



Construction Services & Inspections Division
Planning & Economic Development Department

Room 100
411 West First Street
Duluth, Minnesota 55802



218-730-5240



permittingservices
@duluthmn.gov

BUILDING APPEAL BOARD MEETING AGENDA
Wednesday, January 8, 2025 – 3:00 p.m.
Council Chambers, 3rd Floor of City Hall

1. Call Meeting to Order
2. Roll Call
3. Approve minutes of October 9, 2024
4. Old Business: An Appeal to Reverse a Condemnation for Demolition Order of the Building Official for 123 S Blackman Avenue
5. Adjournment

Building Appeal Board
Wednesday, October 9, 2024

MEMBERS PRESENT: John Hinzmann; Justin Hoffmann; Bill Scalzo; Fire Chief Shawn Krizaj; Building Official Blake Nelson

MEMBERS ABSENT: Don O'Connor

STAFF PRESENT: Paige Orcutt; Steven Robertson; Bonnie Engseth

1. ROLL CALL

2. Motion made by Board Member Hoffmann, seconded by Board Member Krizaj, to approve the August 14, 2024 minutes. Motion passed unanimously.

3. NEW BUSINESS

An Appeal to Reverse a Condemnation for Demolition Order of the Building Official for 123 S Blackman Avenue, brought by appellant LaSheenlaruba Tyacke.

Record of appeal consists of: Appeal Letter with attachments, City Staff report, and statements made at the hearing

- a. Blake Nelson, Building Official summarized the staff report for the Board. He recommended a stay of 60 days to pursue completion of probate and to solicit bids for rebuilding or wrecking of building.
- b. Board Member Krizaj asked about the garage. Mr. Nelson stated the garage could stay if the house is rebuilt or wrecked with an agreement with the city (zoning), that a new home will be built within a specified timeframe.
- c. Board Member Hoffmann asked the appellant when probate will be finalized. The appellant stated she did not know.
- d. The appellant was given an opportunity to present the reasons for her appeal. The appellant shared the history of the property, her understanding of her role as PR of the estate and the probate action, and goals for the family to utilize the property as their home in the near future. She also asked for a 120-day stay instead of 60 days, which was the original length of time requested in her appeal.
- e. Board Member Hinzmann stated the board will probably grant a stay, but stated it may be cheaper to wreck the building and start over. A discussion was held by the board regarding how long of a stay to grant.

Motion made by Board Member Krizaj, seconded by Board Member Scalzo, to grant a 90-day stay of the demolition order with the conditions of providing a contract from a MN licensed contractor for the repair work or a city bonded contractor for the wrecking and provide proof from a financial institution of financial means to complete the rebuild or wreck the buildings. Motion passed unanimously.

Assistant City Attorney Paige Orcutt stated the Board needed to enter findings of fact, as required under City Code 10-5:

Discussion on these factors ensued. Board Member Krizaj stated that if Life Safety finds it necessary to board up the property due to unsafe conditions, the city will assess the costs to the property. He also stated it may be wise for the appellant to install security cameras.

Motion made by Board Member Scalzo, seconded by Board Member Hoffmann, to adopt the findings of fact, specifically that:

- A. There is substantial compliance with the provisions of the Code;
- B. No detriment to public health or safety will result from granting such relief;
- C. The intent of the Code is not compromised;
- D. The relief granted will not result in increased cost expense to the city.

Motion passed unanimously.

Motion made by Board Member Hinzmann, seconded by Board Member Krizaj, to adjourn at 3:35 p.m.

Motion passed unanimously.

BLAKE NELSON, SECRETARY
BUILDING APPEAL BOARD



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BUILDING APPEALS BOARD ACTION

Date: October 9, 2024

File Number: CSBAB-2409-0001

Location: 123 S Blackman Ave

Plat/Parcel: 010-2710-06002

Appellant: LaSheenlaruba Tyacke

Legal Description: SLY 87 FT OF NLY 660 FT OF ELY 165 FT OF NE 1/4 OF SW 1/4

The above matter came on for a hearing before the Building Appeals Board in Conference Room 155, First Floor City Hall on **October 9, 2024**, proper notice of said hearing having been given to all interested parties in accordance with the rules of said Board. All parties interested in the matter having been heard at such hearing, the Building Appeals Board now makes the findings and conclusions as indicated below:

