

### 1. Prime Sec. Bank v. A&G Investments, Inc.

Court of Appeals of Minnesota., STATE OF MINNESOTA, IN COURT OF APPEALS | May 11, 2015 | Not Reported in N.W.2d | 2015 WL 2185093



In this mortgage foreclosure dispute, appellant Prime Security Bank (Prime), the second mortgagee of certain property, foreclosed its mortgage and bought the property at the sheriff's sale and received a sheriff's certificate of sale. During the period to redeem from the Prime sheriff's sale, the holder of the first mortgage, PSB Credit...

...Karl K. Heinzerling, Foley & Mansfield, PLLP, Minneapolis, Minnesota (for appellant) [Bradley N. Beisel](#), David J. Krco, Beisel & Dunlevy, P.A., Minneapolis, Minnesota (for respondents...

### 2. Wildung v. Bank of New York Mellon

Court of Appeals of Minnesota. | May 05, 2014 | Not Reported in N.W.2d | 2014 WL 1758305



Scott and Susan Wildung jointly own their home. But only Scott executed a promissory note to borrow the money needed to purchase the home, and only Scott executed a mortgage to secure repayment of the loan. After the Wildungs defaulted on the loan, the mortgage holder commenced this action to establish that the mortgage is valid against both...

...Larson , Krekelberg. Skonseng & Miller, P.L.L.P., Pelican Rapids, MN, for appellants. [Bradley N. Beisel](#) David J. Krco , Beisel & Dunlevy, P.A., Minneapolis, MN, for respondent...

### 3. CitiMortgage, Inc. v. Roback

Court of Appeals of Minnesota. | December 23, 2013 | Not Reported in N.W.2d | 2013 WL 6725824



In this mortgage dispute, appellant Deborah Roback argues that the district court erred in finding her mortgage valid under Minnesota Statutes section 507.02 (2012) and that genuine issues of material fact preclude summary judgment. Because the district court properly granted summary judgment to respondent CitiMortgage, Inc., we affirm. In December...

...Anoka County District Court, File No. 02-CV-12-1213. [Bradley N. Beisel](#) , Beisel & Dunlevy, P.A., Minneapolis, MN, for respondent. James Heiberg , Minneapolis...

### 4. Northdale Const. Co., Inc. v. Veritas Development, Inc.

Court of Appeals of Minnesota. | July 29, 2013 | Not Reported in N.W.2d | 2013 WL 3868149



Appellant NTC Homes, Inc. (NTC) appeals the district court's entry of default judgment against appellant and foreclosure of respondent Northdale Construction Co., Inc.'s mechanic's lien. Appellant contends that the district court erred as a matter of law by failing to apportion respondent's blanket mechanic's lien against the 17 affected lots on a...

...M. Young , Gries & Lenhardt, P.L.L.P., St. Michael, MN, for respondent. [Bradley N. Beisel](#) , Beisel & Dunlevy, P.A., Minneapolis, MN, for defendants. Katherine M. Melander...

### 5. Moreno v. Wells Fargo Bank, N.A.

Court of Appeals of Minnesota. | April 08, 2013 | Not Reported in N.W.2d | 2013 WL 1395629



Appellants challenge the district court's grant of summary judgment, dismissing their claims against respondents. We affirm. This appeal arises out of a mortgage obtained by appellants Monti Moreno and Nancy

Moreno on real estate located in Marine on St. Croix. The Morenos' relevant involvement with the property began in April 2003 when appellant...

...Ledin, Ltd., Lake Elmo, MN, for respondent Land Title, Inc. [Bradley N. Beisel](#), Beisel & Dunlevy, P.A., Minneapolis, MN, for respondent Chicago Title Insurance...

#### 6. Wells Fargo Bank, N.A. v. Gakin

Court of Appeals of Minnesota. | March 11, 2013 | Not Reported in N.W.2d | 2013 WL 869942



In this mortgage-priority dispute, appellant TCF National Bank (TCF) appeals from the district court's grant of summary judgment in favor of respondent Wells Fargo Bank, N.A. (Wells Fargo). TCF challenges the district court's conclusion that Wells Fargo's mortgage on the subject property took priority over TCF's two mortgages. Because TCF had...

...Court, File No. 02-CV-11-7066. John F. Nielsen [Bradley N. Beisel](#), Beisel & Dunlevy, P.A., Minneapolis, MN, for respondent Wells Fargo Bank...

