

STATE OF MINNESOTA
COUNTY OF RAMSEY

RAMSEY COUNTY DISTRICT COURT
SECOND JUDICIAL DISTRICT

Payne Phalen District 5 Planning Council
and Wayne Hooks

File Number 62hgcv12-1788

Plaintiff(s)

VS

**TENANT REMEDIES
SUMMONS**

Pine Ridge Capital Management LLC
("PRCM LLC"), Pine Ridge Capital LLC
Equimax Real Estate LLC

Defendant(s)

TO THE ABOVE NAMED DEFENDANT:

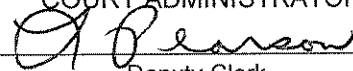
A PETITION FOR EMERGENCY RELIEF UNDER TENANT REMEDIES ACT (MINN. STAT. § 504B.381) HAS BEEN FILED AGAINST YOU IN THIS OFFICE, A TRUE COPY OF WHICH IS HERETO ATTACHED. YOU ARE THEREFORE COMMANDED TO APPEAR ON July 12, 2012, AT 1:30 p.m., AT Rm. 170 Courthouse, 15 W. Kellogg Blvd., St. Paul, Minnesota, BEFORE THE HONORABLE JoAnne M Yanish.

WITNESS THE CHIEF JUDGE
OF THE RAMSEY COUNTY DISTRICT COURT

ISSUED ON June 27, 2012

COURT ADMINISTRATOR

BY


Deputy Clerk

Payne Phalen District 5 Planning Council,
Wayne Hooks,

Plaintiff,

VERIFIED PETITION FOR
EMERGENCY TENANT REMEDIES
ACTION

v.

Pine Ridge Capital Management, LLC
("PRCM LLC"), Pine Ridge Capital, LLC,
Equimax Real Estate, LLC

Case No.

Defendants.

Plaintiffs hereby state upon oath:

1. This action is brought under Minn. Stat. §504B.381 to obtain relief due to the fact that Plaintiffs, specifically named tenants and tenants whose interests are raised in this action via representation of Payne Phalen District 5 Planning Council ("District 5") have been instructed to vacate the property known as Westminster Courts with respective buildings at 1205 and 1225 Westminster Street, St. Paul MN 55130 due to longstanding repair issues found by the City of St. Paul including electrical, plumbing, structural, and other safety deficiencies, resulting in the revocation of the certificate of occupancy for this property on approximately June 1, 2012 with a vacate date most recently set for July 2, 2012. (See attached Inspection reports dated: May 8, 2012; May 18, 2012; and June 1, 2012 marked as Exhibits 1-6, hereby incorporated by reference).

2. Plaintiffs are tenants living at Westminster Courts, located at 1205/1225 Westminster Street, St. Paul MN 55130 and the neighborhood council for the Fifth District of St. Paul, District 5.
3. The name and address of the owner and/or management of the property is Pine Ridge Capital Management LLC, at address: 5151 Edina Industrial Boulevard, #229 Edina, MN, 55439 per business records as maintained by the Minnesota Secretary of State (See attached Secretary of State record Exhibit 7, which is hereby incorporated by reference). Upon information and belief, Equimax Real Estate, LLC, at address: 1161 Wayzata Boulevard #312 Wayzata MN 55391, takes part in collecting rents and performing other functions for the property in question as the property manager.
4. Plaintiff, Wayne Hooks pays rent of \$425 per month, to knowledge and belief other rents range from \$425 to approximately \$1,075 dependent on size and number of rooms in unit, but Plaintiffs do not know exact rent for all occupied units at this time.
5. The following facts and grounds demonstrate the existence of an emergency for which Defendants are responsible: The property has had the certificate of occupancy revoked and a vacate order most recently set for July 2, 2012 due to significant repair issues. Plaintiffs have been renting this property for varying periods of time, from approximately a year to approximately 20 years. The leasing of the property is governed in part by the Covenants of Habitability as iterated in Minn. Stat. §504B.161. The Landlord's violation of the Covenants of Habitability and other Minnesota laws have caused stress and suffering to Plaintiffs and will cause Plaintiffs to suffer homelessness if the repairs required by the City are not made.
6. Defendants have indicated their intent to vacate the property, fully repair it, and then re-rent the property. However, there has been no assurance on the part of the

Defendant that tenants in the property will be adequately housed during this period while the property is uninhabitable. The tenants remaining in the property are not able to find adequate alternate shelter in the time period given to them and should not be made homeless due to Defendant's decision to vacate the property for the duration of repairs.

