

Client Wins Real Estate Dispute

In Minneapolis a team represented our pro bono client whose uncle and his uncle's wife had been living with our client since he purchased his house. After our client tried to evict them for failing to pay rent--they filed suit in district court claiming they owned an undivided one-half interest in our client's property based on an alleged oral agreement. Because the uncle claimed an interest in real property pursuant to an alleged oral agreement, the Statute of Frauds was clearly implicated. In an attempt to get around this problem, the uncle alleged that the original purchase was a "joint venture" between him and our client, and also alleged a variety of fact-intensive equitable claims to which the Statute of Frauds is inapplicable. On summary judgment, a Hennepin County Judge threw out the joint venture theory, but found fact disputes regarding the equitable claims, and also allowed other (unpleaded) equitable theories for getting around the Statute of Frauds to go forward. The Judge referred the case to the Examiner of Titles for trial. Under direct questioning at trial, the uncle disavowed the existence of any agreement. Based mostly on this shaky testimony, the Examiner found that no agreement had been proved, and ruled that the uncle's alleged interest--worth some \$75,000--did not exist. The uncle appealed the case back to the Judge, but he adopted the Examiner's report after a full hearing. After living in the house for 31 months without paying any rent or expenses, the uncle and his wife have finally moved out.