

# **James P. Westphal**

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November 5, 2017

MAI VANG  
LEGISLATIVE HEARING COORDINATOR  
310 CITY HALL 15 WEST KELLOGG BOULEVARD  
SAINT PAUL, MN 55102-1615

VIA EMAIL: [legislativehearings@ci.stpaul.mn.us](mailto:legislativehearings@ci.stpaul.mn.us)

Re: Appeal for Property at 631 Western Avenue

Dear Ms. Vang:

I have and thank you for your emailed letter of October 19, 2017. This letter is to confirm the corrective actions taken by my client in response to the purported condemnation of his residence at 631 Western Avenue, St. Paul, MN and which I submit as evidence for the hearing on November 7, 2017. Mr. Krein has worked incredibly hard the last two weeks to abate the conditions that were of concern and I verily believe that no reasonable person would believe his home is unfit for human habitation in its present condition and respectfully request that the order of condemnation be lifted so as to permit Mr. Krein to again reside at 631 Western Avenue.

As I indicated at the hearing on October 17, 2017, Mr. Krein is a 65-year-old honorably discharged Navy veteran. Due to a stroke he suffered a few years ago, Mr. Krein is disabled from his occupation as a tool maker living off of a modest disability policy and social security disability income for which I represented him. Like many disabled seniors in our community, Mr. Krein was in need of some home care assistance, mainly for his reduced vision due to diabetes and complications as a result of his stroke, for which he relied on his tenants and admittedly was not always well served.

To address this issue, I prepared a Notice of Termination of Tenancy and caused same to be served on all of his tenants (i.e. Mr. Sinnott and Mr. Thorne) which termination is effective on November 30, 2017. I have attached copies of the Notice and affidavits of personal service hereto. Said tenants have been diligently working to remove their belongings the last two weeks and should have no trouble meeting the November 30, 2017 deadline. While Mr. Krein is grateful to his former tenants for the help they have shown him over the years, I have explained to him and Mr. Krein acknowledges that the "crowd" his tenants associated with were not always

respectful in their interactions with the neighborhood e.g. friends of tenants working on vehicles, loud car stereos and generally “hanging out” way too much, which understandably caused concern. To ensure that this situation does not reoccur, I have lined up a responsible person in his neighborhood with experience in home health care who can assist Mr. Krein and enable him to reside in his home as he gets it ready to put on the market, hopefully in the Spring.

Despite his moderate health problems Mr. Krein is absolutely capable of living independently and it has been an immense hardship to Mr. Krein to impose on friends for a place to sleep the last two, going on three weeks. If Mr. Krein is to realize the equity from the sale of his residence, he cannot debt service his mortgage and pay rent, and pay for the improvements necessary to make the house marketable. There is also the issue of transportation which makes it difficult if not impossible for Mr. Krein to commute on a daily basis.

Mr. Krein has thoroughly cooperated in all respects since the condemnation order including paying for a large dumpster at his own expense, which he filled with the clutter that formerly was in his home. The home has been thoroughly cleaned and he has addressed and abated every item on the punch list provided by the inspector with the exception of the furnace which is being inspected on Tuesday, November 7 by a licensed contractor.

Late last week I contacted Inspector Lisa Martin in an attempt to schedule her reinspection but unfortunately, we did not get it coordinated. However, I was able to do two walk throughs of the residence on November 4 and 5, 2017 and am pleased to report that the home is certainly in a habitable condition as the attached photographs amply illustrate. On behalf of Mr. Krein and myself I greatly appreciate the opportunity you have given Mr. Krein to get his house in order and trust that once you have objectively considered his acknowledgement of problems in the past, his demonstrated hard work and thoughtful proposed solutions so this does not happen again in the future, that you will return this good person to his home.

Yours very truly,

James P. Westphal

JPW:sm  
Encs.

Christian T. Krein  
631 Western Avenue North  
ST PAUL MN 55103

**NOTICE OF TERMINATION OF MONTH TO MONTH TENANCY**

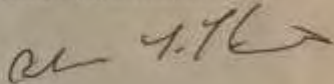
Mr. Patrick Sinnott  
631 Western Avenue North  
ST PAUL MN 55103

Mr. Myron Thorne  
631 Western Avenue North  
ST PAUL MN 55103

You are hereby given Notice that I am terminating any month to month tenancies of the premises located at 631 Western Avenue North, ST PAUL MN 55103. This termination is effective November 30, 2017.

You are hereby notified that on or above said date you shall vacate the premises free of all occupants and personal possessions. The premises should be returned in clean condition and free of excessive wear or damage.