7. The fair market value of this property is \$1,637,500 per building for a total of \$3,275,000 (See attached Ramsey County property record referenced above as Exhibit 8).
8. No judgment and writ of restitution have been issued under Minn. Stat. §504B.345 in favor of the owner and against the Plaintiffs.
9. Before presenting this Petition to the court, the following attempts were made to notify Defendants of the intent of Plaintiff to seek the emergency relief requested below:
 - a. On June 22, 2012 at approximately 4:40 PM Plaintiff's attorney called and faxed Defendants' attorney at 612-340-9350 and 612-340-9446 respectively and discussed the repair and housing issues and advised of preparation for court action if necessary;
 - b. On June 26, 2012 at approximately 7:45 AM Plaintiff's attorney sent a letter and fax to Defendants' attorney, requesting all repairs ordered by the City of St. Paul to be made and informing Defendants of Plaintiff's intent to file an Emergency Tenant Remedy Action (ETRA) at 2:00 PM on Wednesday June 27, 2012 in front of the Civil Signing Judge at the Ramsey Courthouse if the necessary repairs were not made by this date and time. The letter informed Defendant that he could find the Civil Signing Judge by checking into room

70 in the basement level of the Ramsey County Courthouse at 15 West Kellogg Blvd., St. Paul, MN 55102 (See attached Notice Exhibit 9, which is hereby incorporated by reference).

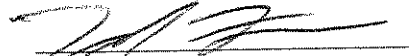
10. The above stated emergency was not the result of the deliberate or negligent act or omission of Plaintiff or anyone acting under the direction or control of Plaintiff.

WHEREFORE, PLAINTIFFS PRAY FOR THE FOLLOWING RELIEF:

1. Order that no rent is due until the Certificate of Occupancy is reinstated.
2. Order that that the outstanding repairs listed in attached inspection reports referenced above as exhibits 1- 6 be completed by no later than the day before the compliance hearing in this matter.
3. Order that the matter be set for a compliance hearing at the earliest possible time.
4. Order that if Plaintiff must leave while repairs are completed or because repairs are not completed, Defendant shall relocate Plaintiff in an apartment/hotel/motel until the emergency is resolved, and that Defendant prepay the charge for the hotel/motel.
5. For all tenants who have vacated with or without signing Defendants' move-out agreement, Order that Defendants return all security deposits (or an amount equal

The undersigned acknowledges that costs, disbursements, and reasonable attorney and witness fees may be awarded pursuant to Minn. Stat. §549.211 to the party against whom the allegations in this pleading are asserted.

**SOUTHERN MINNESOTA REGIONAL
LEGAL SERVICES, INC.**



Tovah Flygare
Attorney for Plaintiff
ID #0386684
55 East Fifth Street, Suite
400
St. Paul, MN 55101
Ph: (651) 222-5863
Fax: (651) 297-6457

VERIFICATION AND ACKNOWLEDGMENT

I have read this document and hereby verify and acknowledge that to the best of my knowledge, information, and belief the information contained in this document is well grounded in fact and is warranted by law and is true and correct.

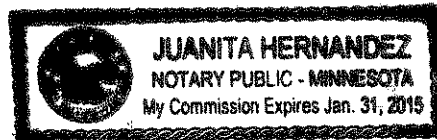
06/27/2012
Date

H. Leslie McKeown
Payne Phalen District 5 Planning Council

06/26/2012
Date

Wayne L. D... ..
Tenant,

Subscribed and sworn to before me
on June 26, 2012
Juanita Hernandez
Notary Public



JUN 27 2012

STATE OF MINNESOTA

COUNTY OF RAMSEY

By _____ Deputy

DISTRICT COURT
SECOND JUDICIAL DISTRICT
CIVIL DIVISION: HOUSING

62HGCv12-1788

Payne Phalen District 5 Planning Council,
Wayne Hooks,

PROPOSED ORDER

Plaintiff,

v.