Stay from Demolition Order granted, with conditions:

1. On August 16, 2024, a fire occurred at property located at 123 S Blackman Ave. The property was subsequently condemned as unfit for human habitation on August 16, 2024.
2. On August 23, 2024, the City's Building Official issued a Demolition Order No. CSDEMO-2408-0002 in connection with the Property, which Order provided in part that "in the building official's good faith opinion, a reasonable estimated of the cost of repairing and restoring the building is more than 60 percent of the current market value of the building, as shown in the records of the city assessor." The Order further advised that the building must be torn down within 30 days.
3. LaSheenlaruba Tyacke (hereafter "Appellant") filed a timely appeal of the Demolition Order and the matter was set to be heard before the Building Appeal Board on October 9, 2024.
4. A quorum was present at the hearing.
5. Appellant appeared in person at the October 9, 2024 hearing and was given an opportunity to present their case at the hearing.
6. The record consisted of: Appellant's appeal letter with attachments, City Staff report with photographs, and statements and arguments at the hearing.
7. Following consideration of the record, including all submitted statements and documents, and due deliberation, the Building Appeal Board granted a stay from the demolition order for a period of 90 days, with conditions. The Building Appeal Board adopted the following findings of fact in granting the stay with conditions:
 - a. There is substantial compliance with the provisions of the Code;
 - b. No detriment to public health or safety will result from granting such relief;
 - c. The intent of the Code is not compromised; and
 - d. The relief granted will not result in increased cost expense to the city.
8. The Building Appeal Board ordered that Appellant must reappear before the Board at its January 8, 2025, meeting and should be prepared to demonstrate compliance with the conditions of the stay, namely:
 - a. Contract or proof of intent to contract from a Minnesota-licensed contractor for the repair work or a city bonded contractor for the wrecking; and
 - b. Preapproval letter from financial institution or proof of funds for estimated work.

Decided at Duluth, Minnesota on October 9, 2024.

BY ORDER OF THE BUILDING APPEALS BOARD,

A handwritten signature in black ink, appearing to read 'Blake Nelson', written in a cursive style.

Blake Nelson, Ex Officio Member/Secretary

NOTICE OF APPEAL RIGHTS: This Building Appeal Board's decision shall be final unless it is appealed to the appellate courts pursuant to Minnesota Statutes Section 606.01.



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TMPLT 371-vA120822-1222

BUILDING APPEALS BOARD

STAFF REPORT

(October 9, 2024)

BAB File #CSBAB-2409-0001
Plat Parcel 010-2710-06002

1. **APPELLANT:** Estate of Henry Koski/ La Sheeni
2. **FILING DATE:** September 6, 2024
3. **APPEAL REQUEST:** 60 day stay on demo order to assess rehab or demo
4. **LOCATION OF PROPERTY:** 123 S Blackman Ave
5. **BACKGROUND DATA:** Structure fire
 - The building at 123 S Blackman is a single story with basement (1,092 gross sq. ft.) built in 1958. A structure fire occurred on August 18, 2024, causing severe damage to the interior of the home along with extensive smoke and water damage. The structure was unoccupied at the time and cause of fire is suspected arson.
 - Photos of the structure are provided in Exhibit A.
 - The building does not have fire escrow established due to no known insurance at the time of report.
 - St. Louis County Assessor records indicate an assessed value (2024) of the building only to be at \$157,000, provided as Exhibit B.
 - The Building Official's good faith estimate based off of the 2023 RS Means square foot cost for returning the building to Code acceptance exceeds the 60% valuation of \$94,200. The work required will include removing all damaged material from house, assessment of water damage and extent of structural repair.
 - The Building Official's cost of repair are provided in Exhibit C.
 - Pursuant to Duluth Legislative Code Section 10-3, a demolition order was issued on August 23, 2024. Demolition order CSDEMO-2408-0002 is provided in Exhibit D.
 - Pursuant to Duluth Legislative Code Chapter 29A, a condemnation for habitation order was issued on August 16, 2024.

- Personal representative called Building Official on September 3, 2024 and discussed options for demolition order, comply with demolition or option to appeal order. After discussion about demolition costs versus repair costs, representative was going to choose appeal of demo order to explore options and to investigate possible home insurance policy valid at the time of fire.
- Personal representative La Sheenlaruba Tyacke appealed the demolition order on September 6, 2024. See appeal application form Exhibit E.

