

STATE OF MINNESOTA
COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT COURT
FIRST DIVISION, MINNEAPOLIS

Lovail Jankord
Clement Jankord,

Case No. UD-1950606524

Plaintiffs/Landlords,

vs.

DECISION AND ORDER

Senaca Thompson,

Defendant/Tenant.

The above-entitled matter came on for hearing before the Honorable Linda J. Gallant, Housing Court Referee, on June 26, 1995.

Plaintiffs, Lovail and Clement Jankord, appeared pro se. Plaintiffs' address is Number B29, 1660 South Highway 100, St. Louis Park, Minnesota 55416.

Kristin A. Siegesmund, Attorney at Law, Legal Aid Society of Minneapolis, Suite 300, 430 First Avenue North, Minneapolis, Minnesota 55401-1780, appeared for and on behalf of Defendant, who was also present.

Based upon the evidence adduced, the arguments presented, and all the files, records, and proceedings, the Court makes the following:

FINDINGS OF FACT

1. Plaintiffs are the owners of the premises located at 3823 Lake Drive, Upper, Robbinsdale, Hennepin County, Minnesota.

2. Defendant rents the premises pursuant to a Section 8 Assisted Lease. Monthly rent is \$689, paid for in part by the Metropolitan HRA and in part by the Defendant.

3. Pursuant to applicable federal regulations and the parties' lease, the Defendant can be evicted for "good cause" based on "a Tenant family history of disturbance of neighbors or....living or housekeeping habits resulting in damage." Defendant can also be evicted for serious or repeated lease violations. Exhibit 1, p. 2, Nos. 17 and 18.

4. The Defendant's downstairs neighbor complains of excessive noise from Defendant's unit. The Defendant has three children, ages three, five and eleven. The children cause the usual amount of noise in an apartment.

5. Defendant's boyfriend parked the cab unit of his over-the-road truck in the building parking lot during 1994. Later, the truck was parked nearby and in the neighboring church parking lot.

6. Another neighbor testified that Defendant's boyfriend has never threatened and/or given him reason to be intimidated. There was no other evidence of intimidation by Defendant's boyfriend.

7. On at least two occasions, Defendant has failed to timely bring her garbage to the appropriate spot.

From the foregoing Findings of Fact, the Court makes the following:

CONCLUSIONS OF LAW

1. Plaintiffs have failed to prove by a preponderance of the evidence that Defendant and/or her family have a history of disturbing other tenants, either by noise, disturbing garbage collection habits, or other behaviors.

Now, therefore,

IT IS HEREBY ORDERED:

1. Restitution of the premises to Plaintiffs is denied.
2. Judgment shall be and hereby is entered for the Defendant.
3. The attached Memorandum is incorporated here and made a part of this Order.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: June 26, 1995

Referee Linda J. Gallant
Housing Court Referee

Dated: June 26, 1995

Judge of District Court

MEMORANDUM

It is this Court's view that the disputes between the Defendant and her family and friends, and Ms. Isensee and

her family and friends, is a dispute best dealt with through neighborhood mediation. The Court suggests that the parties, and Ms. Isensee, seek such assistance.

LJG