

STATE OF MINNESOTA

**FILED**

DISTRICT COURT

COUNTY OF SCOTT

**MAR 14 2008 A**

FIRST JUDICIAL DISTRICT

**SCOTT COUNTY COURTS**

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In re Parish Marketing and  
Development Corporation Mechanic's  
Lien Foreclosure Litigation

Court File No.: 70-CV-08-5027

Judge: Jerome B. Abrams

**ORDER NUMBER 4**

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The above-captioned matter came on for hearing before the undersigned judge of the Scott County District Court, on March 7, 2008, at 9:00 a.m., upon Plaintiff's Motion to Stay Sheriffs' sales.

Plaintiffs were represented by the firm of Madigan, Dahl and Harlan, PA, attorney Jon R. Steckler appearing. Lien claimant Minnesota Concrete Structures, LLC, was represented by counsel, Richard Gabriel. Defendant Assured Financial, LLC, was represented by Katherine Melander and Bradley N. Beisel. Bradley N. Beisel appeared on behalf of various Defendants as listed, and regarding the properties noted, in the Appendix to the Memorandum submitted on behalf of Mr. Beisel's clients in this matter. Defendants Jennifer Lake and Chris Bentson were represented by Bradley D. Hendrickson. There was no appearance by or on behalf of any other Defendants.

Upon review of Plaintiffs' Notice of Motion and Motion, supporting documents, and upon all of the files, record, filings and argument in opposition, and proceedings in this matter, and the Court being otherwise fully advised in the premises, the Court makes the following Memorandum and Order.

## MEMORANDUM AND ORDER

1. Plaintiffs have commenced legal actions to foreclose on mechanic's liens on 49 properties herein. All such actions have been consolidated in this Court.

2. On February 14, 2008, by Order of the Supreme Court of the State of Minnesota, this Court was vested with jurisdiction over all actions commenced by Plaintiffs, as well as "all matters \* \* \* in the cases involving mechanic's lien foreclosures against homes built or marketed by Parish Marketing and Development Corporation currently pending in the Minnesota state district courts and any similar actions that may be filed in the Minnesota state courts in the future."

3. Since the date of the Order of the Supreme Court herein mentioned, numerous cases have been identified as matters "involving mechanic's lien foreclosures against homes built or marketed by parish marketing and Development Corporation."

4. Plaintiffs allege that their mechanic's liens are prior to and thus have priority over any lien interest of Defendants.

5. Plaintiffs allege that numerous mortgages pursuant to which Defendants seek to sell properties through foreclosure are void *ab initio*, or otherwise invalid, as procured through fraud and/or forgery.

6. Defendant Assured Financial, LLC, has given Notice of Foreclosure Sales of the properties identified in Exhibit A incorporated by reference and attached herein.

7. Assured Financial, LLC's mortgages appear to be construction mortgages only.

8. Parish Marketing and Development Company is listed as the owner of record or holder of the last-conveyed Warranty Deed of or for all properties herein which Assured Financial, LLC seeks to sell through foreclosure.

9. Plaintiffs have not established, as yet, that any of the construction mortgages held by Assured Financial, LLC were procured by or otherwise connected to the fraud perpetrated by Parish Marketing and Development Corporation and others.

10. There are numerous properties herein which are encumbered by “end-loan mortgages,” held by various lending institutions other than Assured Financial, LLC, given by various individuals. There remains an open question as to the validity of all or some of these mortgages. These properties include, but are not limited to those listed in Exhibit B which is attached and hereby incorporated by reference.

11. There is an open question as to priority of interest as to lienholders relative to the properties herein, and no determination as to priority is made at this time.

12. There is an open question as to the validity of the “end-loan” mortgages encumbering the properties, including but not limited to those identified in Addendum A hereto, held by lenders other than Assured Financial, LLC.

13. This Court retains jurisdiction over any property herein which is sold through foreclosure and may invoke equitable and/or legal jurisdiction in order to intervene in or set aside any such sale on a property which may later be determined to this Court’s satisfaction to be the subject of fraud, fraudulent mortgage practices, fraudulent or invalid financing, or fraudulent conveyance.

Based upon the foregoing, **IT IS HEREBY ORDERED:**

1. Foreclosure sales on the properties encumbered by Assured Financial, LLC’s construction mortgages for which Assured Financial, LLC, has given proper Notice of Foreclosure Sale, those properties identified in Exhibit A, attached to this Order and incorporated by reference, may proceed.

2. All foreclosure sales on any and all properties herein, including but not limited to those identified in Exhibit B, attached to this Order and incorporated by reference,, which are encumbered by mortgages other than Assured Financial, LLC's construction mortgages shall be stayed.