CODE REFERENCES

The City has adopted the MN Building Code by Ordinance.

City Ordinance Chapter 10 Article II Section 10-3

STAFF RECOMMENDATIONS

It is the recommendation of the Building Official that the single family home known as 123 S Blackman Ave be granted the 60 day stay of demolition order provided the representative can show financial means for repair or demolition and provide valid contracts to complete the work.



EXHIBIT A















EXHIBIT B

PROPERTY DETAILS REPORT

St. Louis County, Minnesota



Date of Report: 9/9/2024 2:11:34 PM

General Details							
Parcel ID:	010-2710-06002						
Document:	Abstract - 01443426						
Document Date:	04/12/2022						
Legal Description Details							
Plat Name:	DULUTH CITY OF						
Section	Township	Range	Lot	Block			
21	50	14	-	-			
Description:	SLY 87 FT OF NLY 660 FT OF ELY 165 FT OF NE 1/4 OF SW 1/4						
Taxpayer Details							
Taxpayer Name	KOSKI HENRY N						
and Address:	123 SO BLACKMAN AVE DULUTH MN 55811						
Owner Details							
Owner Name	KOSKI HENRY N						
Payable 2024 Tax Summary							
2024 - Net Tax			\$2,407.00				
2024 - Special Assessments			\$25.00				
2024 - Total Tax & Special Assessments			\$2,432.00				
Current Tax Due (as of 9/8/2024)							
Due May 15		Due October 15			Total Due		
2024 - 1st Half Tax	\$1,216.00	2024 - 2nd Half Tax	\$1,216.00	2024 - 1st Half Tax Due	\$1,301.12		
2024 - 1st Half Tax Paid	\$0.00	2024 - 2nd Half Tax Paid	\$0.00	2024 - 2nd Half Tax Due	\$1,216.00		
2024 - 1st Half Penalty	\$85.12	2024 - 2nd Half Penalty	\$0.00	Delinquent Tax	\$3,112.65		
2024 - 1st Half Due	\$1,301.12	2024 - 2nd Half Due	\$1,216.00	2024 - Total Due	\$5,629.77		
Delinquent Taxes (as of 9/8/2024)							
Tax Year	Net Tax	Penalty	Cst/Fees	Interest	Total Due		
2023	\$2,688.00	\$228.48	\$20.00	\$176.17	\$3,112.65		
Total:	\$2,688.00	\$228.48	\$20.00	\$176.17	\$3,112.65		
Parcel Details							
Property Address:	123 S BLACKMAN AVE, DULUTH MN						
School District:	709						
Tax Increment District:	-						
Property/Homesteader:	-						
Assessment Details (2024 Payable 2025)							
Class Code (Legend)	Homestead Status	Land EMV	Bldg EMV	Total EMV	Def Land EMV	Def Bldg EMV	Net Tax Capacity
204	0 - Non Homestead	\$40,200	\$157,000	\$197,200	\$0	\$0	-
Total:		\$40,200	\$157,000	\$197,200	\$0	\$0	1972