#### 7. S.R. Wiedema, Inc. v. Sienna Corp.

Court of Appeals of Minnesota. | June 06, 2011 | Not Reported in N.W.2d | 2011 WL 2201084



Appellant challenges the district court's summary-judgment determination that respondent's mortgage takes priority over appellant's mechanic's lien. Appellant argues that the undisputed evidence establishes that respondent had actual notice of appellant's lien or that the actual and visible beginning of the improvement to the land preceded the...

...Anoka County District Court, File No. 02-CV-08-8101. [Bradley N. Beisel](#) David J. Krco, Beisel & Dunlevy, P.A., Minneapolis, Minnesota (for respondent...

#### 8. Stafne Const. & Aggregate, LLC v. Bambenek

Court of Appeals of Minnesota. | April 19, 2011 | Not Reported in N.W.2d | 2011 WL 1466368



Following a three-day trial, the district court found that the owners of a campground property breached a construction contract and that the property owners' limited liability company, which now holds title to the property, was unjustly enriched by the construction contractor's work. Based on these findings, the district court granted the...

...Law, PLLC, Minneapolis, MN, for appellants Jason Bambenek, et al. [Bradley N. Beisel](#), Beisel & Dunlevy, P.A., Minneapolis, MN, for appellant Bridgewater Bank. Considered...

#### 9. Stevenson v. Brodt

Court of Appeals of Minnesota. | October 19, 2010 | Not Reported in N.W.2d | 2010 WL 4068727



REAL PROPERTY - Adverse Possession. A homeowner did not adversely possess a strip of land to the north of her garage.

...M. Brodt, Rosemount, MN, pro se respondent. Kalli Lynn Ostlie [Bradley N. Beisel](#), Beisel & Dunlevy, P.A., Minneapolis, MN, for respondent Countrywide Bank, FSB...

#### 10. McCarron's Bldg. Center v. Titus Const., Inc.

Court of Appeals of Minnesota. | June 15, 2010 | Not Reported in N.W.2d | 2010 WL 2363034



This case arises from an office-building development in the city of Burnsville. McCarron's Building Center (MBC) supplied the project with building materials but did not receive payment for materials worth approximately \$208,000. Thus, MBC commenced this action to foreclose its mechanic's lien. The district court concluded that MBC's mechanic's...

...Orman , Fabyanske, Westra, Hart & Thomson, P.A., Minneapolis, MN, for appellant. [Bradley N. Beisel](#) , Beisel & Dunlevy, P.A., Minneapolis, MN, for respondents Equity Properties, LLC...

### 11. **In re Parish Marketing and Development Corp. Mechanic's Lien Foreclosure Litigation**

Court of Appeals of Minnesota. | December 22, 2009 | Not Reported in N.W.2d | 2009 WL 4910435



REAL PROPERTY - Liens. Concrete company's potential judgment lien that arose out of default judgment it obtained against corporation should not have been extinguished.

...PLC, Minneapolis, MN, for respondents Washington Mutual Bank et al. [Bradley N. Beisel](#) , Beisel & Dunlevy PA, Minneapolis, MN, for respondents Mortgage Electronic Registration...

### 12. **Benson v. Sanders**

Court of Appeals of Minnesota. | July 08, 2008 | Not Reported in N.W.2d | 2008 WL 2649507



This appeal requires us to decide whether the district court accurately deemed a financial transaction between Becky Benson and ELS Holdings to be a real-estate sale and repurchase, so that ELS now owns the home, or whether it was a mere refinancing device, so that Benson still owns the home. On appeal from a judgment in an action to quiet title,...

...Lake, MN, for respondents Eric Sanders and ELS Holdings, LLC. [Bradley N. Beisel](#) , Beisel & Dunlevy, P.A., Minneapolis, MN, for respondents First Magnus Financial...

### 13. **Youngdahl v. HBC Enterprises**

Court of Appeals of Minnesota. | May 20, 2008 | Not Reported in N.W.2d | 2008 WL 2106855



In this action to quiet title, appellant Wells Fargo Bank, NA, challenges the district court's grant of summary judgment in favor of respondent HBC Enterprises. The district court determined that HBC, the purchaser of the sheriff's certificate at the foreclosure sale of the condominium association's assessment lien, held all right, title, and...

