following modules: Multi-Parcel Link, Delinquent Taxes.

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Application for Homestead Classification - Please read the back of this form before

completing. You must own and occupy the property either on January 2 or December 31, and the application must be returned to your assessor's office by December 31 to be eligible for homestead classification for taxes payable in the following year.

Section 1 – Property information	<i>Please provide the following information pertaining to the property on which you are claiming homestead.</i>					
	Property ID Number 0228-232-20110			CONDO/TOWNHOME OWNERS: Do you have a separate garage unit, storage unit or parking space that has a different property ID number? ☐ Yes ☒ No		
	Address of Property 1058 Selby Ave			City Saint Paul		Zip 55104
Is this also the occupant's mailing address? ☐ Yes ☒ No If no, what is the occupant's complete mailing address: PO Box 7875 Louisville KY 40257						
Section 2 – Previous residence	Previous address required per State of Minnesota in order to prevent homestead fraud. <i>Failure to provide your previous address AND your move out date could result in a delay in processing your application</i>					
	Previous Address 1009 Western Avenue			Was this property homesteaded by you or your spouse? ☒ Yes ☐ No		
	City Saint Paul	State MN	Zip 55117	County Ramsey		
Your move out date* 2007		*If your previous address was homestead, you must notify the county in which it was located that you have vacated the property. Failure to do so could result in the loss of both homesteads.				
Section 3–Occupant(s) claiming homestead on property	This section is to be completed by all adult occupant(s) claiming homestead on the property. <i>Each section below must be completed in full by each occupant.</i>					
	OCCUPANT 1 Last Name First Name Middle Initial Hughes Vincent R.			Social Security # or ITIN # (if ITIN - include IRS letter) 473-86-4742		
	Are you listed as an owner on the deed? ☒ Yes ☐ No Applying as a relative of the owner ☐ Yes ☒ No			Date Owned: 2004		Your Move In Date: 2007
	What is your marital status? ☐ Single ☐ Married ☐ Widowed ☒ Divorced ☐ Legally Separated					
	If married, does your spouse occupy the property? ☐ Yes* ☐ No *If yes, spouse must complete application					
	Signature (Occupant 1) X /s/ Vincent Hughes			Date 06/21/2024		Daytime Phone Number 651-808-7441
	OCCUPANT 2 Last Name First Name Middle Initial			Social Security # or ITIN # (if ITIN - include IRS letter)		
	Are you listed as an owner on the deed? ☐ Yes ☐ No or are you Applying as a relative of the owner ☐ Yes ☐ No			Date Owned:		Your Move In Date:
	What is your marital status? ☐ Single ☐ Married ☐ Widowed ☐ Divorced ☐ Legally Separated					
	If married, does your spouse occupy the property? ☐ Yes* ☐ No *If yes, spouse must complete application					
Is Occupant 1 your spouse? ☐ Yes ☐ No						
Signature (Occupant 2) X			Date		Daytime Phone Number	
Failure to fully complete the application can result in a fractional homestead or denial of the homestead classification on the property described in Section 1. Making false statements on this application is against the law. Minnesota Statutes, section 609.41, states that anyone giving false information in order to avoid or reduce their tax obligations is subject to a fine of up to \$3,000 and/or up to one year in prison. By signing this application, I certify that the information on this form is true and correct to the best of my knowledge. I also certify that I am a Minnesota resident, and I occupy the property described in Section 1 as my primary place of residence.						

Applying for the owner occupied homestead classification

Who is Eligible for Homestead?

If you own and occupy your own property, you may be eligible for homestead treatment.

Classification as a residential or agricultural homestead may make your property eligible for a reduced classification rate and/or a reduced taxable value, or may make you eligible for special program enrollment and the Property Tax Refund program.

You must have owned the property and occupied it as your primary residence by no later than

December 31 of the current year to be eligible for homestead for taxes payable next year.

How to Apply

Complete the entire application fully and legibly. Mail the application to your county assessor within 30 days of establishing homestead, but no later than **December 31** of the current year to be eligible for homestead in the next payable tax year.

Applications do not need be submitted annually in order to continue receiving homestead; however, the assessor may ask for an updated application at any time.

All owner-occupants and spouses who occupy the property must provide Social Security numbers and sign the form.

If your property is **owned by a trust**, the grantor, grantor's surviving spouse, grantor's relative, or grantor's surviving relative must sign the application (depending on who is seeking homestead).

Required information

If any owners do not occupy the property, you must furnish the assessor with the names and addresses of the owners on the non-occupant owner form.

If any spouses do not occupy the property, you must furnish the assessor with the names and addresses of the spouses on the non-occupant spouse form.

If more than two owners occupy the property, please attach another form with the Owner/Occupant Information section completed.

Use of information

The information on this form is required by Minnesota Statutes, section 273.124 to properly identify you and determine if you qualify for homestead. Your Social Security number is required. If you do not provide the required information, your application will be denied. If you provide your Social Security number thereafter, the effective date of the homestead classification may be delayed. Your Social Security number is considered private data for purposes of establishing homestead.

The Social Security number(s) you provide on this form will not be disclosed to the public, but may be shared among government officials for tax collection and administration purposes.

You can refuse to provide the information on this form. However, failure to provide this information may result in a fractional homestead or denial of the homestead classification.

SSN/ITIN

An ITIN can only be used in situations where one spouse has a Social Security number and the other spouse does not. ITINs are not an acceptable alternative to Social Security numbers in any other case.

The Social Security number(s) you provide on this form will not be disclosed to the public, but may be shared among government officials for tax collection and administration purposes.

Penalties

Making false statements on this application is against the law.

Minnesota Statutes, section 609.41, states that anyone giving false information in order to avoid or reduce their tax obligations is subject to a fine of up to \$3,000 and/or up to one year in prison.

If you falsely claim homestead, penalties may also be assessed in the amount of the tax that would have applied to your property had it not been considered homestead.

(Minnesota Statutes, section 273.124, subdivision 13, paragraph h)

Changes to your Property

State law requires you to notify the county assessor within 30 days if any of the following changes occur: you add/remove an owner, sell the property, vacate the property, sell the property, change your mailing address, or change your marital status.

If you fail to notify the county assessor within 30 days of the change, the property may be assessed the tax that is due on the property based on its correct property class plus a penalty equal to the same amount.

Ramsey County Assessor – Homestead Unit
(651) 266-2040
www.ramseycounty.us
Email: AskHomesteads@co.ramsey.mn.us

Please return this application to: Ramsey County Assessor – Homestead Unit
P.O. Box 64097
Saint Paul, MN 55164-0097

**Attention new owners:
Please include a copy of
your deed and the
Certificate of Real Estate
Value.**