PROPERTY DETAILS REPORT

St. Louis County, Minnesota



Date of Report: 9/9/2024 2:11:34 PM

Land Details							
Deeded Acres:	0.33						
Waterfront:	-						
Water Front Feet:	0.00						
Water Code & Desc:	P - PUBLIC						
Gas Code & Desc:	P - PUBLIC						
Sewer Code & Desc:	P - PUBLIC						
Lot Width:	87.00						
Lot Depth:	165.00						
The dimensions shown are not guaranteed to be survey quality. Additional lot information can be found at https://apps.stlouiscountymn.gov/webPlatsIframe/frmPlatStatPopUp.aspx . If there are any questions, please email PropertyTax@stlouiscountymn.gov .							
Improvement 1 Details (House)							
Improvement Type	Year Built	Main Floor Ft ²	Gross Area Ft ²	Basement Finish	Style Code & Desc.		
HOUSE	1958	1,092	1,092	AVG Quality / 546 Ft ²	RAM - RAMBL/RNCH		
Segment	Story	Width	Length	Area	Foundation		
BAS	1	28	39	1,092	BASEMENT		
Bath Count	Bedroom Count	Room Count		Fireplace Count	HVAC		
1.5 BATHS	3 BEDROOMS	-		0	CENTRAL, FUEL OIL		
Improvement 2 Details (DG)							
Improvement Type	Year Built	Main Floor Ft ²	Gross Area Ft ²	Basement Finish	Style Code & Desc.		
GARAGE	1959	336	336	-	DETACHED		
Segment	Story	Width	Length	Area	Foundation		
BAS	1	24	14	336	FLOATING SLAB		
Sales Reported to the St. Louis County Auditor							
Sale Date		Purchase Price			CRV Number		
04/2022		\$14,639			249027		
Assessment History							
Year	Class Code (Legend)	Land EMV	Bldg EMV	Total EMV	Def Land EMV	Def Bldg EMV	Net Tax Capacity
2023 Payable 2024	201	\$42,600	\$146,400	\$189,000	\$0	\$0	-
	Total	\$42,600	\$146,400	\$189,000	\$0	\$0	1,688.00
2022 Payable 2023	201	\$40,500	\$138,200	\$178,700	\$0	\$0	-
	Total	\$40,500	\$138,200	\$178,700	\$0	\$0	1,575.00
2021 Payable 2022	201	\$35,000	\$119,300	\$154,300	\$0	\$0	-
	Total	\$35,000	\$119,300	\$154,300	\$0	\$0	1,309.00
2020 Payable 2021	201	\$28,100	\$114,200	\$142,300	\$0	\$0	-
	Total	\$28,100	\$114,200	\$142,300	\$0	\$0	1,179.00
Tax Detail History							
Tax Year	Tax	Special Assessments	Total Tax & Special Assessments	Taxable Land MV	Taxable Building MV	Total Taxable MV	
2023	\$2,385.71	\$302.29	\$2,688.00	\$35,705	\$121,838	\$157,543	
2022	\$2,189.96	\$360.04	\$2,550.00	\$29,703	\$101,244	\$130,947	
2021	\$1,942.42	\$359.58	\$2,302.00	\$23,275	\$94,592	\$117,867	



PROPERTY DETAILS REPORT

St. Louis County, Minnesota



Date of Report: 9/9/2024 2:11:34 PM

Disclaimer: St. Louis County makes no representation or warranties, express or implied, with respect to the use or reuse of data provided herewith, regardless of its format or the means of its transmission. THE DATA IS PROVIDED 'AS IS' WITH NO GUARANTEE OR REPRESENTATION ABOUT THE ACCURACY, CURRENCY, SUITABILITY, PERFORMANCE, MERCHANTABILITY, RELIABILITY OR FITNESS OF THIS DATA FOR ANY PARTICULAR PURPOSE. St. Louis County shall not be liable for any direct, indirect, special, incidental, compensatory or consequential damages or third party claims resulting from the use of these data, even if St. Louis County has been advised of the possibility of such potential loss or damage. These data may not be used in states that do not allow the exclusion or limitation of incidental or consequential damages.



Internal Info CSI 377-vA082324-0824

Condemn for Demo Initiation Form

Property Address: 123 S Blackman Ave

PIN(s): 010-2710-06002

Date of Initiation: 08-23-2024

Condemnation Date Notes:

Brief Description of Damage: Structure fire

Assessor's record market value of building: 154,000

60% of Improvement value: 94,200

Estimated total repair cost ÷ assessor's record value 740%

Owner name: Henry Koski

Notification: Posted building & certified mail

Other Notes

- 1. All notices should be sent by regular mail and by certified mail, return receipt requested, deliver to addressee only.
2. Publish in DNT twice, at least one week apart.
3. Post condemnation order on the building in one or more locations, with posted notice photographed so that it is clear that the notice is on the condemned building and so that the order can be read in the photo. Save photos to the CDEMO record, and enter detailed inspection note with the name of the person who posted it, where on the building it was placed, and the date of the posting.

