



## Julie N. Nagorski

Attorney

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- Minneapolis

### Service Areas:

- Appellate
- Business
- Construction
- Litigation
- Real Estate, Land Use & Construction

### Education:

- J.D., *magna cum laude*, University of Minnesota Law School
- B.A., *with highest honors*, University of Wisconsin-LaCrosse

### Admissions:

- Minnesota

Julie is an attorney with significant experience litigating disputes in numerous areas of the law, with a focus on real property and construction disputes. In addition to her substantial litigation experience, Julie has taken many cases through jury and bench trials and arbitrations, and has argued multiple cases in front of the Minnesota Court of Appeals. Julie represents a variety of clients, from businesses, to trusts, to families and individuals, with a far-reaching range of needs, including disputes in the following areas:

- Land use, zoning, and regulatory
- Purchase and sale
- Landlord-tenant
- Construction defects
- Drainage disputes
- Access, easements (prescriptive and express) and cartways
- Eminent domain and condemnation
- Mortgage, mechanic's lien, and homeowner's association lien foreclosure and defense
- Premises liability
- Property tax appeals

## Affiliations

- Member – Minnesota State Bar Real Property Certification Board
- Member Minnesota State Bar Association
- Member – Volunteer Lawyers Network
- Member – Hennepin County Bar Association
- Member – Board of Directors, The Phoenix Residence, Inc.
- Member – Board of Directors, Bundles of Love Charity
- Chair – HCBA Real Property Section, 2019-2020
- Contributor – MSBA Bench and Bar, Landmarks in the Law: Real Property

## Articles & Presentations

- Co-Presenter, "[Minnesota Litigators' Discovery Playbook: Depositions, E-Discovery, Subpoenas, and More](#)" – National Business Institute, April 2023
- Co-Presenter, "Avoiding and Confronting Friction and Fractures: Partition Actions" – Minnesota State Bar Association, November 2023
- Co-Presenter, "Transferring and Terminating Family Interests in Real Property" – Hennepin County Bar Association, October 2021
- Co-Presenter, "Real Property and Family Law" – Minnesota CLE, September 2020
- Co-Presenter, "Real Property Case Law Update" – Hennepin County Bar Association, July 2020
- Author, "Joint Ownership of Real Property in the Family" – Minnesota CLE Minnesota Family Law Institute, March 2020
- Co-Presenter, "An Introduction to Bankruptcy Concepts Affecting Real Property – The Effects of the Automatic Stay, Treatment of Commercial Leases, the Homestead Exemption, and More" – Minnesota CLE Minnesota Real Estate Institute, November 1, 2019
- Co-Presenter, "Six Key Issues at the Intersection of Real Estate and Bankruptcy" – Hennepin County Bar Association, March 2019
- Presenter, "Managing Families and Partition Actions: Real Estate Convenience Webcast Series 2019" – Minnesota CLE, January 8, 2019
- Presenter, "Tenant Default, Notice of Default, and Lease Termination: Landlord-Tenant Law Seminar" – Sterling Education Services, April 19, 2017
- Presenter, "When Residential Construction Defect Claims Strike, What are Your Options" – Annual Midwest Construction Defect Dispute Conference, September 15, 2017
- Presenter, "Insurance Claim Handling – The Bad Faith Statute Fundamentals and Recent Developments" | Construction Defect & Dispute Conference, August 18, 2016
- Presenter, "Repairs and Tenant Actions" – Legal Services State Support, February 6, 2015
- Presenter, "Fraudulent Transfer Concerns in Estate Planning" – Minnesota CLE, January 15, 2015
- Presenter, "Accidental Landlords: Actions to Avoid Liability" – Hennepin County Bar Association, October 23, 2014
- Co-Author, "MnDOT's Failure to Act on Permit Application Violates Sixty-Day Rule" – Builders Association Twin Cities, December 2013
- "Priority of Interests: Construction Work Did Not Relate to Demolition Work" – Minnesota Real Estate Journal, April 2011
- "As is" Clauses Do Not Equal Iron-Clad Protection" – Minnesota Real Estate Journal, April 2010

