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January 8, 2025

Via U.S. Mail and e-mail

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Re: Unlawful Attempted Closure of Broadmoor Valley

Mr. Schierholz:

I write regarding your letter dated November 18, 2024, bearing the heading: “Announcement: The owner of Broadmoor Valley will cease operation as a manufactured home park on December 1, 2025.” This letter, which purports to be a “closure statement” under Minnesota Statutes section 327C.095, does not meet the statutory requirements for a closure statement required by section 327C.015, subd. 3. Consequently, your November 18 letter is not a lawful closure statement, and does not have the force and effect of a closure statement created by Minnesota law. Consequently, Schierholz & Associates, Inc. cannot close Broadmoor Valley on December 1, 2025, and comply with Minnesota law.

In particular, Minnesota section 327C.015, subd. 3 requires a lawful “closure statement” to provide residents with critical information regarding other housing options necessitated by the park owner’s decision to close their manufactured home park 12 months in advance of closure. Specifically, a park owner must do this by “addressing the availability [] and potential costs of adequate replacement housing within a 25 mile radius of the park that is closing . . .” in a letter 12 months before closing their park. Your November 18 letter does not contain this information. Instead, it states:

“There are two MHC within 25 miles of Marshall, Minnesota, their location is below. [Name and location of parks.] The availability of sites at the time of park closure is unknown The potential costs of adequate housing are unknown at the time of park closure.”

As Broadmoor Valley’s park owners, it is not legally adequate to say that the availability and potential costs of adequate replacement housing is “unknown” to you. Instead, section 327C.015, subd. 3 places an affirmative obligation on you to actually provide to park residents information

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regarding “the availability [] and potential costs of adequate replacement housing within a 25 mile radius of the park that is closing.” This information must be provided 12 months before the scheduled closing.

Because your November 18 letter does not contain this critical information, it does not meet the lawful standard for a “closure statement” under section 327C, and so does not operate as 12-months’ lawful notice of Broadmoor Valley’s closure under section 327C.095(a). To the contrary, sending a letter to park residents that purports to be a lawful “closure statement” under section 327C but that does not contain this critical and required relocation information violates, *inter alia*, the Minnesota Consumer Fraud Act (325F.69) and the Minnesota Deceptive Trade Practices Act (325D.44). Both laws, in addition to sections 327C, are enforceable by the Attorney General’s Office under section 8.31, and may be subject to injunctive relief, restitution for all affected persons, civil penalties of up to \$25,000 per violation, as well as payment of the State’s court costs and attorney’s fees.

To correct this unlawful notice, you must rescind your November 18, 2024, letter immediately by notifying all persons to whom you sent the letter that it was not a lawful “closure statement,” and that consequently you are not able to close Broadmoor Valley on December 1, 2025, in compliance with Minnesota law. Send a copy of this letter to me so that I can ensure compliance.

Finally, any future legally effective closure notices must meet *all* requirements set by section 327C, including the provision of at least 12-months’ notice to park residents from the date of any future closure statement. *See* Minn. Stat. § 327C.095, subd. 1. The previous attempts to notify residents about the closure of the park lacked critical, legally required information, and so did not start the 12-month clock.

I can be reached to discuss further at (651) 757-1235, or by email at bennett.hartz@ag.state.mn.us.

Sincerely,

/s/ Bennett Hartz
BENNETT HARTZ
Assistant Attorney General

cc: City of Marshall (via email, sharon.hanson@ci.marshall.mn.us)
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