**STATE OF MINNESOTA**
**IN COURT OF APPEALS**
**A24-1030**
**A24-1031**

In the Matter of the Hazardous/Nuisance Property and Building Located at 118 1st Street East, Maple Lake, Minnesota;

In the Matter of the Hazardous/Nuisance Property and Building Located at 110birch Avenue South, Maple Lake, Minnesota.

**Filed June 9, 2025**
**Affirmed; motions denied**
**Bratvold, Judge**

Wright County District Court
File Nos. 86-CV-22-5291, 86-CV-22-5296

John S. Haack, Maple Lake, Minnesota (pro se appellant)

David T. Anderson, Maple Lake City Attorney, Robert A. Alsop, Assistant City Attorney, Kennedy & Graven, Chartered, Minneapolis, Minnesota (for respondent City of Maple Lake)

Considered and decided by Bratvold, Presiding Judge; Ross, Judge; and Smith, Tracy M., Judge.

**NONPRECEDENTIAL OPINION**

**BRATVOLD**, Judge

In this consolidated appeal, appellant property owner challenges the district court's order denying his motions to enjoin the enforcement of default judgments on two abatement orders or, alternatively, to stay the enforcement of the two judgments. Because the district court did not abuse its discretion, we affirm. We also consider two motions:

(1) respondent city's motion to strike new issues and arguments on appeal as well as extra-record materials submitted by the property owner and (2) the property owner's motion to supplement the record. We deny both motions as discussed below.

**FACTS**

Appellant John S. Haack owns two parcels of real property in Maple Lake. One parcel has a residential dwelling, among other structures, and is located at 118 1st Street East; the other parcel has a commercial structure and is located at 110 Birch Avenue South.[1] The facts are drawn from the district court's orders granting default judgment.

In September 2022, respondent City of Maple Lake declared both parcels and their structures hazardous and public nuisances. The city issued abatement orders that identified conditions for abatement, including, among other things, "large piles of wood"; "clutter" and "exterior storage" that is "conducive to the harboring or breeding of vermin"; "[s]tacks of boxes, storage, machinery, implements" that "may be an attractive nuisance"; "[f]ire hazards including obstructed pathways and [a] large quantity of combustible materials"; unlicensed and inoperable vehicles; unscreened outdoor storage; "[l]andscaped areas being used for parking of vehicles and storage"; and overgrown weeds. The abatement orders gave Haack 45 days to correct these conditions.

The abatement orders also stated that, unless "corrective action is taken" or an answer is "served on the City within 21 days" of service, the city will move "for summary

[1] The caption is taken from the district court record. Minn. R. Civ. App. P. 143.01 ("The title of the action shall not be changed in consequence of the appeal."). The portion of the caption identifying the parcel at 110 Birch Avenue South contains a typographical error that reads "110birch" instead of "110 Birch," which we do not change in the caption.

enforcement" in district court. The abatement orders also informed Haack that, if he did not comply with the orders and the city was compelled to take corrective action, all necessary costs incurred by the city would be assessed against his properties.

The city served Haack with the two abatement orders on September 17, 2022. Haack did not take corrective action or serve an answer on the city.

In December 2022 and February 2023, the city started district court proceedings and filed separate motions for each parcel, seeking summary enforcement of both abatement orders and serving Haack with both motions. In May 2023, the district court conducted a hearing on the city's motions. Haack appeared and represented himself at the hearing.

In July 2023, the district court granted the city's motions in two orders. Both orders included findings of fact:

- Both parcels and their related structures were "hazardous building[s] or propert[ies]," as defined by relevant statutes;
- The city complied with statutory requirements for filing and service of the abatement orders;
- Haack failed to answer the abatement orders within the timeframe required;
- The city's abatement orders (1) "provided a specific itemization of the hazardous conditions that were required to be abated and the basis for the required actions" and (2) the exhibits attached to the abatement orders provided "sufficient specificity to convey" to Haack what he was "expected to do to eliminate the hazardous conditions";
- At the time of the hearing on the city's motions—eight months after the abatement orders were served—the conditions identified for correction were not remedied or otherwise addressed; and

- The city served Haack with its summary-enforcement motions, but Haack did not serve any answer.