## Awards & Recognitions

- Super Lawyer® (2022, 2023) - Real Estate
- Minnesota Lawyer & Power 30 List in Construction and Real Estate Law (2021, 2023, 2024)
- MSBA Certified Real Property Law Specialist, 2014 - current
- Minnesota Rising Stars® (Real Estate)
- North Star Lawyer Pro Bono All Star (2020)
- North Star Lawyer (2013-2020)

## Notable Representations

### Land Use

- Secured a Minnesota Court of Appeals' decision in favor of landowner clients reversing decision of Minnesota Department of Natural Resources that clients could not operate their small mine without first obtaining a permit that would have required the expenditure of exorbitant amounts
- Secured a Minnesota Court of Appeals' decision in favor of landowner client ordering Minnesota Department of Transportation to

approve application for access to property

- Persuaded a city not to require client to obtain variance it had demanded of client in connection with construction of new home
- On behalf of the developer of a group home, convinced a city to immediately issue building permits it had refused to issue mid-construction due to direction from zoning officials based on neighbors' complaint

## Real Estate Litigation

- Secured Minnesota Court of Appeals' decision affirming district court's findings of fact and conclusions of law concerning property exempt from attachment of judgment liens due to homestead status
- Secured decision granting client summary judgment in real property disclosure dispute, and then obtained award of attorneys' fees in favor of client
- Assisted client in obtaining favorable mediated settlement of claims arising from purchase agreement concerning commercial property
- Obtained favorable resolution of homeowner client's claims against neighboring property owners shedding excessive amounts of water onto her property
- Secured dismissal and expungement of wrongful eviction action and successful resolution of lawsuit concerning title to the property
- Obtained satisfaction of fifth-priority mortgage following foreclosure sale
- In action to foreclose mechanic's lien, obtained favorable settlement at mediation
- Quieted title against claims arising due to defects in recorded documents dating back to 1973
- Prompted expedient resolution of long-standing access dispute by demand of execution of amended express easement
- Following several days of jury trial on claims concerning the condition of a commercial property clients purchased and counterclaims regarding a purchase money mortgage, successfully negotiated a favorable resolution
- Represented former owner of residential property at trial against national bank seeking to evict client following foreclosure of mortgage, obtaining a court order denying bank's ability to evict client
- On behalf of owner of residential apartment building in Minneapolis damaged in a tenant fire, obtained cash payments from multiple sources to avoid multi-party litigation over monetary damages
- Represented tenant in pursuing un-inhabitability claims against residential property owner for mold and other problems, securing a settlement including monetary damages and early termination of lease
- On behalf of owner of apartment building in Uptown Minneapolis, defended former tenant's claims of un-inhabitability, obtaining favorable resolution through pre-mediation negotiation
- Represented former owners of residential property in pursuing claims in federal district court against national bank for wrongful foreclosure and wrongful eviction, securing a settlement including time in property payment-free and monetary damages
- Negotiated with sheriff and bank to terminate imminent foreclosure sale of client's home of thirteen years and settlement of monetary defaults
- Prosecuted homeowner's claims against roofing company for defects in product and installation, securing favorable settlement
- On behalf of mortgage company, pursued multiple evictions through trial and then successfully obtained favorable court decisions or negotiated positive settlements
- Prosecuted condominium owner's claims against homeowners association for roof defects causing damage to client's home, securing favorable settlement
- On behalf of a client whose home's foundation was defective and threatening collapse, negotiated a settlement with the home builder for damages the homeowner sustained, obtaining a significant cash payment for the client.
- On behalf of a group of property owners defending prescriptive easement claim asserted by neighbor, assisted in obtaining a favorable court decision following a three-day bench trial
- Assisted in securing a favorable settlement of an express easement dispute that had lingered between neighbors for over a decade
- Placed mechanic's lien on property on behalf of unpaid contractor and obtained payment in full for client
- Assisted in defending case against commercial property owner sued by subtenant alleging an illegal eviction, securing summary judgment dismissing the plaintiff's claims and awarding client its legal fees and costs
- For the owner and manager of properties throughout numerous states, assisted in trial resulting in court decision finding that tenant in the restaurant space in the client's headquarters owed in excess of \$200,000 in past due rent and permitting eviction
- Assisted in securing an award of substantial damages on behalf of an industrial property owner following a four-day bench trial
- Obtained a court order permitting eviction of commercial property tenant, over tenant's claims of wrongful eviction
- Negotiated favorable eviction settlements on behalf of numerous property owners and occupants of commercial and residential premises, including some following trials and some resulting in lease amendments with favorable terms

