

## Vang, Mai (CI-StPaul)

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**From:** Magner, Steve (CI-StPaul)  
**Sent:** Tuesday, September 15, 2020 11:12 AM  
**To:** Moermond, Marcia (CI-StPaul)  
**Cc:** Sheffer, Vicki (CI-StPaul)  
**Subject:** FW: 1033 Galtier St.Flyckt Soczynski R-R Ltr.9-10-20

Marcia. We did mail to Deutsche Bank and it was returned. A skip trace is not part of our procedure and not required under the ordinance.



**Steve Magner**

**Code Enforcement Manager**

Department of Safety and Inspections

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**P:** 651-266-1928

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steve.magner@ci.stpaul.mn.us

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**From:** Erick Flyckt <Erick@uwlaw.com>  
**Sent:** Tuesday, September 15, 2020 10:20 AM  
**To:** Zimny, Joanna (CI-StPaul) <joanna.zimny@ci.stpaul.mn.us>; Adam Soczynski <Adam@uwlaw.com>; Moermond, Marcia (CI-StPaul) <marcia.moermond@ci.stpaul.mn.us>  
**Cc:** Magner, Steve (CI-StPaul) <steve.magner@ci.stpaul.mn.us>; Sheffer, Vicki (CI-StPaul) <vicki.sheffer@ci.stpaul.mn.us>; Soley, Reid (CI-StPaul) <reid.soley@ci.stpaul.mn.us>; Yannarely, Joe (CI-StPaul) <joe.yannarely@ci.stpaul.mn.us>  
**Subject:** RE: 1033 Galtier St.Flyckt Soczynski R-R Ltr.9-10-20

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

Good morning:

I had a chance to review the letter attached to your last email. Just to be clear, my firm does not represent Deutsche Bank National Trust Co. (hereafter Deutsche Bank) in this Substantial Abatement process at this time. I think we discussed this previously, but I wanted to clarify the issue in case there was any misunderstanding.

I also wanted to add my thoughts and suggestion that the Service of Notices and the potential Due Process deficiency goes back to the original Order to Abate Nuisance on June 19, 2020. When that Notice was sent, and the USPS returned the notice sent to Deutsche Bank, I think "reasonable efforts" were then required under the Ordinance to locate the correct address – to send the Order to Abate Nuisance. I did not see any evidence that efforts were made at that time. It is likely that a skip trace from Metro Services would have located the most recent address I forwarded to you. Searches of Government business registration systems on the State and Federal level may also be a reasonable step to take in the current digital age, and would have likely located the current address.

I also reviewed my title curative file for this property and recalled other information that may be helpful to you. In my litigation related to this property, I located more recent addresses for the owner, Philip Schloss. When my initial service came back "incomplete", I requested a skip trace and located the following address for Mr. Schloss.

Philip S. Schloss  
2981 Panamint Road  
Carson City, NV 89706

In my subsequent correspondence with Mr. Schloss, he provided the following mailing address that he preferred at that time:

Philip S. Schloss  
P.O. Box 10496  
Zephyr Cove, NV 89448

I would strongly recommend that you forward this file to your City Attorney's Office to review the issue of "Service" and whether your efforts to locate both Mr. Schloss and Deutsche Bank met a reasonableness standard required by the Ordinance. As I was able to locate the address rather quickly for Deutsche Bank in the national system that tracks such registrations, I would suggest that basic skip tracing services offered by organizations such as Metro Legal Services would have located this information, and would be a reasonable step to follow after receiving returned Service by the USPS. It may be that your files include your additional efforts to locate current addresses that were simply not included in the official record.

In any case, it would be prudent to ask your attorney's office to weigh in on this issue. They could provide analysis and advice related to the Ordinance requirements, your internal processes in this matter, and assess the potential risks if you proceed as is. They may find it necessary to start this one again, from the very beginning, to assure your actions on behalf of the city are unimpeachable. In any case, I leave this decision in your capable hands.

We will be closing this matter in my office, unless engaged by Deutsche Bank to address future issues and hearings.

Thank you,

Erick Flyckt, Esq.  
Usset, Weingarden & Liebo PLLP  
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Minneapolis, MN 55416  
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**From:** Zimny, Joanna (CI-StPaul) <[joanna.zimny@ci.stpaul.mn.us](mailto:joanna.zimny@ci.stpaul.mn.us)>  
**Sent:** Thursday, September 10, 2020 2:13 PM  
**To:** Erick Flyckt <[Erick@uwlaw.com](mailto:Erick@uwlaw.com)>; Adam Soczynski <[Adam@uwlaw.com](mailto:Adam@uwlaw.com)>  
**Cc:** Wagner, Steve (CI-StPaul) <[steve.magner@ci.stpaul.mn.us](mailto:steve.magner@ci.stpaul.mn.us)>; Sheffer, Vicki (CI-StPaul) <[vicki.sheffer@ci.stpaul.mn.us](mailto:vicki.sheffer@ci.stpaul.mn.us)>; Soley, Reid (CI-StPaul) <[reid.soley@ci.stpaul.mn.us](mailto:reid.soley@ci.stpaul.mn.us)>; Yannarely, Joe (CI-StPaul) <[joe.yannarely@ci.stpaul.mn.us](mailto:joe.yannarely@ci.stpaul.mn.us)>  
**Subject:** 1033 Galtier St.Flyckt Soczynski R-R Ltr.9-10-20

Attached please find a letter regarding the above matter.

Thank you,  
Joanna



**Joanna Zimny**

***Executive Assistant***

City Council Legislative Hearings

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