

117-119 W. OVERLAND AVE.



RAYMOND C. CABALLERO
MAYOR



BUILDING PERMITS AND INSPECTIONS
CODE COMPLIANCE
April 16, 2003

Franklin Group L P
P. O. Box 1797
El Paso, Texas 79949-1797

Re: 117-119 W Overland Ave.
Lot: 60 Ft. ON OVERLAND X
125.75 Ft. ON SANTA FE SWC
Blk: 15, Mills
Zoned: C-5
COD03-05886
Certified Mail Receipt #
7002 2030 0005 7053 5942

CITY COUNCIL

JAN SUMRALL
DISTRICT NO. 1

ROSE RODRIGUEZ
DISTRICT NO. 2

LARRY M. MEDINA
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

LUIS G. SARIÑANA
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.52.030 - Unsafe Structures - Owner Not To Allow Condition To Continue, which states:

It is unlawful for the owner of any building or structure, or part thereof, which has become unsafe and dangerous so as to endanger persons or property, or so as to be a fire hazard by reason of defective construction, overloaded floors, lack of guards against fire, defective condition of the foundations, walls, or parts thereof, or deterioration caused by fire or otherwise, or for any reason, to allow or permit same to remain upon any real estate within the City.

The El Paso Municipal Code Chapter 18.52.040 - unsafe structures - Remedial action by owner or City defines unsafe structure as a structure or part thereof that is:

- a. Dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare; or
- b. Regardless of its structural condition, unoccupied by its owners, lessees or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or
- c. Boarded up, fenced, or otherwise secured in any manner in if:

117-119 W. Overland Avenue

- i. The building constitutes a danger to the public even though secured entry or
- ii. The means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described by subsection.

The structure located at 117-119 W. Overland Avenue has the following violations:

- a. The floors have not been maintained in a safe manner.
- b. The walls have not been maintained in a safe manner free of holes and cracks.
- c. The roof structure has not been maintained free of defects that may cause leaks.
- d. The plumbing system is inadequate and does not meet minimum code requirements.
- e. The electrical system is inadequate and does not meet minimum code requirements.
- f. The HVAC system is inadequate and does not meet minimum code requirements.
- g. The structure is open and accessible to unauthorized entry.
- h. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within thirty (30) days from receipt of this letter.
- i. In the event you fail to correct these violations within 30 days, the case will be submitted to the City Attorney's Office for condemnation proceedings. The City Council will decide if the building should be condemned, vacated, secured, repaired or demolished as per Sec. 18.52.040.

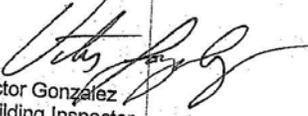
Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

117-119 W. Overland Avenue

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at 541-4800.

FOR THE DIRECTOR FOR BUILDING PERMITS AND INSPECTIONS:



Victor Gonzalez
Building Inspector

VG/rl

COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
Items 1, 2, and 3. Also complete Restricted Delivery if desired. Write your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee <i>[Signature]</i>	
	B. Received by (Printed Name) JOE VALSIA	C. Date of Delivery 4/21/03
1. Article Addressed to: VG Franklin Group LP P. O. Box 1797 El Paso, Texas 79949-1797 Re: 117-119 W. Overland Ave. Lt-43	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label) PS Form 3811, August 2001	7002 2030 0005 7053 5942	
	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	



7002 2030 0005 7053 5942

U.S. Postal Service CERTIFIED MAIL RECEIPT <small>(Domestic Mail Only. No Insurance Coverage Provided.)</small>	
OFFICIAL USE	
Return Receipt Fee <small>(Endorsement Required)</small>	Postmark <i>VG</i>
Restricted Delivery Fee <small>(Endorsement Required)</small>	Date APR 17 2003
Franklin Group LP P. O. Box 1797 El Paso, Texas 79949-1797 Re: 117-119 W. Overland Ave.	

Domestic Return Receipt 102595-02-M-1540

ORDER OF THE BUILDING AND STANDARDS
COMMISSION OF THE CITY OF EL PASO

WHEREAS, the Director for Building Permits and Inspections of the City of El Paso has conducted an investigation and has reported to the Building and Standards Commission in writing that he is of the opinion that the structure located on the property at 117-119 West Overland Ave., in El Paso, Texas, which property is more particularly described as follows:

Legal Description: Portion of Block 15, MILLS MAP ADDITION and being in the Southwest corner of said Block 15.