...2006). Washington County District Court, File No. C2-06-5391. [Bradley N. Beisel](#) , Beisel & Dunlevy, P.A., Minneapolis, MN, for appellant. Daniel W. Stauner...

### 14. **Ripley v. Piehl**

Court of Appeals of Minnesota. | July 26, 2005 | 700 N.W.2d 540 | 2005 WL 1742986



REAL PROPERTY - Mortgages and Deeds of Trust. A mortgagee's negligence barred equitable subrogation.

...L. Moore Stein Moore, P.A. , St. Paul, MN, for respondent. [Bradley N. Beisel](#) , Beisel Dunlevy, PA, Minneapolis, MN, for appellant. Considered and decided...

### 15. **Schoeller v. Walker**

Court of Appeals of Minnesota. | June 07, 2005 | Not Reported in N.W.2d | 2005 WL 1331502



Denis and Sharon Schoeller appeal from a district court decision that their property is burdened by an easement, arguing that the easement was abandoned, or alternatively, is limited in scope or size. Because we conclude that (1) the district court did not err by finding, as a matter of law, that the easement is not ambiguous; (2) the record...

...June 7, 2005. Washington County District Court, File No. C703415. [Bradley N. Beisel](#) Beisel & Dunlevy, P.A. , Minneapolis, MN, for appellants. James F. Schneider...

### 16. Langford Tool & Drill Co. v. Phenix Biocomposites, LLC

Court of Appeals of Minnesota. | September 09, 2003 | 668 N.W.2d 438 | 2003 WL 22078734



REAL PROPERTY - Liens. Project was "abandoned" for purposes of subsequent mortgage priority over mechanic's lien.

...Faribault Inc., Schwickert, Inc., Schwickert Company and PBL Investments, LLP. [Bradley N. Beisel](#) Hoeschler & Beisel , Minneapolis, MN, for respondents Rabobank and Dougherty. Considered...

### 17. LaBorde v. Watson

Court of Appeals of Minnesota. | December 24, 2002 | Not Reported in N.W.2d | 2002 WL 31867711



Appellants James and Kathryn LaBorde and appellants Frank and Jacqueline Castleman argue (1) that the record lacks clear and convincing evidence of a "lost deed" upon which respondent Henry Hand could be awarded an interest in the subject property; and (2) because the LaBordes are bona fide purchasers under Minn.Stat. § 507.34 (2002), their...

...24, 2002. Crow Wing County District Court, File No. C999172. [Bradley N. Beisel](#) Hoeschler & Beisel, LLP , Minneapolis, MN, for appellants. Karen E. Marty...

### 18. DeSalle v. Gibraltar Title Agency L.L.C.

Court of Appeals of Minnesota. | December 26, 2000 | 621 N.W.2d 31 | 2000 WL 1869567



REAL PROPERTY - Mortgages and Deeds of Trust. Limitations period for foreclosure could be tolled without specific maturity date in mortgage.

...V. Larson Metcalf, Larson & Muth, P.A. , Monticello, for respondent DeSalle. [Bradley N. Beisel](#) Hoeschler & Beisel, L.L.P. , Minneapolis, for respondent Gibraltar Title Agency. Gerald...

### 19. Application of Perrizo

Court of Appeals of Minnesota. | October 06, 1998 | Not Reported in N.W.2d | 1998 WL 691039



Appellants John and Carmen Perrizo appeal from summary judgment in a Torrens proceeding awarding title to real estate to respondent Walter F. Bauer, arguing that the notice of lis pendens in a prior quiet title action, to which appellants were not parties and from which respondent claims title, was invalid for lack of proper service of the summons...

...120 South Sixth Street, Minneapolis, MN 55402 (for appellants Perrizo) [Bradley N. Beisel](#) Scholle, Beisel & Metcalf, Ltd. , 430 Pillsbury Center, 200 South Sixth...



### 20. Petition of Willmus

Court of Appeals of Minnesota. | September 09, 1997 | 568 N.W.2d 722 | 1997 WL 556053



Owner of alleged dominant estate petitioned to have registrar of title enter memorial on certificate of title for alleged servient estate to indicate easement across the Torrens property. The District Court, Ramsey County, M. Michael Monahan, J., entered summary judgment in favor of owners of alleged servient estate. Owners of alleged dominant...