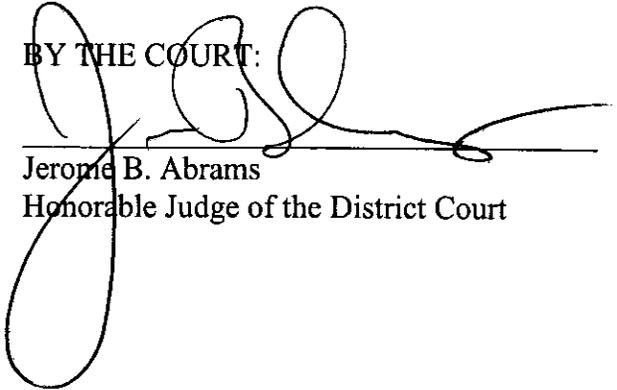
3. Any and all applications to reduce the redemption period pursuant to Minn. Stat. § 582.032, following foreclosure sale of any property subject to this Court's jurisdiction pursuant to the Supreme Court's Order dated February 14, 2008, shall be made to this Court.

*This is an Order only  
and Judgment is not to be entered.  
JBA 3/13/08*

~~LET JUDGMENT BE ENTERED ACCORDINGLY, FORTHWITH~~

Dated: 3/13/08

BY THE COURT:



Jerome B. Abrams  
Honorable Judge of the District Court

EXHIBIT A

1. File Name: Parish Marketing and Development
2. Scott County Court File No.: 70-CV-07-29842
3. Legal Description: Lot 2, Block 4, Rowena Ponds 2<sup>nd</sup> Addition, Scott County
4. Address: 502 Saxon Drive, New Market
5. Foreclosure Sale Date: March 18, 2008
6. Redemption Period: 6 months
7. Redemption Period Expires: September 18, 2008

1. File Name: Parish Marketing and Development Corp.
2. Scott County Court File No.: 70-CV-07-29820
3. Legal Description: Lot 4, Block 4, Rowena Ponds 2<sup>nd</sup> Addition, Scott County
4. Address: 506 Saxon Drive, New Market,
5. Foreclosure Sale Date: March 18, 2008
6. Redemption Period: 6 months
7. Redemption Period Ends: September 18, 2008

1. File Name: Parish Marketing and Development Corp.
2. Scott County Court File No.: 70-CV-07-29632
3. Legal Description: Lot 14, Block 4, Rowena Ponds 2<sup>nd</sup> Addition, Scott County
4. Address: 607 Cedric Lane, New Market
5. Foreclosure Sale Date: March 18, 2008
6. Redemption Period: 6 months
7. Redemption Period Expires: September 18, 2008

1. File Name: Parish Marketing and Development Corp.
2. Scott County Court File No.: 70-CV-07-30179
3. Legal Description: Lot 9, Block 1, Rowena Ponds 2<sup>nd</sup> Addition, Scott County
4. Address: 473 Rowena Curve, New Market
5. Foreclosure Sale Date: March 18, 2008
6. Redemption Period: 6 months
7. Redemption Period Expires: September 18, 2008

1. File Name: Parish Marketing and Development Corp.
2. Scott County Court File No.: 70-CV-07-29591
3. Legal Description: Lot 1, Block 3, Rowena Ponds 2<sup>nd</sup> Addition, Scott County
4. Address: 501 Saxon Drive, New Market
5. Foreclosure Sale Date: March 18, 2008
6. Redemption Period: 6 months
7. Redemption Period Expires: September 18, 2008

1. File Name: Parish Marketing and Development Corp.
2. Scott County Court File No.: 70-CV-07-29809
3. Legal Description: Lot 4, Block 3, Rowena Ponds 2<sup>nd</sup> Addition, Scott County
4. Address: 507 Saxon Drive, New Market
5. Foreclosure Sale Date: March 20, 2008
6. Redemption Period: 6 months
7. Redemption Period Expires: September 20, 2008

1. File Name: Parish Marketing and Development Corp.
2. Scott County Court File No.: 70-CV-07-29790
3. Legal Description: Lot 6, Block 3, Rowena Ponds 2<sup>nd</sup> Addition, Scott County
4. Address: 511 Saxon Drive, New Market
5. Foreclosure Sale Date: March 20, 2008
6. Redemption Period: 6 months
7. Redemption Period Expires: September 20, 2008

1. File Name: Parish Marketing and Development Corp.
2. Scott County Court File No.: 70-CV-07-29788
3. Legal Description: Lot 7, Block 4, Rowena Ponds 2<sup>nd</sup> Addition, Scott County
4. Address: 512 Saxon Drive, New Market
5. Foreclosure Sale Date: March 20, 2008
6. Redemption Period: 6 months
7. Redemption Period Expires: September 20, 2008

