

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT
CASE TYPE: OTHER CIVIL

Elizabeth Howell,

Plaintiff,

v.

City of Minneapolis,

Defendant.

Civil No. 27-CV-11-22208
The Honorable Denise D. Reilly

~~PROPOSED~~ ORDER

The above captioned matter came before the Honorable Judge Denise D. Reilly on December 17, 2013, on Plaintiff's motion for the entry of declaratory judgments. Appearances were noted on the record. The record before the Court, the arguments of counsel, the memoranda and all of the files, records and proceedings herein, establish that the entry of the requested declarations is proper. Accordingly, the Court **HEREBY ORDERS THAT:**

1. Plaintiff's motion for the entry of declaratory judgments is **GRANTED**; and
2. The Court hereby enters the following judicial declarations:
 - (1) Elizabeth Howell is not responsible for the retaining wall located along West 48th Street near the corner of Drew Avenue South;
 - (2) Elizabeth Howell need not repair and/or replace the retaining wall located along West 48th Street near the corner of Drew Avenue South;
 - (3) The City of Minneapolis must repair and/or replace the retaining wall located along West 48th Street near the corner of Drew Avenue South; and
 - (4) The City cannot charge Howell for repair or replacement of the retaining wall located along West 48th Street near the corner of Drew Avenue South.

IT IS SO ORDERED. LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: 12/17/13

DR Reilly
The Honorable Denise D. Reilly
Judge of District Court