

STATE OF MINNESOTA  
COUNTY OF CROW WING

DISTRICT COURT  
NINTH JUDICIAL DISTRICT

Trista Jo Pankratz,

Case Type: Civil Other/Misc.  
Court File No.: 18-CV-24-3409

Plaintiff,

v.

MN Federated,

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND ORDER**

and

Crow Wing County Sheriff's Office,

Co-Defendants.

The above-entitled matter came on for an Evidentiary Hearing on October 9, 2024, October 11, 2024, and December 17, 2024, before the Honorable Kristine R. DeMay, Judge of District Court at the Crow Wing County Judicial Center, Brainerd, Minnesota 56401.

Trista Jo Pankratz, Petitioner, appeared self-represented. Katherine Freitag, Attorney at Law, appeared on behalf of MN Federated Humane Society, Co-Defendant. Stephanie Shook, Assistant Crow Wing County Attorney, appeared on behalf of the Crow Wing County Sheriff's Office, Co-Defendant.

The following Exhibits were received into the record:

- Exhibit 2: Written Agreement**
- Exhibit 3: Federated Report with Photographs and Annotations**
- Exhibit 4: Photograph - Aerial View of Property**
- Exhibit 5: Photograph – Inside Metal Barn**
- Exhibit 6: Photograph – Inside Wooden Barn**
- Exhibit 7: Photograph – South Barn**
- Exhibit 9: Temporary Surrender Form and List 1**
- Exhibit 10: Temporary Surrender Form and List 2**
- Exhibit 17: MN Federated Supplemental Report dated 05/20/2024**
- Exhibit 29: Veterinary Records**
- Exhibit 100: Photograph – Barn dated 05/20/2024**
- Exhibit 101: Photograph – Barn dated 05/17/2024**
- Exhibit 102: Article - How Much Does It Cost To Own A Horse?  
By Karen Hopper Usher**
- Exhibit 103: MN Federated Supplemental Report dated 07/26/2024**
- Exhibit 104: Application for Search Warrant, Search Warrant, and  
Evidence Receipt/Inventory**

The following witnesses testified:

**Kathleen Zweber, State Humane Agent for MN Federated**  
**Dr. Julia Wilson, Large Animal Veterinarian**  
**Valerie Trujillo, Animal Welfare Consultant for MN Federated**  
**Trista Pankratz, Petitioner**  
**Investigator Jaden Hanson, Crow Wing County Sheriff's Office**

At the close of hearings, the parties were given an opportunity to submit written argument. The matter was taken under advisement on January 2, 2025.

Based upon the arguments of the parties, and all the files, proceedings, and records herein, the Court makes the following:

### **FINDINGS OF FACT**

1. On May 20, 2024, this Court issued a Search Warrant authorizing the seizure and removal of all animals that have suffered neglect that are located at the residence of 11747 70<sup>th</sup> Street, Brainerd, Minnesota (hereinafter "Property"). The application was applied for by Investigator Kris Brose of the Crow Wing County Sheriff's Office on behalf of Minnesota Federated Humane Society (hereinafter "Federated").
2. According to the Search Warrant Inventory prepared by the Crow Wing County Sheriff's Office; twenty-one (21) horses, three (3) cats, eighteen (18) dogs, a bearded dragon, and eighteen (18) cows/calves were seized. The cows were part of a foreclosure matter initiated by First National Bank & Trust and are not part of this matter.
3. A Notice of Animal Seizure was filed on September 16, 2024, by the Crow Wing County Sheriff's Office indicating that Federated had all the information related to where the animals were being held. The animals listed included twenty-one (21) horses, a bearded dragon, and numerous other animals. The dogs and cats removed from the residence were noted as either having been returned to the owner or surrendered. The Crow Wing County Sheriff's Office, believing service of this notice was the responsibility of Federated, did not timely serve Trista Pankratz (hereinafter "Petitioner") with the statutory notice of seizure and owner rights as required.
4. Petitioner filed a Declaration of Ownership and Request for Hearing (hereinafter "the Request") on September 16, 2024, requesting the return of animals seized pursuant to the search warrant. The Request indicated that Petitioner received the hearing request form from law enforcement on September 6, 2024, and she had been without her animals since May 18, 2024.
5. The matter came before the Court for hearing on September 23, 2024. Ms. Shook, on behalf of Crow Wing County, provided some procedural background including that no notice of seizure had been provided or inventory filed. Because Federated had not filed anything, the Crow Wing County Sheriff's Office followed up and gave notice to Petitioner. Based

upon this information, the parties were directed to submit any argument or authority to the Court as to whether a hearing should be set, or the animals should be returned to Petitioner. An evidentiary hearing was scheduled for October 7, 2024.