Is the building in compliance with UDC regulations? [X] Yes [] No [] Check with Zoning Coordinator

Extent of Damage Evaluation

Property Address: 123 S Blackman Ave

Date: _____

Brief Description of Conditions: Structure fire, roof rafters, ceiling & floor joist damage
extensive smoke damage and hoarding waste, electrical /plumbing damage

Assessor's Imp Value: 157,000

60% Imp Value: 94,200

Estimated Repairs	
Foundation	NA
Exterior Walls	31,400
Roof & Roof Structure	25,000
Doors, Windows, Frames	10,000
Porches	NA
Exterior Stairs	NA
Chimneys	Repair -2000
Interior Support Structure	
Flooring & Floor Structure	10,000
Interior Partitions & Ceilings	12,000
Heating System	Unknown
Electrical System	3,000
Plumbing System	4,000
Interior Stairs	1,500
Other	Dumpsters /clean up 2,800
	Costs per sqft = 157.05
TOTAL EST REPAIR COST	See Comment sheet for cost \$101,700



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DEMOLITION ORDER NO. CSDEMO-2408-0002

Date of Order 23 August, 2024

TO: HENRY KOSKI
 123 S BLACKMAN AVE
 DULUTH MN 55811

PARCEL NO: 010-2710-06002

YOU WILL PLEASE TAKE NOTICE, that the building or structure located on the following described property and situated in the City of Duluth, in the County of St. Louis, and State of Minnesota, to wit:

SLY 87 FT OF NLY 660 FT OF ELY 165 FT OFNE 1/4 OF SW 1/4

and known by address as **123 S BLACKMAN AVE** has been inspected under the authority of the Duluth Legislative Code (DLC) Section 10-3 and in the opinion of the building official based upon information documented in the official file and records, such building has been damaged or deteriorated to the extent that in the building official's good faith opinion, a reasonable estimate of the cost of repairing and restoring the building is more than 60 percent of the current fair market value of the building, as shown in the records of the city assessor. The Assessor's record indicates the value for this building at \$157,000. Based on standardized construction cost information, the estimated cost to return the building to code compliance exceeds \$94,200. This building has been damaged by causes to the extent of 60 percent (%) of the value of the building.

THEREFORE, I, Blake Nelson, Building Official for the City of Duluth, MN, in accordance with DLC Chapter 10, Article II, Section 10-3, do hereby order you to tear down the above described building, including any accessory buildings or structures on the property, and remove said buildings or structures and all material and debris of same from said premises within thirty (30) days from the date of such service.

Pursuant to DLC Section 10-5, any person wishing to appeal a demolition order shall serve written notice of appeal to the building official within fifteen (15) days after receiving notice of such decision, which appeal shall be accompanied by the required fee. The notice of appeal shall contain a complete statement of the matter in controversy and relief requested.

Sincerely,

Blake Nelson
 City of Duluth Building Official

cc: Water & Gas Credit, Water & Gas Applications, Fire Marshal, Lead Housing Inspector, Police Department, Assessor, Treasurer, MN Power, Housing & Redevelopment Authority



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RECEIVED
SEP 6 2024
Doc 243-vD122922-1219
CONSTRUCTION SERVICES AND INSPECTIONS

Building Appeal Board Application Form

City of Duluth MN

Submit this form and the items indicated below to Construction Services & Inspections at the address above.

This completed Application form and additional information must be accompanied by the filing fee of \$145 (check payable to City of Duluth). Appeals must be submitted within 15 days of notification of the decision being appealed.

For appeals requesting the stay of a demolition order, the following information is required to be submitted with the application for appeal:

1. Documentation that the owner has dedicated sufficient funds to pay for the repair of the building
2. A valid contract to have the repair completed within 18 months.

Incomplete applications will be determined incomplete and will not be placed on the agenda.

The deadline for application is 14 days prior to the scheduled Building Appeal Board meeting.

Appellant Name: Estate of Henry Koski/ La Sheen Property location: 123 S. Blackman Ave. Duluth, MN
 Appellant Mailing Address: 117 N. 18th Ave. E. , Duluth, MN 55812
(street) (city) (state/zip)
 Appellant Phone Number: 218-213-1502 E-mail: documentsigner1@gmail.com

Type of appeal

- | | |
|---|---|
| <input type="checkbox"/> Housing Code Order (DLC Chapter 29A) | <input checked="" type="checkbox"/> Request Stay of Demolition Order (DLC Section 10-3) |
| <input type="checkbox"/> Fire Code Order (DLC Chapter 21) | <input type="checkbox"/> Other Building Official Order (DLC Chapter 10, Articles II or III) |

NOTE: Appeals to building official decisions administering the MN State Building Code are to the State Appeals Board. See <http://www.dli.mn.gov/about-department/boards-and-councils/state-appeals-board>

Description of item you are appealing: (ie, specific code section, interpretation or order being appealed)
DLC Section 10-3. Parcel NO 010-2710-06002 and Pursuant to DLC Section 10-5 appealing a Demolition order.