The district court's orders granting summary enforcement gave Haack 45 days to correct "the identified hazardous conditions." Both orders also provided that, if Haack did not take corrective action, the city could enter the parcels and take action "to eliminate or eradicate the hazardous conditions and public nuisances." The district court entered judgment on both orders the next day (July 2023 judgments).

In August 2023, Haack appealed the July 2023 judgments to this court.

In December 2023, this court dismissed Haack's appeal, explaining that, while Haack stated that he ordered a transcript, he failed to file a completed certificate of transcript. *In re Hazardous/Nuisance Prop. & Bldg.*, No. A23-1269 (Minn. App. Dec. 6, 2023) (order).

Between May and June 2024, Haack filed six motions with the district court in which he requested, among other things, a stay of the enforcement of the July 2023 judgments. Haack's motions contended that the city planned "to 'clear cut' and remove all of [his] items stored outside, costing thousands and thousands of dollars." Haack maintained that "irreparable harm can result to [him] and/or the City of Maple Lake taxpayers" unless an "immediate halt or cessation of this abatement action is authorized" by the district court. Haack attached affidavits and other documents to his motions, some of which addressed the estimated cost of abatement and the conditions identified for abatement. The city opposed Haack's motions, treating them as motions for a temporary restraining order.

On June 25, 2024, the district court conducted a hearing on Haack's motions. At the hearing, Haack challenged the city's enforcement of the abatement orders, arguing, for example, that the city "signed a contract" to abate conditions on the parcels for "hundreds of thousands of dollars" and "did not follow the seal-bid process appropriately." Haack agreed with the district court that he sought to "enjoin or restrain the city from implementing" the July 2023 judgments. Haack alternatively asked the district court to "cancel the contract because the contract was not secured properly."

The district court asked what authority supported Haack's motions to enjoin or restrain the city's enforcement of the 2023 judgments. Haack responded, "I'm not sure there's a statute that applies." Haack also urged that, "as a matter of courtesy, given the gravity of the situation," he should receive an additional "30 days to complete the remaining issues" on the parcels.

The city argued that it had complied with applicable law throughout the case and that, regarding enforcement, it had obtained "two quotes from reasonable contractors" to perform the abatement. The city opposed a temporary restraining order because Haack had "no legal basis to interfere with the [city's] decisions about how to execute the abatement orders." Finally, the city noted that, throughout the process, Haack had "more than ample opportunity to comply with the orders for abatement."

At the end of the hearing, the district court addressed Haack's motions as seeking either of two alternative forms of relief—a stay of the enforcement of the July 2023 judgments or temporary injunctive relief from the July 2023 judgments. The district court stated that it did not "see anywhere in the statute that . . . allows [it] now, nearly a year

later, to stay the order yet again." The district court also reasoned that it could not grant "a temporary injunction to preserve the status quo until adjudication of the case can be completed" because (a) the "decision was issued last July" and (b) "the appeal was dismissed on procedural grounds." The district court denied Haack's motions on the record.

Haack appeals.

## DECISION

Before analyzing the issues raised in Haack's appeal, it helps to consider the relevant statutory framework. Minnesota law authorizes municipalities to remove, repair, or correct hazardous property conditions, including ordering abatement by a property owner. Minn. Stat. §§ 463.15-.261 (2024). "The governing body of any municipality may order the owner of any hazardous building or property within the municipality to correct or remove the hazardous condition of the building or property or to raze or remove the building." Minn. Stat. § 463.16. A hazardous building or property "means any building or property, which because of inadequate maintenance, dilapidation, physical damage, unsanitary condition, or abandonment, constitutes a fire hazard or a hazard to public safety or health." Minn. Stat. § 463.15, subd. 3. A municipality seeking to proceed with abatements must follow procedural requirements, none of which are at issue in this appeal. Minn. Stat. § 463.17. If the property owner does not serve an answer on the municipality within 20 days from the date of service of the abatement order, then "the governing body may move the court for the enforcement of the order." Minn. Stat. §§ 463.18-.19.