...William R. Busch , St. Paul, for Appellant Thomas M. Willmus. [Bradley N. Beisel](#) , Minneapolis, for Respondent. Lloyd W. Grooms Thomas H. Boyd Andrew...

### 21. Pine Valley Meats, Inc. v. Canal Capital Corp.

Court of Appeals of Minnesota. | July 15, 1997 | 566 N.W.2d 357 | 1997 WL 392595



Meat packing company brought action against corporation and city's Housing and Redevelopment Authority (HRA), alleging claims including breach of contract and promissory estoppel for corporation's destruction of cattle walkway. The District Court, Dakota County, Karen Asphaug, J., entered judgment in favor of meat packing company, awarded...

...McDavitt Janel E. LaBoda Briggs and Morgan , Minneapolis, for Appellant. [Bradley N. Beisel](#) Scholle and Beisel, Ltd. , Minneapolis, for Respondent City of South...

### 22. Commonwealth Land Title Ins. Co. v. Security Pacific Business Credit, Inc.

Court of Appeals of Minnesota. | September 17, 1996 | Not Reported in N.W.2d | 1996 WL 523815



Appellant challenges a trial court order that granted summary judgment in favor of respondent and dismissed appellant's lawsuit. We affirm. In August 1991, Lampert Lumber Company entered into an agreement with Lanoga Corporation for the sale of real estate and other assets. The assets sold by Lampert included a parcel of real estate in Grand...

...CREDIT, INC., Respondent. No.C7-96-561. Sept. 17, 1996. [Bradley N. Beisel](#) Scholle and Beisel, Ltd. , 430 Pillsbury Center, 200 South Sixth...

### 23. In the Matter of Petition of Willmus

Court of Appeals of Minnesota. | January 30, 1996 | Not Reported in N.W.2d | 1996 WL 33095



Appellant Thomas M. Willmus appeals from a summary judgment denying his request for an order requiring the Ramsey County Registrar of Titles to memorialize an easement on a certificate of title for land owned by respondents Thomas A. and Mona C. Dougherty. We conclude that Willmus's predecessor in interest created an easement over what is now the...

...Street St. Paul, MN 55101 (For Appellant Thomas M. Willmus) [Bradley N. Beisel](#) Scholle and Beisel, Ltd. 430 Pillsbury Center 200 South Sixth...

### 24. Hardrives, Inc. v. D.O.T.

Court of Appeals of Minnesota. | December 13, 1994 | Not Reported in N.W.2d | 1994 WL 694953



Appellant Midway National Bank (Bank) challenges the trial court's determination that: (1) to decide mechanics' lien priority, certain construction loan disbursements were optional rather than obligatory; (2) respondent Trac-Rite Door (Trac-Rite) was entitled to a lien against a portion of the mortgage foreclosure proceeds; (3) Trac-Rite's lien...

...1994. Appeal from District Court, Anoka County; Daniel Kammeyer , Judge. [Bradley N. Beisel](#) Scholle & Beisel, Ltd. , Minneapolis, for appellant. Mark J. Johnson Lang...



### 25. Suburban Exteriors, Inc. v. Emerald Homes, Inc.

Court of Appeals of Minnesota. | November 23, 1993 | 508 N.W.2d 811 | 1993 WL 479527



In a mechanics' lien action, the District Court, Hennepin County, LaJune T. Lange, J., determined that mechanics' liens had priority over mortgage, and mortgagee appealed. The Court of Appeals, Davies, J., held that removal of trees, not in furtherance of construction of residence but for transplanting into neighboring yard of vendors of lot, did...

...Foster, Waldeck, Lind & Gries, Ltd. , Minneapolis, for Suburban Exteriors, Inc. [Bradley N. Beisel](#) Scholle and Beisel, Ltd. , Minneapolis, for California Investments, Inc. Loren...

### 26. Kirkwold Const. Co. v. M.G.A. Const., Inc.

Court of Appeals of Minnesota. | April 06, 1993 | 498 N.W.2d 465 | 1993 WL 98594



In consolidated mechanics' lien cases brought to establish priority, the District Court, Dakota County, Martin J. Mansur, J., entered judgment determining priority and awarded damages, attorney fees and costs to lien claimants. Purchaser, mortgagee and excavator appealed. The Court of Appeals, Klaphake, J., held that: (1) mechanics' liens of...