- On behalf of apartment building owners, successfully defended tenant's guest's litigation claiming negligent maintenance of the premises, securing order for summary judgment which dismissed plaintiff's claims and awarded clients the entire amount requested for its legal fees and costs
- On behalf of lender client, prosecuted many claims against debtors and former owners of foreclosed property, including pursuit of debtors in bankruptcy

## Construction

- On behalf of homeowner client, obtained successful resolution of claims against contractor for construction of new basement
- Obtained successful mediated resolution of subcontractor's claims against general contractor on commercial project
- Assisted homeowner clients in successfully resolving claims by and against custom home builder
- Assisted homeowner clients in obtaining favorable resolution of claims against contractor arising from defects in a massive retaining wall
- Successfully resolved claims against builder over false allegations that settlement agreement had not been entered
- On behalf of a contractor that was owed in excess of \$150,000 on a judgment entered seven years earlier, undertook collection activities and then negotiated a settlement resulting in full payment of the debt
- Represented a contractor that was not paid for its work on a reservation within South Dakota, invoking the contract's arbitration clause for the dispute and then negotiated a full and final settlement that provided the contractor with a six-figure cash payment
- Successfully defended against a motion for new trial brought against commercial construction company by neighboring property owners, and recovered substantial damages

## Collection

- Assisted client in negotiating favorable resolution of old debt
- Successfully disputed debt for client when collection agency began erroneous pursuit of him
- Directed county sheriff in executing writ of replevin against hundreds of scrap automobiles which had served as collateral for client's loan and obtained full satisfaction of debt, including attorneys' fees
- Obtained summary decision in client's favor denying debtor's request to remove debt collection litigation from Minnesota district court to arbitration forum in distant state

## Other Disputes

- Assisted client in successfully prosecuting claims arising from injuries she sustained in a collision with a vehicle owned by an agency of the State of Minnesota
- Successfully resolved claims for client by and against business partner arising from dissolution of the partnership.
- Assisted real estate broker client in negotiating resolution of investigation by Department of Commerce
- Obtained substantial settlement of monetary and non-monetary terms at mediation for client woman-owned company suing former employees for violation of their non-competition agreements
- Resisted adverse claims against client trustee by successful presentation of evidence at evidentiary hearing
- Obtained successful monetary and non-monetary settlement of claims by employee client in litigation with former employment regarding terms of agreement between the parties
- Secured substantial settlements from insurers in a wrongful death action
- On behalf of a dealer, sued manufacturer which had abruptly cancelled a dealership agreement, asserting claims under the Minnesota Termination of Sales Representatives Act, successfully defended against motion to dismiss the complaint, and then negotiated a settlement for damages and attorneys' fees
- On behalf of a professional mechanical engineering firm with a former client who refused to pay for its services, secured a substantial settlement at mediation
- Assisted in securing a positive settlement at pre-arbitration mediation on behalf of an international manufacturer in a dispute with a contractor over materials and pricing
- Assisted in securing court order granting motion for summary judgment on behalf of convenience store owner, with nearly 1,500 locations in the Midwest, dismissing premises liability claims
- On behalf of franchisor whose confidential customer list had been stolen by a former employee and franchisee, assisted in successfully moving for temporary injunctive relief prohibiting the use of the list, protecting the ongoing success of the business
- On behalf of franchisor/landlord, assisted in obtaining a summary dismissal of franchisee's answer to eviction action, a temporary restraining order to enjoin the ongoing violations of the franchise agreements, and an order allowing replevin of a walk-in beer cooler
- Assisted in successfully negotiating resolution of fraudulent transfer claims in an adversary proceeding in connection with transfer of property from parent to daughter.
- Assisted in successfully negotiating resolution of fraudulent transfer claims in connection with transfer of property to clients from their former business colleagues

## **Service Area Subspecialties**

- Litigation
  - Commercial Litigation
  - Financial Services & Business Litigation
  - Real Estate Litigation