Pine Ridge Capital Management, LLC
("PRCM LLC"), Pine Ridge Capital, LLC,
Equimax Real Estate, LLC

Case No. 62HGCv12-1788

Defendants.

FINDINGS OF FACT

1. This action is brought under Minn. Stat. §504B.381 to obtain relief due to the fact that Plaintiffs, specifically named tenants and tenants whose interests are raised in this action via representation of Payne Phalen District 5 Planning Council ("District 5") have been instructed to vacate the property known as Westminster Courts with respective buildings at 1205 and 1225 Westminster Street, St. Paul MN 55130 due to longstanding repair issues found by the City of St. Paul including electrical, plumbing, structural, and other safety deficiencies, resulting in the revocation of the certificate of occupancy for this property on approximately June 1, 2012 with a vacate date most recently set for July 2, 2012.

2. Plaintiffs are specifically named tenants and tenants whose interests are raised in this action via representation of Payne Phalen District 5 Planning Council (“District 5”).
4. The following facts and grounds demonstrate the existence of an emergency for which Defendants are responsible: The property has had the certificate of occupancy revoked and a vacate order most recently set for July 2, 2012 due to significant repair issues. Plaintiffs have been renting this property for varying periods of time, from approximately a year to approximately 20 years. The leasing of the property is governed in part by the Covenants of Habitability as iterated in Minn. Stat. §504B.161. The Landlord’s violation of the Covenants of Habitability and other Minnesota laws have caused stress and suffering to Plaintiffs and will cause Plaintiffs to suffer homelessness if the repairs required by the City are not made.
5. The above stated emergency was not the result of the deliberate or negligent act or omission of Plaintiff or anyone acting under the direction or control of Plaintiff.

CONCLUSIONS OF LAW

1. That the landlord has breached the Covenants of habitability under Minnesota Statute §504B.161.
2. The nature of the repairs and the vacate order justify an emergency tenant remedies action under Minn. Stat. §504B.381
3. That the remedy of relocation assistance is available pursuant to Minn. Stat. §504B.425.

ORDER

1. No rent is due until the Certificate of Occupancy is reinstated.
2. The outstanding repairs listed in attached inspection reports referenced above as exhibits 1- 6 be completed by no later than the day before the compliance hearing in this matter.
3. The matter shall be set for a compliance hearing at the earliest possible time.
4. If Plaintiff must leave while repairs are completed or because repairs are not completed, Defendant shall relocate Plaintiff in an apartment/- hotel/motel until the emergency is resolved, and that Defendant prepay the charge for the hotel/motel or difference between tenant's rent and the rent for the alternative apartment.
5. For all tenants who have vacated with or without signing Defendants' move-out agreement, Defendants must return all security deposits (or an amount equal to one month's rent if there is no record of deposit amount) and return any June, 2012 rent tendered.
6. If Defendant does not complete repairs as ordered by the Court, the Court may then order:
 - a. That an administrator take over operation of the property to complete repairs and/or correct the problems. Defendant should be advised that failure to correct the violations in a thorough manner could result in legal action under MINN. STAT. §504B.395 *et. seq.* In such a case the court can temporarily take the property away from the Defendant and place the

property in an administratorship. In that case the administrator's costs to correct the violations may become a property tax assessment against Defendant's property.

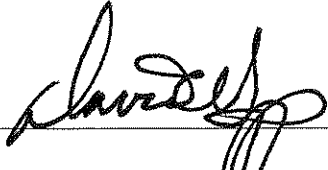
- b. Order that the administrator may receive funds made available for this by the federal or state governing body or the municipality to the extent necessary to cover the costs described in MINN. STAT. §504B.445, subd. 4(2) and pay for them from funds derived from this source.
 - c. A fine against Defendant in favor of Plaintiff under MINN. STAT. § 504B.391 of \$250 for the first violation, \$500 for the second violation, and \$750 for the third violation and subsequent violations.
- 8. Other relief the Court deems just and proper.
 - 9. Service of copies of this Order by United States mail shall constitute due and proper service upon the parties and proof thereof for all purposes.
 - 10. All other issues are reserved.

THERE BEING NO CAUSE FOR DELAY, LET JUDGMENT BE ENTERED FORTHWITH.

Order Approved by:

Dated:

June 27, 2012



Judge of District Court