6. At the October 7, 2024, hearing, the issue of Federated appearing without counsel was raised for the first time. The hearing was again continued and Federated was directed to appear with counsel on November 11, 2024.
7. On November 4, 2024, Ms. Freitag, on behalf of Federated, filed a Notice of Motion and Motion and Memorandum of Defendant MN Federated in Support of Their Motion to Continue Trial. Federated indicated that additional time was needed to obtain and review veterinary records, the records in MNDES were not available to them, and counsel was also not available for the scheduled hearing. Affidavits of Julia Wilson, DVM, Elisa Johnson, and Katherine Freitag were submitted in support of the motion. The Court reset the matter to the trial week of December 16, 2024, and the hearing resumed on December 17, 2024.
8. Kathleen Zweber (hereinafter “Zweber”) is employed at Federated. She testified at the first hearing, on October 9, 2024, as follows:
  - Zweber received a call on May 20, 2024, around 3:00 p.m., that a search warrant was being executed on the Property. After receiving the call, she went to the Property and arrived there sometime around 9:00 p.m. While there, she witnessed several of the animals being removed and the condition of the property, including that there was no water for the animals.
  - While at the Property Zweber spoke with Petitioner and they discussed the hardships Petitioner was facing, particularly after the loss of her husband. Zweber offered to assist Petitioner by selling some of Petitioner’s equipment to help her raise some money. Zweber had previously been to the property, on February 25, 2024, and saw that the fences were in disarray. On that date she helped by de-worming some of the horses and trimming hooves.
  - Zweber had also gone to the Property on May 17, 2024. Zweber was assisting Petitioner with obtaining hay. On this date she observed that there was no power at the Property and no water for the animals. Zweber believed there were more than 25 horses at the Property. Petitioner had indicated her desire to rehome some of the animals and they discussed possible respite care. There was an agreement reached that Zweber would take some of the horses that Petitioner did not want returned and Zweber would try to rehome them. Zweber owns horses and is aware of the needs and costs for caring for them.
  - After, Petitioner appeared to change her mind and wanted the animals returned, Zweber contacted the Crow Wing County Sheriff’s Office the following Monday and reported the conditions at the Property.
9. Tiffany Perreault (hereinafter “Perreault”) was previously employed at Federated. She met with law enforcement regarding the animals and arrived at the Property on May 20, 2024, while the warrant was being executed. Perreault observed that there was no water for the

animals, and she also believed Petitioner had been evicted from the Property. Perreault indicated it is Federated's procedure to notify law enforcement when there is an animal welfare concern and then, if determined appropriate, law enforcement applies for a search warrant. If the warrant is granted, Federated assists in the execution of the warrant and seizure of the identified animals. Perreault has known Petitioner for over two (2) years and has assisted her in providing some care, such as deworming the horses. Perreault sold some of Petitioner's tack and provided her with the money from the sale in early May 2024. Perreault believed the conditions of the animals, as well as the conditions at the Property, rose to that of exigent circumstances requiring the immediate removal of the animals.

10. Valerie Trujillo provided testimony at hearings held on two different dates. She testified at the first hearing, on October 9, 2024, as follows:

- Trujillo is a Veterinary Technician. On May 17, 2024, she went to the Property and immediately recognized there was a neglect case, as it was apparent animals were dehydrated and had no water or food. Trujillo offered to help Petitioner rehome some of the animals. On this date, Trujillo was there to help bring food and water to the Property. Petitioner refused additional services, and Trujillo knew the animals needed help. Trujillo returned to the Property on May 20, 2024, and observed that several animals appeared severely dehydrated with some running around and through fences.