If a municipality moves for summary enforcement of an abatement order, "the court may, upon the presentation of such evidence as it may require, affirm or modify the order

and enter judgment accordingly, fixing a time after which the governing body may proceed with the enforcement of the order." Minn. Stat. § 463.19. If the property owner does not comply with the judgment in the allotted timeframe, "the governing body may cause the building to be repaired, razed, or removed or the hazardous condition to be removed or corrected as set forth in the judgment, or acquire the building, if any, and real estate on which the building or hazardous condition is located by eminent domain." Minn. Stat. § 463.21.

Haack appeals the district court's orders denying his requests for relief from the July 2023 judgments. Haack filed many motions, and the nature of Haack's requested relief is not clear. During district court proceedings, Haack's motions were characterized as requests for temporary injunctive relief and for a temporary restraining order. Because the district court, in part, construed the motions as a request for temporary injunctive relief from the July 2023 judgments, we analyze it as such. We also agree with the district court that Haack's alternate request is most accurately characterized as a motion to stay the enforcement of the July 2023 judgments. We consider each request in turn and then discuss the parties' related motions.

## I. The district court did not abuse its discretion by denying Haack's motion for temporary injunctive relief.

Appellate courts review a district court's order denying a motion for temporary injunctive relief for abuse of discretion. *First & First, LLC v. Chadco of Duluth, LLC*, 999 N.W.2d 553, 557 (Minn. 2023). "A district court abuses its discretion if it bases its decision to grant injunctive relief on an erroneous interpretation of the law or if it disregards

facts." *Id.* Haack bears the burden to show that the district court abused its discretion by denying his motion for injunctive relief. *See id.* ("On appeal, the party challenging a district court's decision on a request for injunctive relief bears the burden to show that the district court abused its discretion.").

"Temporary injunctions are granted to preserve the status quo until a case is finally adjudicated on the merits." *County of Blue Earth v. Phillips (In re Improvement of Cnty. Ditch No. 86)*, 625 N.W.2d 813, 821 (Minn. 2001); *see also* Minn. R. Civ. P. 65.02(c) (authorizing temporary injunctions). The district court denied Haack's injunction request for two reasons: (a) Haack's challenge to the city's abatement orders was resolved on the merits, resulting in the July 2023 judgments, and (b) while the July 2023 judgments were subject to appeal, Haack's appeal was dismissed in December 2023. The district court concluded there was no "legal basis" to grant injunctive relief.

Haack's written submission to this court does not address the district court's legal reasoning on this issue. When an appellant does not cite legal authority or articulate a challenge to the district court's decision in their primary brief, this court may deem the challenge forfeited. *See State Dep't of Labor & Indus. by Special Comp. Fund v. Wintz Parcel Drivers, Inc.*, 558 N.W.2d 480, 480 (Minn. 1997) (declining to reach inadequately briefed issues).

Even if we consider the merits of the district court's order denying injunctive relief, we conclude that the district court's analysis is persuasive. Haack's request for a temporary injunction would not "preserve the status quo until a case is finally adjudicated on the merits" because this matter has been fully and finally adjudicated. *Phillips*, 625 N.W.2d at

821. The district court entered judgments on its orders granting the city's motions for summary enforcement of the abatement orders.

While Haack appealed the July 2023 judgments, his appeal was dismissed. Thus, the July 2023 judgments are final. *See Brown-Wilbert, Inc. v. Copeland Buhl & Co.*, 732 N.W.2d 209, 221 (Minn. 2007) ("[F]or res judicata purposes, a judgment becomes final when it is entered in the district court and it remains final, despite a pending appeal, until it is reversed, vacated or otherwise modified."); *Dixon v. Depositors Ins. Co.*, 619 N.W.2d 752, 755 (Minn. App. 2000) (concluding judgment was final and res judicata applied because the appellant failed to "properly appeal" and reasoning that "[a]n order or judgment becomes final after the appellate process is terminated or the time for appeal has expired" (quotation omitted)). We therefore conclude that the district court did not abuse its discretion by denying Haack's motions for temporary injunctive relief.