Statement of the matter in controversy: statement of matter is attached.

Relief requested: relief requested is attached.

You may use the back of this form or attach other documents to this application if needed.

Office Use
Date Received
File No.

www.duluthmn.gov

The City of Duluth is an Equal Opportunity Employer.

Property Address: 123 S. Blackman Avenue, Duluth, MN
Demolition Order No. CSDEMO-2408-002
Parcel No. 010-2710-06002 (S'ly 87 ft of N'ly 660 ft of E'ly 165 ft of NE ¼ of SW ¼)

Oscar Koski was a 16-year-old young man who chose Duluth, MN as the place that he would work, and raise himself, and ultimately, a family of five.

As an Immigrant from Finland, Oscar built the home at 123 S Blackman Avenue in 1958 with his bare hands and love and determination. He wanted to make America and Duluth his "forever home". He and his family did just that.

Henry Koski was one of Oscar's sons. Henry lived in that home for over 65 years and passed away on November 10, 2023, in the home.

Henry's two living siblings, Scott's mom, Martha, and his Aunt, Josie, are the sole heirs to his Estate. They grew up in this home. As a child, Scott came to Duluth every summer and spent long amazing summers in the home.

The two of us and our son Skyler moved here in 2018. We wanted to instill in our son the importance of family roots. We wanted to teach him about the change of seasons and to be in some of the best schools in the world. Great school ratings confirm this. It has been a great place for us. La Sheenlaruba is a Joy Award winner at Essentia Health and sat on the Duluth Human Rights Commission. She is always advocating for those who have no voice. Scott obtained his Realtor license but had two strokes last year changing his career path. Our son is now attending Ordean East and shows leadership skills. He graduated from Congdon having been a part of the student council and drum club.

Scott's mom and aunt will be conveying the home to us once the probate is complete. We plan to stay here and make 123 S Blackman Ave. our forever home and continue the legacy in the heritage home that Oscar built.

In over 65 years, Oscar's home never had a collapsed roof, like the Miller Hill Mall, never a break in, and never arson. A week prior to the fire, we received a call asking if we wanted to sell the property. Scott declined the offer stating that the home would be staying in the family.

Relief requested: We would like 60 days to look for a homeowner's insurance policy that Henry may have had and to talk with contractors. Our intent is to be able to rehab the home so that our family can move in and continue the family legacy. We do not have debt, and we are dedicated to preserving it. If in talking with Contractors, we are unable to save the home, we would like to demolish it and to place another home on the property. We have lived in Duluth for the last seven years and plan to remain here, living at 123 S Blackman Avenue.

Thank you for your consideration,

Scott Tyacke and La Sheenlaruba Tyacke, Personal Representative of the Henry Koski Estate.

Filed in District Court
State of Minnesota

STATE OF MINNESOTA
COUNTY OF ST. LOUIS

May 1 2024 8:04 AM

SIXTH JUDICIAL DISTRICT
DISTRICT COURT
PROBATE DIVISION

Court File No. 69DU-PR-24-108

Estate of

HENRY N. KOSKI,

Decedent

LETTERS OF
GENERAL ADMINISTRATION

1. The Decedent died on November 10, 2023.
2. La Sheenlaruba Tyacke has been appointed Personal Representative of Decedent's Estate in a formal unsupervised administration and is now qualified to act as Personal Representative of the Estate and has authority to administer the Estate according to law.

BY THE COURT



Harris, Dale
Apr 30 2024 4:22 PM

Judge of District Court

Registrar

STATE OF MINNESOTA
COUNTIES OF CARLTON / COOK / LAKE / ST. LOUIS

I hereby certify that I have compared the foregoing document with the official court record in this office, and that it is a true and correct copy of said record. I do further certify that said appointment is in full force and effect.



Dated July 23, 2024

By Nicole Oster Deputy