

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

Taylor Marie Vincent,

Plaintiff,

SUMMONS

v.

Court File No. _____

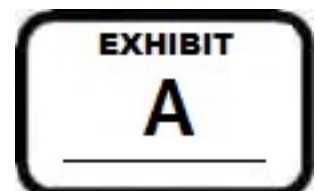
Landlord Resource Network, LLC,

Defendant.

THIS SUMMONS IS DIRECTED TO THE ABOVE-NAMED DEFENDANT(S)

1. **YOU ARE BEING SUED.** The Plaintiff has started a lawsuit against you. The Plaintiff's Complaint against you is attached to this summons. Do not throw these papers away. They are official papers that affect your rights. You must respond to this lawsuit even though it may not yet be filed with the Court and there may be no court file number on this summons.
2. **YOU MUST REPLY WITHIN 21 DAYS TO PROTECT YOUR RIGHTS.** You must give or mail to the person who signed this summons a written response called an Answer within 21 days of the date on which you received this Summons. You must send a copy of your Answer to the person who signed this summons located at:

WALKER & WALKER LAW OFFICES, PLLC
ATTN: Andrew Walker
4356 Nicollet Avenue South
Minneapolis, MN 55409
andrew@bankruptcytruth.com



3. **YOU MUST RESPOND TO EACH CLAIM.** The Answer is your written response to the Plaintiff's Complaint. In your Answer you must state whether you agree or disagree with each paragraph of the Complaint. If you believe the Plaintiff should not be given everything asked for in the Complaint, you must say so in your Answer.
4. **YOU WILL LOSE YOUR CASE IF YOU DO NOT SEND A WRITTEN RESPONSE TO THE COMPLAINT TO THE PERSON WHO SIGNED THIS SUMMONS.** If you do not Answer within 21 days, you will lose this case. You will not get to tell your side of the story, and the Court may decide against you and award the Plaintiff everything asked for in the complaint. If you do not want to contest the claims stated in the complaint, you do not need to respond. A default judgment can then be entered against you for the relief requested in the complaint.
5. **LEGAL ASSISTANCE.** You may wish to get legal help from a lawyer. If you do not have a lawyer, the Court Administrator may have information about places where you can get legal assistance. Even if you cannot get legal help, you must still provide a written Answer to protect your rights or you may lose the case.
6. **ALTERNATIVE DISPUTE RESOLUTION.** The parties may agree to or be ordered to participate in an alternative dispute resolution process under Rule 114 of the Minnesota General Rules of Practice. You must still send your written response to the Complaint even if you expect to use alternative means of resolving this dispute.

Date: August 6, 2024

/s/ Andrew C. Walker

Andrew C. Walker (#392525)
Walker & Walker Law Offices, PLLC

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Attorneys for Taylor Marie Vincent

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

Taylor Marie Vincent,

Plaintiff,

v.

COMPLAINT

Landlord Resource Network, LLC,

Court File No. _____

Defendant.

1. Plaintiff Taylor Vincent initiates this action based on the violation of the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. § 1692 *et seq.*, by Landlord Resource Network, LLC (“Debt Collector”).

2.

PARTIES, JURY TRIAL, AND VENUE

3. Vincent is a natural person residing in Isanti County and is a “consumer” as defined by the FDCPA. 15 U.S.C. § 1692a(3).
4. Debt Collector is a Minnesota LLC with a registered address of 225 S 6th St, Suite 3900, Minneapolis MN 55402. Debt Collector’s principal business and purpose is the collection of debts, making it a “debt collector” as defined by the FDCPA. 15 U.S.C. § 1692a(6).
5. Vincent demands a trial by jury to the extent available under US Const. Amend. 7; Minn. R. Civ. P. 38.01.
6. Venue is proper because Debt Collector’s registered Minnesota address is located

in Hennepin County.

