

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

CASE TYPE - Other Civil

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Central Area Neighborhood Development Organization, (d/b/a CANDO), a Minnesota non-profit corporation; Brian Finstad; Donna Fletcher; Willie Hopkins; Shad Challis; Saeed Jama; Nicole Alonda; Fozia Ali; Lala Abo; Rigo Dominguez; Alberto Becerra; Ester Cruz; Antony Ware; Vicky Gellego; Richard Niders; Debra Wesley; Fausto Santos-Garcia; Porbooautt Ryoou; and Phillip Daye,

Plaintiffs,

vs.

**COMPLAINT**

GMAC Mortgage LLC,  
a Delaware Corporation,

Case No. \_\_\_\_\_

Defendant.

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Plaintiffs above-named, for their Complaint against above-named Defendant, state and allege as follows:

### **I. INTRODUCTION**

1. This is an action for injunctive and equitable relief to prevent Defendant GMAC Mortgage, LLC from creating a nuisance to Plaintiffs' community and neighborhood by evicting their neighbor Rosemary Williams from her home on the 3100 block of Clinton Avenue South in Minneapolis, Minnesota. Numerous home foreclosures and evictions have ravaged the quality of life for Plaintiffs.

Defendant GMAC is currently attempting to evict Rosemary Williams from her home where she has lived for 23 years. If successful, GMAC will replace a stable and productive community member with another vacant home, thereby creating a nuisance for Plaintiffs. Plaintiffs pursue a statutory nuisance action pursuant to Minn. Stat. § 563.01 et seq., as well as under any applicable common law or equitable authority.

## **II. THE PARTIES**

2. Plaintiff Central Area Neighborhood Development Organization (“CANDO”), a Minnesota non-profit corporation, is the official neighborhood organization of the Central Neighborhood in south Minneapolis. Its mission, in relevant part, includes promoting neighborhood livability and stability. CANDO is governed by and represents people who live and work in the Central Neighborhood. Its office and place of business is located in Minneapolis, Hennepin County, Minnesota.
3. Plaintiff Brian Finstad is a member of the board of directors of CANDO and the leader of the block club that includes the area where Rosemary Williams currently lives. He also lives on the same 3100 block of Clinton Avenue where Rosemary Williams lives. He will suffer harm to his health and safety and to the comfortable enjoyment of life and property if Rosemary Williams is evicted by Defendant and her house becomes vacant.
4. Plaintiffs Donna Fletcher; Willie Hopkins, Shad Challis, Saeed Jama, Nicole

Alonda, Fozia Ali, Lala Abo, Rigo Dominguez, and Alberto Becerra, Ester Cruz, and Antony Ware are all residents on the 3100 block of Clinton Avenue in Minneapolis. These Plaintiffs will all suffer harm to their health and safety, their senses, and to the comfortable enjoyment of life and property if Rosemary Williams is evicted by Defendant and her house becomes vacant.

5. Phillip Daye, Debra Wesley, Richard Niders, and Porbooaatt Ryoou reside one block to the south and within several houses of Rosemary Williams . Vicky Gellego and Richard Niders reside one block to the north and within several houses of Rosemary Williams. These Plaintiffs will all suffer harm to their health and safety, their senses, and to the comfortable enjoyment of life and property if Rosemary Williams is evicted by Defendant and her house becomes vacant.
6. Defendant GMAC Mortgage, LLC, a Delaware Corporation, is a subsidiary of GMAC LLC, one of the largest financial services companies in the world. GMAC Mortgage is engaged in real-estate transactions around the country. GMAC claims to be the owner of the foreclosed house at 3138 Clinton Avenue South that previously belonged to Rosemary Williams. GMAC entered into a transaction to purchase the property from another seller that had purchased the property at Sheriff's sale. GMAC is acting without regard to the health and safety or living conditions of the community that it seeks to exploit for its own profit. Upon information and belief, GMAC is receiving federal government subsidies of

billions of dollars under the guise of helping homeowners facing foreclosure, but is using the funds merely for its own financial interests.