11. On December 17, 2024, Trujillo provided the following additional testimony.

- Trujillo is a Welfare Consultant with Federated. On May 20, 2024, she went to the Property and assisted with the seizure of several horses. Trujillo identified, to the best of her recollection from Exhibit 17, which horses were seized. According to Trujillo the majority were described as skinny to extremely skinny. There was no water available for the horses. Many fences were down and some of the horses were injured by the fences as they ran around. The horses' coats were described as rough and patchy, and some horses had curled hooves.
- After the horses were seized, they were provided food, water, and veterinary care, as needed.
- Trujillo was not involved in the seizure of other animals.
- While at the Property on May 18, 2024, Trujillo offered to help foster some of the horses. She was aware that Petitioner was being evicted and had to get off the Property.

12. Dr. Julia Wilson is a veterinarian with forty-six (46) years of experience. She specializes in large animals, including equine. She has previously assisted in other Humane Society cases. She testified on December 17, 2024, as follows:

- Dr. Wilson reviewed several reports, witness statements, photographs and laboratory results pertaining to the horses. In her evaluation she looked at the muscle tone, hair, coat, mane, tail, and demeanor of the horses. She observed horses with very little fat, ribs showing, prominent hip bones, and thin necks. Some of the horses had discharge coming from eyes while others had abrasions or lesions on their legs. The animals with

apparent injuries could likely have been caused from them trying to get out of their environment.

- Dr. Wilson also noted the conditions were dangerous to the horses because a building appeared to be falling down, and animals were grazing in thick muck that may have been manure. She observed buckets to be upside down and no indication of food or a water supply. The condition of the fencing was also dangerous to the horses. For some of the horses, there was indications of lack of proper Ferrier care which can lead to other health related risks.
- Overall, Dr. Wilson's impression of the horses was that they were all extremely thin, they had not properly lost their winter coat, and their hooves lacked regular routine care. In addition, the shelter available did not appear appropriate for horses living in Minnesota. The structures on the Property were not safe or adequate for the animals.<sup>1</sup>
- Dr. Wilson estimated from her training and experience, including her personal knowledge as a horse owner, that the average cost of owning and caring for one horse is \$8,500.00 per year.
- Dr. Wilson testified that in her expert opinion, Petitioner does not have the ability to care for the horses.

13. Petitioner provided testimony on December 17, 2024, as follows:

- She loves her horses, and they are a significant part of her life. She believed the agents had initially come to the Property as friends and to help her. When her husband died, he left her in debt. She had intended to use the money she was going to receive from the sale of some of her equipment to restore power but by then it was too late.
- Some of the horses shown during the testimony and in the exhibits are not hers. She sold the horses that were returned to her by the Crow Wing County Sheriff's Office.
- She was evicted from the Property.
- She does plan to adopt out several of the horses if they are returned to her. She did not purposely hurt or starve the horses. She ran into a problem when she had purchased bad hay and then ran into additional financial issues. She wants a chance to get them back and adopt them out herself. She does not have the financial ability to care for the horses.
- She felt pressured into surrendering the other animals referenced that were not returned to her.

14. Investigator Hanson was assigned to the case in late May or early June. He testified on December 17, 2024, as follows:

- Inv. Hanson met with Petitioner a few times at The Babinski Foundation (hereinafter "Babinski"). During these meetings an agreement was reached regarding two animals that would be returned to Petitioner. Exhibit 18 lists the names of the other animals that Petitioner voluntarily surrendered to Babinski.

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<sup>1</sup> According to Dr. Wilson the seized horses should have been examined by a veterinarian right away, but she recognizes that there is an extreme shortage of large animal veterinarians. She herself does not work for Federated.

- According to Investigator Hanson, he believed Petitioner willingly entered into the agreement to surrender the identified animals.
15. The animals that were identified as having been surrendered by Petitioner were done so voluntarily.
  16. The animals at issue were properly seized pursuant to a warrant establishing probable cause. The animals were in very poor condition and there was no water or food available to them and they lacked access to proper shelter. In addition, the environment and surroundings were a danger to the animals' safety.
  17. Notwithstanding the failure to timely serve Petitioner with the notice and right to hearing provided for by Minn. Stat. § 343.235, Petitioner, upon demand, was provided the opportunity for a full hearing to address the seizure and request the return of the seized animals.
  18. The evidence in the record demonstrates the extreme lack of care of these animals while in Petitioner's care. The horses were without food, water, and adequate shelter. The horses were described as extremely thin, and some had apparent injuries. Many of the horses also lacked proper Ferrier care. The pasture was a hazardous condition and much of the fencing was compromised.
  19. By her own testimony, Petitioner conceded that she is not able to properly care for the horses if they are returned to her care.<sup>2</sup>
  20. Due to the late notice provided to Petitioner regarding the seizure and notice of rights, she shall not be responsible for costs of boarding or care of the horses subject to this matter from the date of seizure to December 17, 2024.