1. File Name: Parish Marketing and Development Corp.
2. Scott County Court File No.: 70-CV-07-29777
3. Legal Description: Lot 9, Block 4, Rowena Ponds 2<sup>nd</sup> Addition, Scott County
4. Address: 516 Saxon Drive, New Market
5. Foreclosure Sale Date: March 20, 2008
6. Redemption Period: 6 months
7. Redemption Period Expires: September 20, 2008

1. File Name: Parish Marketing and Development Corp.
2. Scott County Court File No.: 70-CV-07-29630
3. Legal Description: Lot 12, Block 4, Rowena Ponds 2<sup>nd</sup> Addition, Scott County
4. Address: 611 Cedric Lane, New Market
5. Foreclosure Sale Date: March 20, 2008
6. Redemption Period: 6 months
7. Redemption Period Expires: September 20, 2008

1. File Name: Parish Marketing and Development Corp.
2. Scott County Court File No.: 70-CV-07-29846
3. Legal Description: Lot 2, Block 1, Rowena Ponds 2<sup>nd</sup> Addition, Scott County
4. Address: 497 Rowena Curve, New Market
5. Foreclosure Sale Date: March 25, 2008
6. Redemption Period: 6 months
7. Redemption Period Expires: September 25, 2008

1. File Name: Parish Marketing and Development Corp.
2. Scott County Court File No.: 7-CV-07-30196
3. Legal Description: Lot 14, Block 1, Rowena Ponds 2<sup>nd</sup> Addition, Scott County
4. Address: 463 Rowena Ponds, New Market
5. Foreclosure Sale Date: March 25, 2008
6. Redemption Period: 6 months
7. Redemption Period Expires: September 25, 2008

1. File Name: Parish Marketing and Development Corp.
2. Scott County Court File No.: 70-CV-07-29619
3. Legal Description: Lot 10, Block 4, Rowena Ponds 2<sup>nd</sup> Addition, Scott County
4. Address: 615 Cedric Lane, New Market
5. Foreclosure Sale Date: March 25, 2008
6. Redemption Period: 6 months
7. Redemption Period Expires: September 25, 2008

1. File Name: Parish Marketing and Development Corp.
2. Scott County Court File No.: 70-CV-07-30215
3. Legal Description: Lot 9, Block 2, Rowena Ponds 2<sup>nd</sup> Addition, Scott County
4. Address: 446 Knights Road, New Market
5. Foreclosure Sale Date: March 25, 2008
6. Redemption Period: 6 months
7. Redemption Period Expires: September 25, 2008

1. File Name: Parish Marketing and Development Corp.
2. Scott County Court File No.: 70-CV-07-29838
3. Legal Description: Lot 3, Block 4, Rowena Ponds 2<sup>nd</sup> Addition, Scott County
4. Address: 504 Saxon Drive, New Market
5. Foreclosure Sale Date: March 25, 2008
6. Redemption Period: 6 months
7. Redemption Period Expires: September 25, 2008

1. File Name: Parish Marketing and Development Corp.
2. Scott County Court File No.: 70-CV-07-30234
3. Legal Description: Lot 19, Block 3, The Farm Second Addition, Scott County
4. Address: 1521 Anna Street, New Market
5. Foreclosure Sale Date: April 3, 2008
6. Redemption Period: 6 months
7. Redemption Period Expires: October 3, 2008

1. File Name: Parish Marketing and Development Corp.
2. Scott County Court File No.: 70-CV-07-30227
3. Legal Description: Lot 2, Block 6, The Farm Third Addition, Scott County
4. Address: 3089 Aaron Drive, New Market
5. Foreclosure Sale Date: April 3, 2008
6. Redemption Period: 6 months
7. Redemption Period Expires: October 3, 2008

1. File Name: Parish Marketing and Development Corp.
2. Scott County Court File No.: 70-CV-07-30219
3. Legal Description: Lot 2, Block 5, The Farm Third Addition, Scott County
4. Address: 3177 Aaron Drive, New Market
5. Foreclosure Sale Date: April 3, 2008
6. Redemption Period: 6 months
7. Redemption Period Expires: October 3, 2008

1. File Name: Parish Marketing and Development Corp.
2. Scott County Court File No.: 70-CV-07-30221
3. Legal Description: Lot 3, Block 5, The Farm Third Addition, Scott County
4. Address: 3175 Aaron Dr., New Market
5. Foreclosure Sale Date: April 3, 2008
6. Redemption Period: 6 months
7. Redemption Period Expires: October 3, 2008

