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Moss & Barnett
A Professional Association

October 28, 2010

Mai Vang, Legal Assistant   **VIA FACSIMILE AND U.S. MAIL**
City of St. Paul
Office of the City Council
Legislative Hearings
310 City Hall, 15 West Kellogg Blvd.
St. Paul, MN 55102-1615

Re: Order to Repair <u>1456 Cohansey Street</u>
        Our File No. 51937.1

Dear Ms. Vang:

This law firm represents Richard Bednar, the owner of the above-referenced real property. I appeared with Mr. Bednar at the St. Paul City Council legislative hearing on October 12, 2010, before Legislative Hearing Officer Marcia Moermond. I am responding to your letter of October 15, 2010, regarding certain conditions with which Mr. Bednar must comply for a grant of time to rehabilitate his home.

With respect to the six conditions stated in your letter, let me report on the status of Mr. Bednar's compliance with each as follows:

1.   **[O]btain a code compliance inspection**

<u>Response</u>: Immediately following the October 12 legislative hearing, Mr. Bednar paid to the City of St. Paul the $486.00 inspection fee. A code compliance inspection of the home has been scheduled to commence on or after October 29, 2010.

2.   **[T]he $5,000 performance bond must be posted**

<u>Response</u>: Immediately following the October 12 legislative hearing, Mr. Bednar deposited $5,000 in cash with the City of St. Paul in lieu of a performance bond in that amount.

3.   **[P]rovide financial documentation indicating the ability to complete the repairs**

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Response: Attached to the enclosed Affidavit from Mr. Bednar is a letter from Bremer Bank confirming that Mr. Bednar has over $50,000 in cash on deposit in a dedicated account at the Bank.

4.   [P]rovide an affidavit dedicating the funds of $50,000 to $70,000 from an account for this project

Response: Enclosed is an Affidavit from Mr. Bednar stating that he has set aside $50,000 in cash, which is being maintained in a dedicated account at Bremer Bank for the rehabilitation of his home.

5.   [P]rovide a lockbox with the combination numbers

Response: As stated in his Affidavit, Mr. Bednar has purchased and installed a lock box and has provided the combination number to the City of St. Paul.

6.   [T]he property must be maintained

Response: As stated in his Affidavit, Mr. Bednar has been maintaining the property and will continue to do so.

In light of Mr. Bednar's compliance with all six conditions, we respectfully ask that the matter be continued to a later Legislative Hearing and City Council Public Hearing, thereby allowing time for a detailed rehabilitation plan to be prepared, based on the results of the code compliance inspection. The rehabilitation plan will include a projected budget and anticipated completion dates for each item to be detailed in the plan.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

John P. Boyle
Attorney At Law
P: (612) 877-5253
BoyleJ@moss-barnett.com
JPB/cjco
Enclosure
cc: Richard Bednar (w/ encl.)

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AFFIDAVIT OF RICHARD BEDNAR

Richard Bednar, being duly sworn on oath, states as follows:

1.   I am the owner of the real property located at 1456 Cohansey Street, St. Paul (the "Property").

2.   I offer this affidavit based on my own personal knowledge in response to a demand from the City of St. Paul that I rehabilitate the Property.

3.   On October 12, 2010, I attended a City of St. Paul legislative hearing regarding the Property. I was accompanied at the hearing by my attorney, John P. Boyle, of the law firm of Moss & Barnett, P.A., 90 South 7th Street, Suite 4800, Minneapolis, MN 55402.

4.   Immediately after the hearing, I posted $5,000 cash with the City of St. Paul, in lieu of a performance bond.

5.   That same day I also paid $486.00 to the City of St. Paul for the Code Compliance Inspection Fee. The inspections are scheduled to commence on October 29, 2010.

6.   On October 27, 2010, I installed a lockbox at the Property and provided the combination code to representatives of the City of St. Paul.

7.   I have hired a painting contractor, and I paid a down payment of $5,000. The painters are currently painting the house.

8.   I have dedicated an additional $50,000 in cash toward the rehabilitation of the Property. The funds are on deposit with Bremer Bank and are being kept in a separate account. Attached is a true and correct copy of a recent bank statement confirming the $50,000 on deposit. If the City of St. Paul needs an authorization to confirm directly with Bremer Bank that the funds are on deposit and available, I would be happy to provide such authorization.

9.   Based on the above actions, I have met the requirements necessary to obtain additional time to rehabilitate the Property. At the hearing on October 12, 2010, Marcia Moermond, the Legislative Hearing Officer, detailed those requirements, and they were summarized in a follow-up letter from Ms. Moermond's office.

10.   Once all the code compliance inspections are completed, and I have compiled a list of items that need to be remedied, I will submit to the City of St. Paul a detailed action plan explaining how each item will be addressed, giving an estimate of the costs, and providing a schedule for completion.

11.   In the meantime, the Property is being maintained, and I intend to continue to maintain the Property.
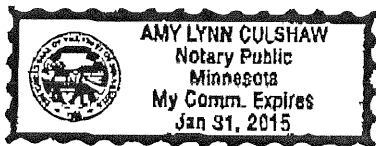
12.   I make this Affidavit in good faith and with the intention of complying with any reasonable directives from the City of St. Paul concerning rehabilitation of the Property.

FURTHER YOUR AFFIANT SAYS NOT.

Richard Bednar

SWORN TO BEFORE ME this
Oct day of ___27___, 2010.

NOTARY PUBLIC

AMY LYNN CULSHAW
Notary Public
Minnesota
My Comm. Expires
Jan 31, 2015

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BREMER

BANKING • INVESTMENTS • TRUST • INSURANCE

October 22, 2010

Richard A Bednar
229 E. Park St.
Owatonna, MN 55060

Account #972382

To Whom It May Concern,

Account number #972382 in the name of Richard Bednar has a balance in excess of $50,000 as of 10-22-2010.

Please feel free to contact me at 952-997-1310 with any questions.

Sincerely,

Gary A. Moore
Vice President

RECEIVED

OCT 2 2010

Moss & Barnett