

# NILVA & FRISCH, P. A.

PROFESSIONAL ASSOCIATION  
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Allen I. Nilva  
1911-1987

Morgan G. Okney

LAW OFFICE  
2350 West Seventh Street  
St. Paul, Minnesota 55116  
Tel: 651.690.1591  
Fax: 651.690.2613

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February 26, 2016

Tom Wybierala  
427 Whitall  
St. Paul, MN 55130

Mr. Wybierala,

I represent Phalen View Real Estate, LLC the owner of the lot of land at 419 Whitall St.. On February 24, 2016 my client was sent a letter from the city of St. Paul a copy of which is included with this letter. The city's letter was a fine and demand to remove certain vehicles, and trailers from the lot located at 419 Whitall. The vehicles in question are: 1) White Chevrolet Licence# 048-JNX; 2) A Maroon car License# 160-GXZ; 3) A White car with no license plates, and 4) A trailer being used as an improper storage container. It is our belief that some or all of these vehicles belong to you, or members of your household. The city's letter states if the items are not removed promptly the city will remove them and charge Phalenview Real Estate a special tax assessment for the costs of removal.

This letter is intended to offer you an opportunity to move the vehicles of your own accord and incur no further hardship. Should you fail to remove the vehicles in question within one week of this letter's date, or March 4, 2016, then we will have the vehicles in question towed. The towing will be done at the vehicle(s) owner(s)'s sole expense, not Phalenview Real Estate's.

If the city should remove the vehicles in question prior to either their rightful owner(s), or Phalenview, then Phalenview will demand the return of any costs assessed to Phalenview from the vehicle's owner(s).

At no point have you, any members of your household, or any other member of the public at large been given permission to park on the 419 Whitall lot. Going forward, any cars found parked on this lot will be towed at the owners' expense. To be perfectly clear, the city of St. Paul bans parking on residential lots outside of designated areas. It is in everyone's best interest to follow the city's instructions and cease and desist from parking on the lot in question, and remove the items currently there.

Additionally, it has come to our attention that some time on Feb. 8<sup>th</sup>, 2016 that someone dumped several truckloads worth of snow on the lot. After some investigation, we believe that members of your household were responsible for authorizing the snow dumping, and possibly participated in moving the snow. At no point has Phalenview granted anyone else the right to dump snow on its' property. Thus, any agreement to allow snow dumping is

void because no member of your household has the right to allow snow-dumping on Phalenview's property. Please inform the rest of your household that snow-dumping is strictly forbidden and any further acts will be met with a lawsuit. Any such lawsuit will seek damages including the profits generated from allowing the snow-dumping to occur.

Ignoring this letter and the accompanying city warning will likely only result in hardship for the owners of the vehicles in question. I strongly urge you to take whatever actions you can to solve the problem before Phalenview or the city act.

Very truly yours,

NILVA & FRISCH, P.A.

Morgan G. Okney

MGO/jmj  
Enc.