1. File Name: Parish Marketing and Development Corp.
2. Scott County Court File No.: 70-CV-07-30229
3. Legal Description: Lot 13, Block 7, The Farm Third Addition, Scott County
4. Address: 3076 Aaron Drive, New Market
5. Foreclosure Sale Date: April 3, 2008
6. Redemption Period: 6 months
7. Redemption Period Expires: October 3, 2008

1. File Name: Parish Marketing and Development Corp.
2. Scott County Court File No.: 70-CV-07-30231
3. Legal Description: Lot 14, Block 7, The Farm Third Addition, Scott County
4. Address: 3074 Aaron Drive, New Market
5. Foreclosure Sale Date: April 3, 2008
6. Redemption Period: 6 months
7. Redemption Period Expires: October 3, 2008

1. File Name: Parish Marketing and Development Corp.
2. Le Sueur County Court File No.: 40-CV-07-1234
3. Legal Description: Lot 25, Block 1, Prague Estates Eighth Addition, Le Sueur County
4. Address: 1413 12<sup>th</sup> St. SE, New Prague
5. Foreclosure Sale Date: April 23, 2008
6. Redemption Period: 6 months
7. Redemption Period Expires: October 23, 2008

1. File Name: Parish Marketing and Development Corp.
2. Le Sueur County Court File No.: 40-CV-07-1236
3. Legal Description: Lot 13, Block 2, Prague Estates Seventh Addition, Le Sueur County
4. Address: 1108 Horseshoe Lane, New Prague
5. Foreclosure Sale Date: April 23, 2008
6. Redemption Period: 6 months
7. Redemption Period Expires: October 23, 2008

1. File Name: Parish Marketing and Development Corp.
2. Le Sueur County Court File No.: 40-CV-07-1240
3. Legal Description: Lot 5, Block 3, Prague Estates Seventh Addition, Le Sueur County
4. Address: 1108 9th St. SE, New Prague
5. Foreclosure Sale Date: April 23, 2008
6. Redemption Period: 6 months
7. Redemption Period Expires: October 23, 2008

1. File Name: Parish Marketing and Development Corp.
2. Rice County Court File No.: 40-CV-07-4398
3. Legal Description: Lot 2, Block 3, Willow Creek Ponds, Rice County
4. Address: 926 Bluff Heights Dr. SE, Lonsdale
5. Foreclosure Sale Date: April 9, 2008
6. Redemption Period: 6 months
7. Redemption Period Expires: October 9, 2008

1. File Name: Parish Marketing and Development Corp.
2. Rice County Court File No.:
3. Legal Description: Lot 3, Block 3, Willow Creek Ponds, Rice County
4. Address: 930 Bluff Heights Dr. SE, Lonsdale
5. Foreclosure Sale Date: April 9, 2008
6. Redemption Period: 6 months
7. Redemption Period Expires: October 9, 2008

1. File Name: Parish Marketing and Development Corp.
2. Rice County Court File No.: 66-CV-07-4398
3. Legal Description: Lot 1, Block 3, Willow Creek Heights 3<sup>rd</sup> Addition, Rice County
4. Address: 332 16<sup>th</sup> Avenue SE, Lonsdale
5. Foreclosure Sale Date: April 9, 2008
6. Redemption Period: 6 months
7. Redemption Period Expires: October 9, 2008

1. File Name: Parish Marketing and Development Corp.
2. Rice County Court File No.: 66-CV-07-4400
3. Legal Description: Lot 2, Block 3, Willow Creek Heights 3<sup>rd</sup> Addition, Rice County
4. Address: 326 16<sup>th</sup> Ave. SE, Lonsdale
5. Foreclosure Sale Date: April 9, 2008
6. Redemption Period: 6 months
7. Redemption Period Expires: October 9, 2008

1. File Name: Parish Marketing and Development Corp.
2. Rice County Court File No.: 66-CV-07-4399
3. Legal Description: Lot 3, Block 3, Willow Creek Heights 3<sup>rd</sup> Addition, Rice County
4. Address: 320 16<sup>th</sup> Ave. SE, Lonsdale
5. Foreclosure Sale Date: April 9, 2008
6. Redemption Period: 6 months
7. Redemption Period Expires: October 9, 2008

1. File Name: Parish Marketing and Development Corp.
2. Rice County Court File No.: 66-CV-07-4395
3. Legal Description: Lot 4, Block 3, Willow Creek Heights 3<sup>rd</sup> Addition, Rice County
4. Address: 314 16th Avenue. SE, Lonsdale
5. Foreclosure Sale Date: April 16, 2008
6. Redemption Period: 6 months
7. Redemption Period Expires: October 16, 2008

