

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT
CIVIL DIVISION

CENTRAL AREA NEIGHBORHOOD)
DEVELOPMENT ORGANIZATION)
("CANDO"), a Minnesota non-profit)
corporation, et. al.,)
)
Plaintiffs,)
vs.)
)
GMAC Mortgage LLC, a Delaware)
Corporation ("GMAC"),)
)
Defendant.)

No. _____

AFFIDAVIT OF
BRIAN FINSTAD

COUNTY OF HENNEPIN)
) ss:
STATE OF MINNESOTA)

I, Brian Finstad, being duly sworn on oath, hereby state and affirm as follows:

1. I am a resident of Minneapolis, MN, and live in a house I own at 3101 Clinton Avenue South. One of my neighbors is Rosemary Williams, who lives across the street at 3138 Clinton Avenue South, and who I have known since shortly after I moved to the neighborhood in December of 2006. I am the block leader for my block group and a board member of the Central Area Neighborhood Development Organization. I am 31 years old and employed as a vocational rehabilitation consultant.
2. Our block has been particularly hard hit by the foreclosure crisis. Houses on the block that that I am aware have been foreclosed upon include 3109 Clinton, 3115 Clinton, 3121 Clinton, 3133 Clinton, 3141 Clinton, and 3138 Clinton. There are three houses on our block alone that are vacant and boarded up, and four additional houses

that are vacant. Of the houses that have been vacant since I started living on the block in December of 2006, only the one at 3141 Clinton Avenue South has become occupied.

3. The location of our block is very close in proximity to Lake Street and the exit from Interstate-35W. This area has long been known for crack dealing and prostitution. It is the absolute worst area for houses to sit vacant, much less such a concentration of them. When houses go vacant, and before neighbors are even aware, there are squatters in the houses. Houses have been stripped of copper and architectural elements. These are features that makes a home attractive for future buyers and attract stable home owners. There was Sureno 13 (a south Minneapolis gang) graffiti in 3109. The garage at 3115 was taken over and lived in by a number of prostitutes, some of them underage. They would party in the streets and it was hard to sleep due to the yelling, whistling, etc. going on all night. I would find needles and used condoms on the side walks where the children would play.
4. Banks have done a poor job of maintaining the vacant, foreclosed properties. They were continuously overgrown with weeds, hit with graffiti, strewn with litter, and became sites for illegal dumping of tires, couches, old TV's, etc. At 3121 Clinton Avenue, the squatters were (as there was no running water) defecating into plastic shopping bags and simply throwing them out the windows. I didn't realize it was going on until I discovered the side yard full of bags of feces. There is a Vietnamese family who live right next door to this house. I talked with the husband and they had been aware but were literally terrified of these people and in their culture, they tend not to call the police. This family also has two young children. Windows were

busted out. The hedge at 3133 became so overgrown that it created a perfect area of protection to conceal illegal activity. When things really got bad is when we started hearing gun shots at night. Rosemary's window got shot out and the neighbors cut down all of the vegetation at 3133 to help improve the safety of her location. It became almost like another full time job doing building checks, picking up garbage, trying to promote these houses to anyone I could think of, cutting down the overgrown vegetation, calling 911, organizing residents, attempting to contact the banks (I soon gave up on that - impossible to find a responsible party), and trying to follow the prostitutes and dealers to see which vacant house they were headed to.

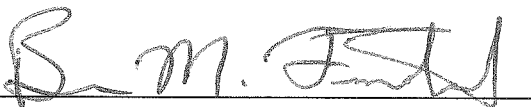
5. I have bought chains and padlocks with my own money to lock up as many gates and doors as I could. The police could not legally enter a building unless it was unsecured. Some houses still had working locks on the doors and they would have a "watch" person to lock the door if the police arrived. One house, people were fed up enough that a person took a splitting maul and busted down the front door, called back to 911 and reported the building as "unsecured." That house has not been squatted in since.
6. So far in this affidavit, I am only talking about the 3100 block of Clinton. Many of the surrounding have similar activity going on. On some days, I have made over twenty 911 calls per day and stayed up until 2 or 3 AM just so somebody would be witnessing and reporting all of the illegal activity. Responding to the problems created by these vacant houses, and the related crime, has taken a toll on my health, my job performance, my finances, and my relationship.

7. The city's response has felt like "going through the motions" of taking and responding to our calls with little real change. Until we got very loud and angry, started demanding some attention, and organized all of the 3000 and 3100 blocks of Clinton, 3rd Avenue, and 2nd Avenue, we got little response. We started email strings about the activity going on here and "cc'd" them to all of the "who's who" we knew in the city. Next thing you know we had an intense police presence, the under cover guys were working our area, we had the city attorney meet with us to identify mug shots of who the most problem characters were, and the problem properties officer was daily checking the boarded buildings in our area. Things have improved since then, but the amount of time and resources has been intensive to say the least.
8. It is apparent that there are more stakeholders affected by the outcome of Rosemary's eviction than just Rosemary and her bank. We ALL will be affected. I don't see how an unoccupied property on this block could not become a nuisance property. There is no possible way a bank can control a house if it is unoccupied when we as vigilant neighbors and the MPD can barely keep a handle on it ourselves. There would need to be someone present at all times - in other words "occupied."
9. I understand the argument that someone in a foreclosure situation could possibly "retaliate" upon by bank by damaging the property; however, this would not be the case with Rosemary. I have known Rosemary to be a very loving, civic minded individual who loves her community. Just the other day I saw her out picking up litter on block. She has served on the board of the neighborhood organization preceding CANDO and she maintains her house and property well. She has a long history here

and does not want to see her home or neighborhood "trashed" any more than it already is.

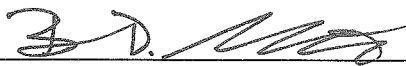
10. On the other hand, vacancy is sure to result in a "trashed" property. Why would it not when that has happened to every other property on the block. Now that the architectural antiques are stripped, copper stolen, pipes frozen and burst, it is graffiti covered, and windows are broken out, I would be surprised if the house at 3115 Clinton Avenue will sell for anything over \$40,000.00. That was the most prized home on our block. It was valued in 2008 at \$250,000.00. I know values have dropped - but not that much. That is directly a result of everything I have mentioned above. A historic home nearby on 2nd Avenue that was valued at \$287,000 just sold for \$31,000. That is how bad property values are being affected.

FURTHER, the affiant sayeth not.


Brian M. Finstad

5/19/09
Date

Sworn and subscribed to before me by Brian Finstad this 19th day of May, 2009.


Notary Public, State of Minnesota