3P  
Dated: October 3, 2017




\_\_\_\_\_  
Christian T. Krein

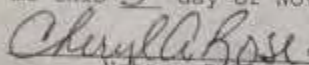
**AFFIDAVIT OF PERSONAL SERVICE**

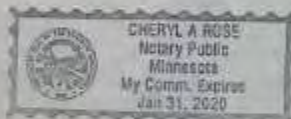
STATE OF MINNESOTA)  
                                  ) ss.  
COUNTY OF                 )

I, James Westphal, being duly sworn, state that on the 28th day of October, 2017, I served a true and correct copy of the **NOTICE OF TERMINATION OF MONTH TO MONTH TENANCY** upon Patrick Sinnott, by personally handing and leaving with said person at 631 Western Avenue North, ST PAUL MN 55103

  
James Westphal

Subscribed and sworn to before  
me this 3 day of November, 2017

  
Notary Public



**AFFIDAVIT OF PERSONAL SERVICE**

STATE OF MINNESOTA)

) ss.

COUNTY OF )

I, David Pinks, being duly sworn, state that on the \_\_\_\_ day of November, 2017, I served a true and correct copy of the **NOTICE OF TERMINATION OF MONTH TO MONTH TENANCY** upon Myron Thorne, by personally handing and leaving with said person at 631 Western Avenue North, ST PAUL MN 55103

\_\_\_\_\_  
David Pinks

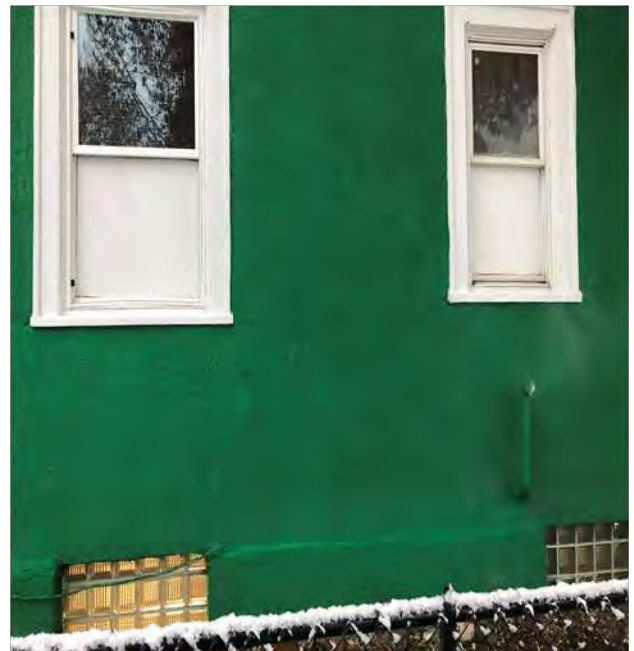
Subscribed and sworn to before  
me this \_\_\_\_ day of November, 2017

\_\_\_\_\_  
Notary Public



631 Western Ave

11/3/2017





631 Western Avenue

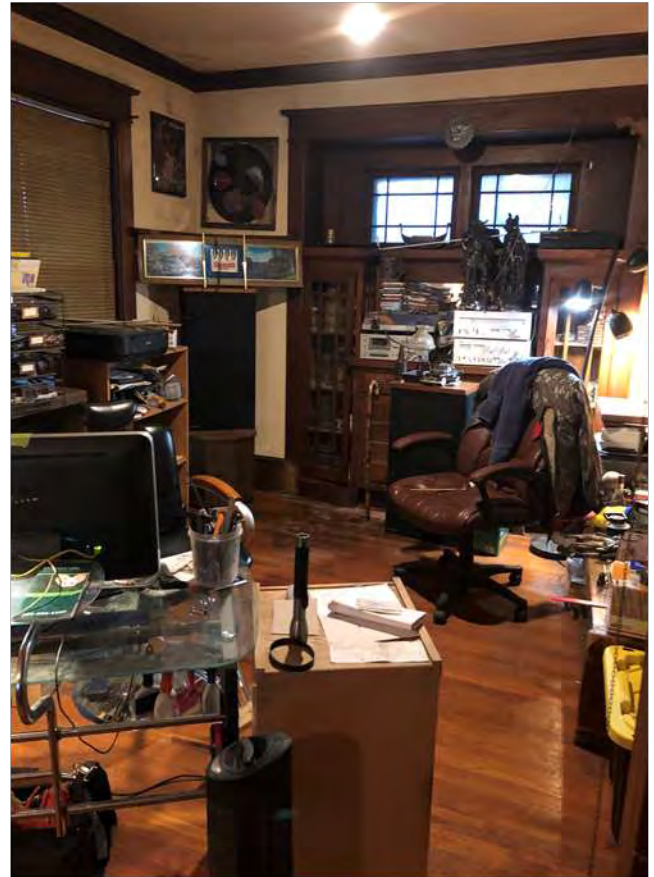
11/5/2017





## Appeal for Property at 631 Western Avenue

11/5/2017





**631 Western Avenue, St. Paul, MN**

**November 3 and 5, 2017**