1. File Name: Parish Marketing and Development Corp.
2. Rice County Court File No.: 66-CV-07-4401
3. Legal Description: Lot 1, Block 6, Willow Creek Heights 3<sup>rd</sup> Addition, Rice County
4. Address: 663 Pond View Dr. SE, Lonsdale
5. Foreclosure Sale Date: April 16, 2008
6. Redemption Period: 6 months
7. Redemption Period Expires: October 16, 2008

1. File Name: Parish Marketing and Development Corp.
2. Rice County Court File No.: 66-CV-07-4397
3. Legal Description: Lot 2, Block 6, Willow Creek Heights 3<sup>rd</sup> Addition, Rice County
4. Address: 657 Pond View Dr., Lonsdale
5. Foreclosure Sale Date: April 16, 2008
6. Redemption Period: 6 months
7. Redemption Period Expires: October 16, 2008

1. File Name: Parish Marketing and Development Corp.
2. Rice County Court File No.: 66-CV-07-4402
3. Legal Description: Lot 3, Block 6, Willow Creek Heights 3<sup>rd</sup> Addition, Rice County
4. Address: 651 Pond View Dr., Lonsdale
5. Foreclosure Sale Date: April 16, 2008
6. Redemption Period: 6 months
7. Redemption Period Expires: October 16, 2008

1. File Name: Parish Marketing and Development Corp.
2. Rice County Court File No.: 66-CV-07-4396
3. Legal Description: Lot 4, Block 6, Willow Creek Heights 3<sup>rd</sup> Addition, Rice County
4. Address: 645 Pond View Dr., Lonsdale
5. Foreclosure Sale Date: April 16, 2008
6. Redemption Period: 6 months
7. Redemption Period Expires: October 16, 2008

## EXHIBIT B

1. Lot 5, Block 2, Rowena Ponds 2<sup>nd</sup> Addition, Scott County, Minnesota  
460 Rowena Curve, New Market, Minnesota
2. Lot 13, Block 1, Rowena Ponds 2<sup>nd</sup> Addition, Scott County, Minnesota  
465 Rowena Curve, New Market, Minnesota
3. Lot 12, Block 1, Rowena Ponds 2<sup>nd</sup> Addition, Scott County, Minnesota  
467 Rowena Curve, New Market, Minnesota
4. Lot 11, Block 1, Rowena Ponds 2<sup>nd</sup> Addition, Scott County, Minnesota.  
469 Rowena Curve, New Market, Minnesota
5. Lot 6, Block 1, Rowena Ponds 2<sup>nd</sup> Addition, Scott County, Minnesota  
479 Rowena Curve, New Market Minnesota
6. Lot 5, Block 4, Rowena Ponds 2<sup>nd</sup> Addition, Scott County, Minnesota.  
508 Saxon Drive, New Market, Minnesota
7. Lot 6, Block 4, Rowena Ponds 2<sup>nd</sup> Addition, Scott County, Minnesota.  
510 Saxon Drive, New Market, Minnesota
8. Lot 6, Block 2, Prague Estates Seventh Addition, Le Sueur County, Minnesota  
1122 Horseshoe Lane, New Prague, Minnesota
9. Lot 14, Block 1, Prague Estates Seventh Addition, Le Sueur County, Minnesota  
1127 Horseshoe Lane, New Prague, Minnesota
10. Lot 18, Block 1, Prague Estates Seventh Addition, Le Sueur County, Minnesota.  
1135 Horseshoe Lane, New Prague, Minnesota
11. Lot 19, Block 1, Prague Estates Seventh Addition, Le Sueur County, Minnesota  
1137 Horseshoe Lane, New Prague, Minnesota

12. Lot 20, Block 1, Prague Estates Seventh Addition, Le Sueur, Minnesota.

1139 Horseshoe Lane, New Prague, Minnesota

13. Lot 47, Block 1, Prague Estates Seventh Addition, Le Sueur County, Minnesota.

1406 Seventh Street Court, New Prague, Minnesota

14. Lot 40, Block 1, Prague Estates 7th Addition, Le Sueur County, Minnesota.

1407 8th Street Court SE, New Prague, Minnesota

15. Lot 16, Block 1, Prague Estates Eighth Addition, Le Sueur County, Minnesota

1433 – 10<sup>th</sup> Street Circle SE, New Prague, Minnesota

16. Lot 6, Block 6, The Farm Third Addition, Scott County, Minnesota.

3071 Aaron Drive, New Market, Minnesota