...Engineers, Inc. Loren E. Gross , Minneapolis, for Turner Excavating Co. [Bradley N. Beisel](#) Scholle and Beisel, Ltd. , Minneapolis, for Miller and Schroeder Investments...

### 27. Petition of Kingman

Court of Appeals of Minnesota. | February 16, 1993 | Not Reported in N.W.2d | 1993 WL 35958



Appellant alleges the trial court erred in issuing summary judgment concluding an attorney lien held by respondent on appellant's interest in his former marital homestead was valid after appellant's bankruptcy. We affirm. Respondent Abdo and Abdo, P.A., which did work for appellant David Kingman during his marriage dissolution, put a lien on...

...William A. Kronschnabel Kampmeyer & O'Connor , St. Paul, for appellant Kingman. [Bradley N. Beisel](#) Scholle and Beisel, Ltd. , Minneapolis, for respondent Abdo & Abdo. Considered...



### 28. Fingerhut Corp. v. Suburban Nat. Bank

Court of Appeals of Minnesota. | August 21, 1990 | 460 N.W.2d 63 | 1990 WL 119442



Mortgagee brought action to quiet title to registered property. The District Court, Carver County, Michael A. Young, J., determined that notice of lis pendens, which was registered after mortgage was executed but before mortgage was registered, had priority over mortgage. Mortgagee appealed. The Court of Appeals, Norton, J.,...

...Senkus Patrick T. Skelly Oppenheimer Wolff & Donnelly , Minneapolis, for respondent. [Bradley N. Beisel](#) Scholle and Beisel, Ltd. , Minneapolis, for appellant. Considered and decided...

### 29. Cassidy v. Cassidy

Court of Appeals of Minnesota. | July 31, 1990 | Not Reported in N.W.2d | 1990 WL 105920



Appellant Christopher Cassidy challenges the trial court's grant of summary judgment determining that a release he signed was enforceable. We reverse and remand for trial. Respondent Harry Cassidy was awarded residential property as part of a 1968 dissolution decree. The decree provided that if respondent ever sold the property, he was to share...

...Yim. Michael Brutlag , Minneapolis, for North Star Bank of Roseville. [Bradley N. Beisel](#) , Minneapolis, for Maplewood State Bank. Considered and decided by FORSBERG...



### 30. E.H. Renner & Sons, Inc. v. Sherburne Homes Inc.

Court of Appeals of Minnesota. | July 24, 1990 | 458 N.W.2d 177 | 1990 WL 101520



In mechanics' lien foreclosure action, the District Court, Anoka County, Donald J. Venne, J., found that mechanics' liens did not have priority over mortgage since work of paving streets and gutters was not actual visible beginning of improvement of real estate. Appeal was taken. The Court of Appeals, Edward D. Mulally, Acting J., held that paving...

...of an improvement pursuant to Minn.Stat. §514.05 (1986) [Bradley N. Beisel](#) Scholle & Scholle, Ltd. , Minneapolis, for respondent. Mark A. Merchlewitz Benson...

### 31. Reis v. Commonwealth Land Title Ins. Co.

Court of Appeals of Minnesota. | January 16, 1990 | Not Reported in N.W.2d | 1990 WL 1729



The Dimonds appeal from an amended order and judgment which determined that there was no title defect impairing marketability of the Dimonds' condominium and its assigned garage. We reverse and remand. In 1981, the Reises purchased a condominium which came with a detached garage. Reises purchased title insurance from Commonwealth Land Title...

...Paul W. Fahning Hance & Levahn, Ltd. , Minneapolis, for Peter Reis. [Bradley N. Beisel](#) , Minneapolis, for Commonwealth Land Title Ins. Co. Joseph F. Schmidt...

### 32. Johnson Motor Co., Inc. v. Cue

Court of Appeals of Minnesota. | July 31, 1984 | 352 N.W.2d 114 |



Creditor garnishor appealed from order of the District Court, McLeod County, Leroy W. Yost, J., denying its motion to bring supplemental complaint against garnishee. The Court of Appeals, Forsberg, J., held that: (1) the order was appealable, and (2) the action was barred by automatic stay provisions of Bankruptcy Code. Affirmed.

...B. LeBaron, Steven P. Hoge, Arnold & McDowell, Minneapolis, for appellant. [Bradley N. Beisel](#), Scholle & Scholle, Minneapolis, for Willie Cue, defendant/debtor, respondent. Peter...