

**From:** [Assumpta Sirri](#)  
**To:** [Zimny, Joanna \(CI-StPaul\)](#)  
**Subject:** Re: 776 Bush Ave.Kennedy Ltr.7-8-22  
**Date:** Thursday, July 14, 2022 4:26:27 PM  
**Attachments:** [image001.png](#)  
[writ of recovery.pdf](#)  
[eviction note from the court.pdf](#)

---


**Think Before You Click:** This email originated **outside** our organization.

Hi Joanna,

Please, find some evidence to prove that the home was in good shape and in great living condition at the time when my tenant. moved in on August 7th 2021. Thanks

Sincerely

Assumpta Sirri

 [feb 10th.jpg](#)











State of Minnesota  
County of Ramsey

District Court  
Second Judicial District

---

Assumpta Sirri,  
Plaintiff.

**FINDINGS & ORDER**

vs.

Sharon Kennedy, Michael Garcia, John Doe,  
Jane Roe.,  
Defendant

**Case No.: 62-HG-CV-22-402**  
**Case Type: Eviction (UD)**

---

This matter came on for a housing bench trial before Referee Bergstrom on April 27, 2022 and May 18, 2022. Stephen Coon, Esq. appeared with Plaintiff, Assumpta Sirri and witness Tony Biljan, who both testified. Defendant Kennedy appeared on April 27, 2022 but failed to appear on May 18, 2022 until an hour after the trial had concluded. Defendant Michael Garcia did not appear and was found in default. Plaintiff's exhibits were received by the Court without objection. Defendant Kennedy filed exhibits with the Court on May 27, 2022, after the record had been closed. Defendants' exhibits were not received into evidence.

Based on the files, testimony, and the proceedings herein, the Court makes the following:

**ORDER**

1. Plaintiff's request for an Immediate writ of eviction is **GRANTED**.
2. Plaintiff is entitled to an award of costs and disbursements.
3. The attached Memorandum shall be incorporated into this Order.

LET JUDGEMENT BE ENTERED ACCORDINGLY.

Recommended by:

By the Court:

---

Kathryn Bergstrom

**MEMORANDUM**

Plaintiff Assumpta Sirri (“Plaintiff” or “Landlord”) commenced this action on March 8, 2022 against Defendant Sharon Kennedy (“Kennedy”) and Defendant (“Michael Garcia”) (collectively “Defendants” or “Tenants”) on the basis of material breaches of the lease, willful and malicious destruction of the property, and failure to pay rent for the months of November 2021 through March 2022. The Court finds that the Plaintiff proved by a preponderance of the evidence that Defendants materially breached the lease, destroyed property, and failed to pay rent for the months of November 2021 through May 2022, in the total amount of \$5,950.00.

Plaintiff testified and provided credible evidence at trial regarding the various material violations of the lease. Specifically, Plaintiff testified credibly that Kennedy allowed various individuals into the property and permitted them to stay there for longer than a week. Plaintiff testified further that Kennedy had both a cat and dog on the property without paying a pet fee or obtaining consent from the landlord. The non-smoking clause of the lease was breached because Kennedy was seen smoking on the property on more than one occasion. Kennedy also failed to provide access to landlord after she provided Kennedy with reasonable notice. When Plaintiff and her plumber appeared to deal with a sewage backup in the basement, Kennedy aggressively charged at Plaintiff, making her fearful for her well-being. Kennedy failed to allow contractors and city building inspectors into the property, that Plaintiff could maintain the property. Plaintiff credibly testified that Kennedy also caused damage to doors, the garage, the air conditioning unit, and window screens, among other damages. Kennedy improperly changed the locks and failed to keep the unit in a clean, sanitary condition. There was no dispute that Kennedy has failed to pay rent from November 2021 to May 2022.



The Court finds that Plaintiff has proven by a preponderance of evidence that there have been material breaches of the lease, there was destruction of property on the premises, and that Defendants have failed to make rental payments since November of 2021.

State of Minnesota  
Ramsey County

District Court  
Second Judicial District

Court File Number: **62-HG-CV-22-402**

Assumpta Sirri vs Sharon Kennedy,  
Michael Garcia, John Doe, Jane Roe

**Writ of Recovery of Premises  
(Minn. Stat. §504B.361)**

The State of Minnesota, to the Sheriff of Ramsey County:

Before this court on: 07/08/2022

Plaintiff(s): Assumpta Sirri

Recovered Judgment against

Defendant(s): Sharon Kennedy; Michael Garcia, John Doe, Jane Roe

ORDERING recovery of the following described premises in Ramsey County,  
Minnesota:

**776 Bush Ave  
Unit #1  
St Paul MN 55106**

THEREFORE, YOU ARE HEREBY COMMANDED, USING THE FORCE OF THIS COUNTY IF NECESSARY, TO CAUSE THE SAID DEFENDANT(S) TO BE REMOVED IMMEDIATELY FROM SAID PREMISES AND THE SAID PLAINTIFF(S) TO BE PLACED IN PEACEABLE POSSESSION OF THE SAME. YOU ARE FURTHER COMMANDED TO MAKE RETURN OF THIS WRIT WITHIN THIRTY DAYS.

Witness the Honorable Judge Ireland as heard by Referee Bergstrom.

Dated: July 11, 2022

Michael Upton  
Court Administrator

By: sg  
Deputy

\*62-HG-CV-22-402\*

\*WRP\*

