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U.S. DISTRICT COURT-NORTH DAKOTA

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION

NORTH DAKOTA FAIR HOUSING
COUNCIL, INC.; SHAUNA
KOLOBAKKEN; AMANDA KOLOBAKKEN,
minor, MICHAEL KINDRED-VENNES,
minor, TYLER KOLOBAKKEN, minor,
represented herein by their guardian
ad litem, SHAUNA KOLOBAKKEN;
KORNELIA POWELL-GUTHA; MAHLY
POWELL, minor, and LAWRENCE
POWELL, minor, represented by their
guardian ad litem, KORNELIA POWELL-
GUTHA,

Plaintiffs,

vs.

SERA LINKE, individually and
doing business as HOLIDAY VILLAGE
TRAILER COURT,

Defendant.

UNITED STATES OF AMERICA

Plaintiff,

vs.

SERA LINKE.

Defendant.

FILED
JUN 20 2001
EDWARD J. KLECKER, CLERK
U.S. DISTRICT COURT-NORTH DAKOTA

Case No. A4-00-056

Case No. A4-00-017

Rec
~~PROPOSED~~ CONSENT DECREE AND FINAL ORDER

This action was brought by plaintiffs alleging, among other things, that defendant discriminated against families with children in the ownership and operation of the Holiday Village Trailer Court, a mobile home park, located in Minot, North Dakota, in violation of the Fair Housing Act, 42 U.S.C. sections 3604 and 3617, and related state laws.

Defendant has denied all material allegations made in the complaints in each of these actions.

The parties to these actions have agreed that in order to avoid protracted and costly litigation, the controversy should be resolved without a trial or adjudication on the merits and therefore have consented to entry of this decree and order. By entering into this consent decree and final order ("order"), defendant makes no admission of liability or wrongdoing in connection with the allegations and claims made by plaintiffs.

It is hereby ordered, adjudged and decreed that:

MONETARY TERMS

1. Defendant shall make a monetary payment of sixty five thousand dollars (\$65,000.00) to plaintiffs in case number A4-00-056 in the form of a check made payable to the Attorney-Client Trust Account of Brancart & Brancart. This payment shall be made within 15 days of the date of entry of this order. This sum shall be inclusive of any claims for attorneys' fees and costs.

RELEASE TERMS

2. Plaintiffs and defendant in case number A4-00-056 shall execute mutual waivers and releases indicating that this consent decree and final order constitutes a full and final settlement of any and all claims that they have related to the subject matter of this lawsuit. The releases shall constitute a full and final settlement of any and all claims, known and unknown.

EQUITABLE TERMS

3. In connection with the ownership or operation of the Holiday Village, defendant, including her employees or agents, shall:

a. Abide at all times by the requirements of federal and state fair

housing laws;

b. Adopt within 30 days from the date of entry of this order and continuously maintain procedures governing advertisement of dwellings for rent; specifically defendant agrees to advertise in conformity with HUD's Fair Housing Advertisement guidelines, 24 C.F.R. § 109 (1996);

c. Issue within 30 days from the date of entry of this order and continuously maintain and enforce reasonable tenant rules, which remove any unreasonable restrictions on the activities of children;

d. Adopt within 30 days from the date of entry of this order and continuously maintain a log reflecting the name, familial status, address and telephone number of persons who inquire about renting a dwelling;

e. Immediately start retaining and continually maintain copies of all advertisements, applications, leases, rules, and tenant files, including eviction documents, and make those documents available for inspection by North Dakota Fair Housing Council and/or a representative thereof, upon reasonable notice of not less than 30 days to designated legal counsel of Holiday Village Trailer Court;

f. Attend within 180 days from the date of entry of this order a fair housing training conducted by the North Dakota Fair Housing Council;

g. Post within 30 days from the date of entry of this order and continually maintain a HUD fair housing poster, HUD form 928.1,¹ in a conspicuous location at the Holiday Village;

h. Post within 30 days from the date of entry of this order and

¹HUD official forms 903.1 and 928.1 are available free of charge from the North Dakota Fair Housing Council or by calling HUD directly at (800) 767-7468.

continually maintain a copy of the HUD booklet, entitled Fair Housing Is Your Right!, HUD form 903.1 in a conspicuous location at the Holiday Village; and,

i. Certify on an annual basis to North Dakota Fair Housing Council that each of the equitable terms of the order have been and continue to be satisfied.

KOLOBAKKEN RESIDENCE

4. Within 60 days of receipt by plaintiffs of the monetary payment identified in paragraph number 1 herein, Shauna Kolobakken and all other occupants of her dwelling, located at space 818 in the Holiday Village Trailer Court, agree to vacate the dwelling and place the dwelling on the market for sale. In turn, defendant agrees not to charge space rental on that dwelling while it is on the market for sale, for a period of not less than one year.

DURATION

5. The equitable terms of this order set forth in paragraphs 3(b), (d), (e), (f), (h) and (i) shall be in effect for a period of 48 months from the date of entry of this order.

ENFORCEMENT

6. The district court shall retain jurisdiction over this action for purposes of enforcement only. The parties agree to attempt to mediate in good faith any disputes

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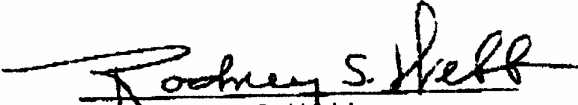
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that arise under the terms of this order. Only after good faith mediation attempts have been exhausted will the parties request the assistance of the district court in resolving the dispute.

Ordered this 19th day of June, 2001.


Hon. Rodney S. Webb
United States District Judge

Approved as to content and form:

BRANCART & BRANCART


Christopher Brancart
Attorney for Plaintiffs in
Case No. A4-00-056

Dated. 5/25/01

OFFICE OF THE UNITED STATES ATTORNEY

Cameron Hayden
Assistant United States Attorney
Attorney for United States of America

Dated: _____

PRINGLE & HERIGSTAD, PC

Mark Hays
Attorney for Defendant

Dated: _____

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Ordered this _____ day of _____, 2001.

Hon. Rodney S. Webb
United States District Judge

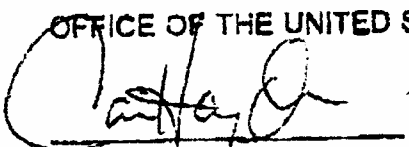
Approved as to content and form:

BRANCART & BRANCART

Dated: _____

Christopher Brancart
Attorney for Plaintiffs in
Case No. A4-00-056

OFFICE OF THE UNITED STATES ATTORNEY



Cameron Hayden
Assistant United States Attorney
Attorney for United States of America

Dated: 5/22/07

PRINGLE & HERIGSTAD, PC

Dated: _____

Mark Hays
Attorney for Defendant

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Ordered this _____ day of _____, 2001.

Hon. Rodney S. Webb
United States District Judge

Approved as to content and form:

BRANCART & BRANCART

Dated: _____

Christopher Brancart
Attorney for Plaintiffs in
Case No. A4-00-056

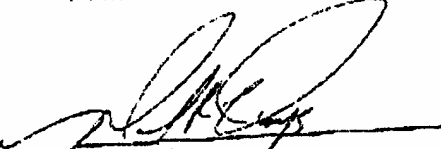
OFFICE OF THE UNITED STATES ATTORNEY

Dated: _____

Cameron Hayden
Assistant United States Attorney
Attorney for United States of America

PRINGLE & HERIGSTAD, PC

Dated: 5/23/01



Mark Hays
Attorney for Defendant