FACTS

7. Vincent filed a petition for Chapter 7 bankruptcy relief on June 10, 2024. *See Minn. Bankr. Court File No. 24-41515.*
8. Vincent's«ClientLastNameOnly»'s bankruptcy petition listed a debt owed to Cal-Am properties, Inc. and also listed the Landlord Resource Network, LLC as creditors. Both of these entities received an official bankruptcy notice shortly after filing. *See Exhibit A.* Vincent's attorney also informed the Defendant of the bankruptcy.
9. 11 U.S.C. § 362 created an automatic stay at the time of Vincents's filing prohibiting attempts to collect debts from Vincent during her bankruptcy.
10. Debt Collector sued her in Nicollet County District Court on June 14th, 2024. Debt collector then proceeded to ask for default judgment on or about June 17th, after being unable to accomplish personal service
11. Despite the prohibition against collection imposed by the bankruptcy's automatic stay, Debt Collector used legal process to evict and replevy the debtor's property, and to seek a money judgment against Vincent.
12. The Debt Collector dismissed this case on June 28th, 2024. Vincent's attorney asked the Collector to vacate the motion instead since it was commenced after commencement of the bankruptcy and was therefore void *ab initio*. The filing of this eviction and replevin and collection action does harm to Vincent's reputation because future landlords or financial institutions will search her court history and

see the action. This will cause them to be less likely to work with her or to extend credit.

COUNT I: MAKING OF A THREAT TO TAKE ANY ACTION THAT CANNOT BE LEGALLY TAKEN

13. Vincent incorporates all other allegations as if set forth herein in full.

14. The FDCPA prohibits collectors from making false or misleading statements or attempting acts that are beyond their powers. The FDCPA defines the following as a false or misleading representation:

"The threat to take any action that cannot legally be taken or that is not intended to be taken." 15 U.S.C. § 1692(e)(5).

15. The communication to Vincent and to the District court that Ms. Vincent could be evicted, her property replevied, and a money judgment taken while the bankruptcy stay was in place is a false and misleading statement covered by these provisions.

16. Debt Collector violated the automatic stay imposed by Vincent's bankruptcy.

17. Vincent has been forced to hire legal counsel to address Debt Collector's failure to comply with the FDCPA. Vincent and her attorney agreed to waive all claims if the Debt Collector would vacate this action but Defendant did not respond.

18. The FDCPA provides the following remedies for its breach:

"[A]ny debt collector who fails to comply with any provision of this title with respect to any person is liable to such person in an amount equal to the sum of — (1) any actual damage sustained by such person as a result of such failure; (2) . . . such additional damages as the court may allow, but not exceeding \$1,000 . . . [and (3)] the costs of the action, together with a reasonable attorney's fee as determined by the court." 15 U.S.C. § 1692k(a).

19. Vincent is entitled to actual damages in an amount to be determined at trial, statutory damages of \$1,000.00, the costs of this action, and reasonable attorney's fees from Debt Collector in an amount to be determined by the court under 15 U.S.C. § 1692k.
20. This violation has caused Vincent to suffer emotional distress, including frustration, confusion, and helplessness because she saw legal actions taking place against her that she correctly thought were blocked by the bankruptcy automatic stay.

RELIEF REQUESTED

Vincent requests an Order for the following relief:

1. Judgment in favor of Taylor Vincent and against Landlord Resource Network, LLC for actual damages in an amount to be determined at trial, \$1,000 in statutory damages, the costs of this action, and a reasonable attorney's fee under 15 U.S.C. § 1692k.
2. Interest accruing from commencement of this action at 4% for awards up to \$50,000.00, or at 10% for awards over \$50,000.00, under Minn. Stat. § 549.09.
3. All other relief the Court deems just and equitable.

Date: August 5, 2024

/s/ Andrew C. Walker

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Attorneys for «Client»

Acknowledgement

The plaintiff, by her attorney, acknowledges that sanctions may be imposed under Minn.

Stat. § 549.211.

Date: August 5, 2024

/s/ Andrew C. Walker

Andrew C. Walker (#392525)

VERIFICATION

I, the Plaintiff in this case do swear under penalty of perjury that the following is true to the best of my knowledge, information, and belief.

Taylor Vincent

Dated: Aug 05 2024 19:39 CST

Taylor Vincent

1487262400044

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

AUG 14 2024

Steve Simon
Secretary of State

CA 3:59

Minnesota Secretary of State Office

Steve Simon, Secretary of State
332 Minnesota St., Suite N201
St. Paul, MN 55101

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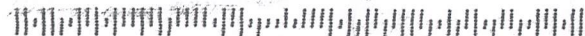
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Landlord Resource Network, LLC
225 S 6th Street Suite 3900
Brian E Hage - Registered Agent
Minneapolis, MN 55402
USA

B.C.
08/17

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PLAINT