## II. The district court did not err by denying Haack's motion to stay enforcement of the July 2023 judgments.

A party can seek review of a district court's order denying a motion to stay the enforcement of a judgment under certain conditions, all of which involve a pending appeal. Minnesota Rule of Civil Appellate Procedure 108.02, subdivision 1(a), permits "a stay of enforcement of the judgment or order of a trial court *pending appeal*." (Emphasis added.) Haack's prior appeal of the July 2023 judgments was dismissed in December 2023, *before* the district court decided Haack's motion to stay enforcement of the July 2023 judgments. *In re Hazardous/Nuisance Prop. & Bldg.*, No. A23-1269 (Minn. App. Dec. 6, 2023)

(order). Thus, at the time the district court considered Haack's motion, there was no pending appeal and rule 108.02 did not apply.

Haack's written submissions to this court do not cite any authority that would permit the district court to stay enforcement of the July 2023 judgments. When asked to do so at the district court hearing, Haack did not point to any statutory provision. Because this issue was inadequately briefed, we may deem it forfeited. *See Wintz Parcel Drivers*, 558 N.W.2d at 480. Even if we consider the merits of this issue, no language in chapter 463 permits a district court to stay enforcement of a judgment entered on an abatement order. *See* Minn. Stat. §§ 463.01-.261 (2024). We are unaware of any other authority that may allow such a stay. Thus, we conclude that the district court did not err by denying Haack's motion to stay enforcement of the July 2023 judgments.

## III. The city's motion to strike portions of Haack's appellate briefs and addendum is denied.

On appeal, the city moved to strike certain "evidence, arguments and documents" presented in Haack's appellate briefs and addendum. The city argues that (1) "[m]any of the arguments raised in [Haack's] motions should have been asserted prior to the entry of judgment in each of the two cases" and (2) the "bulk of [Haack's] informal briefs deal with the abatement activities occurring after the district court's decision . . . and alleged violations of the two contracts" with a junk-removal company. The city maintains that these arguments and their supporting documents "should be stricken or not considered." We discuss the city's arguments in turn.

First, to the extent that Haack's brief to this court includes issues or arguments that were not presented to or considered by the district court, we decline to consider those issues or arguments. *See Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988) (stating that appellate courts "must generally consider only those issues that the record shows were presented and considered by the trial court in deciding the matter before it" (quotation omitted)).

Second, to the extent that Haack's addendum includes documents that were not submitted to district court or were filed after the district court's order on appeal, they are not part of the record on appeal, and we do not consider them. *See* Minn. R. Civ. App. P. 110.01 ("The documents filed in the trial court, the exhibits, and the transcript of the proceedings, if any, shall constitute the record on appeal in all cases."); *NY Props., LLC v. Schuette*, 977 N.W.2d 862, 866 (Minn. App. 2022) (declining to consider documents outside the record on appeal).

Because we do not consider the issues, arguments, or documents raised in the city's motion to strike, granting relief is unnecessary. We therefore deny the city's motion to strike.

## IV. Haack's motion to supplement the record is denied.

After filing his appeal, Haack moved to supplement the record with letters he wrote about a zoning issue related to one parcel. Generally, appellate courts "must decide an appeal based solely upon the evidence actually presented to the trial court and shown by the record on appeal." *W. World Ins. Co. v. Anothen, Inc.*, 391 N.W.2d 70, 73 (Minn. App. 1986) (quotation omitted); *see* Minn. R. Civ. App. P. 110.01.

Haack cites no legal authority to support his motion to supplement the record. As a result, his request is inadequately briefed, and we reject his request on that basis. *See Wintz Parcel Drivers*, 558 N.W.2d at 480. We therefore deny Haack's motion to supplement the record.

**Affirmed; motions denied.**