

**THE LAW OFFICES OF  
JOHN D. CLUNK CO., L.P.A.**

ATTORNEYS AT LAW  
4500 Courthouse Blvd., Suite 400  
Stow, OH 44224  
Phone: (330) 436-0300  
Fax: (330) 436-0301  
E-mail: requests@johndclunk.com

*Attorneys (Admitted In):*

John D. Clunk (OH)  
Andrew A. Paisley (KY, OH)  
Ted A. Humbert (OH)  
Timothy R. Billick (OH)  
Robert R. Hoose (OH)  
Scott P. Ciupak (MI, OH)  
Charles V. Gasior (OH)  
Jason A. Whitacre (OH)  
Laura C. Infante (OH)  
LeAnn E. Covey (OH)  
Julie Terry (OH)  
Kathryn M. Eyster (OH)

June 11, 2010

Division of Housing & Building  
ATTN: Appeals Department  
12650 Detroit Avenue  
Lakewood, Ohio 44107

RE: Property Known As: 1549-1559 Lakewood Avenue, Lakewood, Ohio 44107  
Parcel No. 315-11-114  
File No. 09-12895

Dear Sir/Madam:

Our client, IB Property Holdings, LLC, was just made aware of the existence that a Declaration of Public Nuisance and Intent to Repair or Demolish was issued against the property commonly known as 1549-1559 Lakewood Avenue, Lakewood, Ohio 44107.

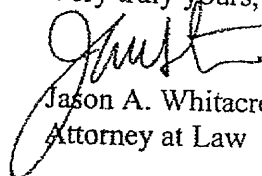
IB Property Holdings LLC, the current owner of the subject property, was never served with the Notice. Thus, the timeframe upon which to appeal that decision by our client has never began to run. Notwithstanding the above, we are sending this correspondence as our notice of appeal and request for an administrative hearing.

Therefore we demand per statute that the proceedings against this property are on held in abeyance and no demolition process will be started until we have a right to properly ad here to the Declaration of Public Nuisance and Intent to Repair or Demolish issued against the subject property.

Please be advised we wish to be notified if and when any demolition proceedings or other actions commence as we will be representing our client and wish to be kept apprised.

Thank you for your assistance in this matter, should you have further questions or concerns, please do not hesitate to contact me.

Very truly yours,

  
Jason A. Whitacre  
Attorney at Law

JAW/mca

**COPY**

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June 16, 2010

Division of Housing & Building  
ATTN: Appeals Department  
12650 Detroit Avenue  
Lakewood, Ohio 44107

RE: Property Known As: 1549-1559 Lakewood Avenue, Lakewood, Ohio 44107  
Parcel No. 315-11-114  
File No. 09-12895

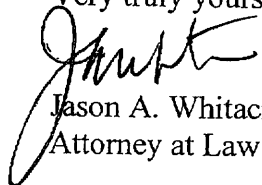
Dear Sir/Madam:

Our client, IB Property Holdings, LLC, was just made aware of the existence that a Declaration of Public Nuisance and Intent to Repair or Demolish was issued against the property commonly known as 1549-1559 Lakewood Avenue, Lakewood, Ohio 44107.

IB Property Holdings LLC, the current owner of the subject property, would be willing to do a negotiated transfer of the subject property. If the City is interest in pursuing these options, please contact our office as soon as possible to discuss in detail.

Thank you for your assistance in this matter, should you have further questions or concerns, please do not hesitate to contact me.

Very truly yours,

  
Jason A. Whitacre  
Attorney at Law

JAW/mca



BOARD OF BUILDING STANDARDS  
ARCHITECTURAL REVIEW BOARD  
SIGN REVIEW BOARD

12650 Detroit Avenue • 44107 • (216) 529-6630 • FAX (216) 529-5936  
www.onelakewood.com

July 6<sup>th</sup>, 2010

Jason A. Whitacre  
The Law Offices of John Clunk  
4500 Courthouse Blvd. Suite 400  
Stow, OH 44224

IB Property Holdings, LLC  
4425 Ponce De Leon Blvd.  
5th Floor  
Coral Gables, FL 33146

Via Certified Mail

Re: Appeal to Lakewood City Board of Building Standards  
1549-1559 Lakewood Avenue  
Lakewood, OH 44107

Dear Mr. Whitacre:

On December 17<sup>th</sup>, 2009 a letter via certified mail from the Lakewood Building Department was sent to inform Mr. William Oscar Graham and Lakewood Ave. LLC that the above-mentioned property had been declared a public nuisance per Ordinance 40-09, Section 1306.521 and 1306.522. This letter, providing written notice that the property had been declared a nuisance and of the City's intent to repair or demolish, was also sent to Bay View Loan Servicing at 4425 Ponce De Leon Blvd, 5th Floor in Coral Gables, Florida with the heading "YOU HAVE BEEN IDENTIFIED AS A POSSIBLE LIEN HOLDER IN THE PROPERTY KNOWN AS 1549 LAKEWOOD AVE., LAKEWOOD, OH 44107 PARCEL #315-11-114," on March 11, 2010 pursuant to the foreclosure action that was filed by Bay View Loan Servicing.