### **III. FACTUAL BACKGROUND**

7. Plaintiffs' neighbor Rosemary Williams has lived on the 3100 block of Clinton Avenue South for 55 years since she was a small girl. She has lived her current house on 3138 Clinton Avenue for 23 years. Ms. Williams is a pillar of the community. She is acquainted with the neighbors, looks out for children in the neighborhood and picks up litter.
8. Ms. Williams was unable to continue to make her mortgage payment when her adjustable rate from a predatory lender caused her monthly payments to almost double. Her house was foreclosed. After it was sold at a sheriff's sale, Defendant GMAC Mortgage purchased Williams' property. GMAC has now brought an eviction proceeding against Mr. Williams which is currently pending in Hennepin County Housing Court, Court File No. HC09-2839.
9. The Central Neighborhood has suffered greatly from foreclosure during the past few years. The 3100 block has also been hit hard by foreclosures. Multiple houses on this block have been foreclosed. There are currently three houses that are boarded up and vacant, and several additional vacant houses.
10. Vacant houses resulting from foreclosures cause tremendous problems for the neighborhood. Financial companies that own the vacant foreclosed houses do not

provide appropriate security and care for the property. The houses are often occupied by drug dealers and prostitutes. They are stripped of copper and architectural elements, thereby making them even more unmarketable and further reducing the value of neighboring properties. Vacant properties on the 3100 block of Clinton Avenue are covered with graffiti, including gang graffiti. The properties have been covered with overgrown weeds and littered with trash. They are used as sites for illegal dumping of tires, furniture, televisions and other objects. As a result of their the properties being used for illegal activities, the properties and surrounding sidewalks are often littered with needles from drug users and used condoms from prostitution. Squatters who occupy vacant houses with no running water have thrown their human waste in the yard. Drug dealing, shootings, and violent crime are commonly associated with these vacant properties.

11. If Rosemary Williams is evicted from her home, her property is certain to attract similar destructive activities and result in further increases in crime on the block, while destroying any chances of neighbors and community organizations to stabilize the neighborhood and make it livable.
12. The eviction of Ms. Williams from her home will cause Plaintiffs to suffer from conditions injurious to their health, indecent and offensive to the senses, and an obstruction to their free use of property, so as to interfere with the comfortable enjoyment of life and property. GMAC's actions threaten to cause a nuisance to

Plaintiffs.

#### **IV. CAUSE OF ACTION - NUISANCE**

13. Plaintiffs hereby reallege and incorporate by reference all allegations contained within Paragraphs 1 through 12 of this Complaint.
14. Defendant GMAC Mortgage, LLC, by evicting Rosemary Williams, is causing a nuisance to Plaintiffs in violation of Minn. Stat. § 561.01 and applicable common law.
15. Pursuant to Minn. Stat. § 561.01, Plaintiffs are entitled to and request an injunction to prevent Defendant from evicting of Rosemary Williams, and thereby prevent or abate the nuisance.

#### **V. RELIEF REQUESTED**

WHEREFORE, Plaintiffs pray that the Court grant judgment in their favor as follows:

1. Enjoin Defendant from proceeding with its action for eviction of Rosemary Williams, or obtaining or executing any writ of restitution against her.
2. Award Plaintiffs their costs and disbursements herein.

3. For such other and further relief as the Court may deem just and proper.

Dated: May 19, 2009

LAW OFFICE OF JORDAN S. KUSHNER

By \_\_\_\_\_  
Jordan S. Kushner, ID 219307  
Attorney for Plaintiffs  
431 South 7th Street, Suite 2446  
Minneapolis, Minnesota 55415  
(612) 288-0545

DE LEON & NESTOR, LLC

By \_\_\_\_\_  
Bruce Nestor, ID 0318024  
Attorney for Plaintiffs  
3547 Cedar Avenue South  
Minneapolis, MN 55407  
612-659-9019