NOW, THEREFORE, based upon the above Findings of Fact, the Court makes the following:

#### **CONCLUSIONS OF LAW**

1. A law enforcement officer, “[u]pon application of any agent appointed by the federation or a county or district society... [shall] ... investigate any alleged violation of the law relative to cruelty to animals, and arrest any person found violating those laws.” Minn. Stat. § 343.12. The officer also has the duty to take possession of any animals which have been cruelly treated and deliver them to the proper officers of the county or district for custody and care. *Id.*

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<sup>2</sup> Petitioner requested the return of the horses so that she could rehome them. However, there is evidence in the record indicating that she had previously agreed to do this with some of the horses before the seizure, but then changed her mind.

2. “Any person who has reason to believe a violation of this chapter has taken place or is taking place may apply to the court... for a warrant and for investigation.” Minn. Stat. § 343.22, subd. 1. If issued, the “order” shall direct the officer to proceed to the location of the alleged violation and may command that a veterinarian accompany the officer. *Id.*
3. The peace officer shall search the place designated in the warrant and take into custody any property specified in the warrant, including any animals. *Id.* at subd. 2. Service of the warrant shall be in accordance with sections 626.13, 626.14 and 626.16. *Id.* The warrant must be executed and returned to the court within ten (10) days of the issuance. *Id.* “The officer executing the warrant shall [also] promptly return the warrant to the court and deliver a written inventory of the property or things taken, verified by the certificate of the officer.” *Id.*
4. The expenses of the investigation authorized by section 343.22, including the expenses for keeping any animal taken into custody pursuant to the investigation, and all other expenses reasonably incident to the investigation shall be paid by the county treasurer from the general fund of the county. Minn. Stat. § 343.23.
5. The authority taking custody of an animal shall give notice of this section by delivering or mailing it to a person claiming an interest in the animal or by posting a copy of it at the place where the animal is taken into custody or be delivering it to a person residing on the property, and telephoning, if possible. The notice must include:
  - (1) a description of the animal seized; the authority and purpose for the seizure; the time, place, and circumstances under which the animal was seized; and the location, address, telephone number, and contact person where the animal is kept;
  - (2) a statement that a person claiming an interest in the animal may post security to prevent disposition of the animal and may request a hearing concerning the seizure or impoundment and that failure to do so within ten days of the date of the notice will result in disposition of the animal; and
  - (3) a statement that all actual costs of the care, keeping, and disposal of the animal are the responsibility of the person claiming an interest in the animal, except to the extent that a court or hearing officer finds that the seizure or impoundment was not substantially justified by law.

The notice must also include a form that can be used by a person claiming an interest in the animal for requesting a hearing under this subdivision. Minn. Stat. § 343.235, subd. 3(a).

6. A person claiming an interest in an animal must make a request for a hearing within ten (10) days of the date of seizure. *Id.* at subd. 3(b). If such a request is made, a hearing to determine the validity of the seizure and impoundment must be held within five (5) business days of the

request. *Id.* If the seizure was done pursuant to a search warrant, the hearing shall be before the judge that issued the warrant. *Id.*<sup>3</sup>

7. After the hearing, the judge may return the animal upon a finding that:
  - a. The animal is physically fit;
  - b. The person claiming an interest in the animal can and will provide the care required by law for the animal.

*Id.* at subd. 3(c).

NOW, THEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law, this Court makes the following:

**ORDER**

1. The seizure was justified, and the animals were properly impounded.
2. The remaining seized horses shall not be returned to Petitioner.
3. Petitioner shall not be responsible for the cost of board or care for the twenty-one (21) horses seized from the date of the seizure to December 7, 2024.
4. Service of a copy of this order shall be made upon a pro se party by First Class U.S. Mail at their last known address.

IT IS SO ORDERED

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Kristine R. DeMay  
Judge of District Court

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<sup>3</sup> While the statute does not specify a time frame to give the required notice, it does indicate the owner must make the request for hearing within *ten (10) days from the date of the seizure*. Thereby, implying notice shall be given within that ten-day time frame.