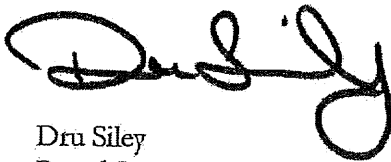
The letter further provided that under Section 1306.522 9 (e) (1) (A), the notified parties have the Right to Appeal that order to the Lakewood Board of Building Standards within 10 days of service of that notice. No request to appeal was received by any notified party within the requisite timeframe.

The Lakewood Building Department received a letter from your office dated June 11, 2010 requesting an appeal of the Building Commissioner's findings. The appeal request was received well after the established deadline, did not include the requisite application to the Board of Building Standards, nor did it include the required filing fee. By virtue of operation of Section 1306.522, the Building Commissioner's Notice becomes a final order. Section 1306.522(G) specifically provides: "Any notice served by the Commissioner shall automatically become a final order if a written notice of appeal before the Board is not filed in the office of the Board within the time set forth above."

Please be aware that you may further appeal the Commissioner's intent to demolish under Section 1306.522 (2), which states: **Appeal to court of competent jurisdiction:** "Notwithstanding any provisions contained herein, the owner or person in control of the structure shall have the right to appeal the decision and order of the Board to a court of competent jurisdiction. In the absence of an appeal, all actions taken shall constitute a valid exercise of the police powers of the City of Lakewood."

If you have any questions please contact Nora Hurley, Law Director, at 216.529.6034.

Sincerely,



Dru Siley  
Board Secretary  
Assistant Director, Planning and Development

cc:  
Nora Hurley, Law Director,  
Nathan Kelly, Director of Planning,  
Jeff Ashby, Assistant Director of Public Safety,  
Robert Apanasewicz, Assistant Building Commissioner  
File

Ashby, Jeffrey

**From:** Hurley, Nora  
**Sent:** Monday, August 02, 2010 11:44 AM  
**To:** Ashby, Jeffrey; Apanasewicz, Robert; Fillar, Jeff; Gilman, Scott; Belzer, Ashley; Roessner, Pamela; Kelly, Nathan; Rocco, Andrea; Leigh, Mary  
**Subject:** FW: 1549 - 1559 Lakewood Avenue, Lakewood OH (our file no: 09-12895)  
**Attachments:** HOUSING--Executed Lakewood Inspection Approval.pdf

I also received a faxed copy of the signed form. Let me know who needs a copy please.  
Nora

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**From:** Mandy C. Atkins [mailto:matkins@johndclunk.com]  
**Sent:** Monday, July 26, 2010 9:52 AM  
**To:** Hurley, Nora  
**Cc:** Jason A. Whitacre  
**Subject:** 1549 - 1559 Lakewood Avenue, Lakewood OH (our file no: 09-12895)

Good Morning-

Please find attached hereto the executed Consent to Inspect Form. Please confirm receipt of this email.

Additionally, please keep me apprised of any dates/times in which the City intends to inspect the property. Thank you and I look forward to hearing from you in regards.

Mandy C. Atkins  
Litigation Department  
The Law Offices of John D. Clunk Co., L.P.A.  
4500 Courthouse Blvd.  
Suite 400  
Stow, Ohio 44224  
Phone: 330-436-0300 ext. 2200  
Fax: 330-436-0301  
[matkins@johndclunk.com](mailto:matkins@johndclunk.com)

**The JDC Family of Companies®:**  
The Law Offices of John D. Clunk Co., LPA  
Clunk, Paisley & Assoc., PSC  
Sovereign Title Agency, LLC  
KJC Management, LLC  
Ethan Daniel, LLC  
Ohio Realty Specialists, LLC  
Process Pro, LLC

**Confidentiality Notice:**

Federal and State Law requires that we inform you that this firm is a debt collector attempting to collect a debt and any information we obtain may be used for that purpose. The information contained in this email is intended only for the personal and confidential use of the recipient(s) named above. If the reader of this

Ashby, Jeffrey

NRA - FYI

From: Michael Dolezal [mdolezal@cpaneeds.com]  
Sent: Wednesday, August 04, 2010 2:32 PM  
To: Ashby, Jeffrey  
Subject: FW: 1549-1559 Lakewood Avenue

Jeffery,

You met my partner Steve Shauver the other day when he stopped in to inquire about the property located at 1549 Lakewood Ave. I was wondering if we might be able to get a copy of the violations list associated with the property. It can be emailed, faxed to 877-961-1031, or we can pick up a copy.

I am discussing potential purchasing this property from the bank and would like to understand what is needed to bring this property out of condemnation and rehab it to the standards of the city of Lakewood. I would like to work with you in accomplishing this.

If you could please let me know how I could obtain a copy I would greatly appreciate it.

If you have any questions please contact my office.

Michael A Dolezal, CPA and Realtor (c)  
Michael Dolezal & Co., Ltd.  
CPAs and Real Estate Advisors  
216-409-5077  
850 Euclid Ave #528  
Cleveland, OH 44114  
[mdolezal@cpaneeds.com](mailto:mdolezal@cpaneeds.com)  
[www.cpaneeds.com](http://www.cpaneeds.com)

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