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in 18.50 of the El Paso City Code; and

WHEREAS, William Abraham (Trustee) for Franklin Group L.P., record Owner, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before the Building and Standards Commission at 5:30 p.m. on July 26, 2006 ; and

WHEREAS, William Abraham appeared.

IT IS THEREFORE, ORDERED ADJUDGED AND DECREED BY THE BUILDING AND STANDARDS COMMISSION OF THE CITY OF EL PASO:

1. That having heard the evidence, and being persuaded by a preponderance of same, the Building and Standards Commission makes the following findings:
 - A. That the structure located on said property is an urban nuisance;
 - B. That the structure located on said property is currently unsafe, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare;
 - C. That the structure is not in substantial compliance with municipal ordinances regulating structural or service systems integrity and disposal of refuse;
 - D. That the structure can be repaired; and
 - E. That in order to be made safe, all of the aforementioned violations must be corrected.
2. That the Building and Standards Commission hereby orders the structure's certificate of occupancy revoked and the Owner(s) to comply with the following requirements:
 - A. That the structure be secured from unwanted entry within 30 days and maintained secured until rehabilitated; and
 - B. That all overhead extensions be removed within 30 days; and
 - C. That a design professional be hired to submit a plan for the repair, removal and stabilization of all exterior surfaces and wall facings to prevent further deterioration, within 30 days; and

- D. That all required permits be obtained within 30 days; and
 - E. That all repairs be made within 60 days; and
 - F. Scheduling a hearing for September 27, 2006 to determine if the property is in compliance with the Building and Standards Commission order of July 26, 2006 and if not, to establish a penalty schedule for continued noncompliance.
3. That upon failure of the Owner(s) to comply with this Order, any mortgagees, lienholders, and/or other persons having an interest in the property have an additional ten (10) days to comply with the above mentioned requirements.
4. That upon failure of the Owner(s), mortgagees, lienholders, and/or any other person having an interest in the property to comply with this Order, the City of El Paso, through its Director for Building Permits and Inspections, shall:
- A. Take whatever action is needed to bring the property into compliance with the Building and Standards Commission order; and
 - B. Provide any other remedies permitted by state law.
5. That upon failure of the Owner(s) to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections may request a hearing before the Building and Standards Commission to:
- A. Determine the amount and duration of civil penalties the City of El Paso may recover for failure to comply with this Order as allowed by Texas Local Government Code Chapter 54; and
 - B. Provide any other remedies permitted by State law.
6. **RIGHT TO APPEAL:** *The decision of the Building and Standards Commission is final (see discussion of rehearing, below). An appeal may be filed by verified petition in State District Court, setting forth that the decision of the Commission is illegal, in whole or in part, and specifying the grounds of the illegality. Petition for appeal must be filed by the owner(s) or interested party within twenty (20) days of receipt of notice of the Order of the Commission. Appeals in District Court are limited to hearings under the substantial evidence rule.*

A rehearing by the Building and Standards Commission may only be granted in the following circumstances:

- A. *Proper request is made within twenty (20) days of receipt of notice of the Order of the Commission; and*
- B. *Rehearing fees of five hundred and forty dollars (\$540.00) are furnished with the rehearing request. The Building and Standards Commission may waive these fees in cases of financial hardship based on written affirmation from the applicant.*

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the City Clerk shall cause copies of this Order to be served on the record owner(s) and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own or have an interest in the property described in this notice. If you no longer own or have an interest in the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the twentieth (20th) day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice.

ADOPTED on this 26 day of July, 2006.

BUILDING AND STANDARDS COMMISSION

Chairman, Panel A

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Carolyn J. Crosby
Assistant City Attorney

Bill Stern, C.B.O., Residential Inspector Supervisor
Development Services Department
Building Permits & Inspections Division

I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice dated **July 26, 2006** regarding the property located at **117-119 W. Overland Ave.**, El Paso, Texas, was PUBLISHED in the official City newspaper on the ____ day of _____, 2006.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice dated **July 26, 2006** regarding the property at **117-119 W. Overland Ave.**, El Paso, Texas, was [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

William Abraham (Trustee) for Franklin Group L.P.
P. O. Box 1797
El Paso, Texas 79949

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated **July 26, 2006** regarding the property at **117-119 W. Overland Ave.**, El Paso, Texas, [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

Franklin Group L. P.
P. O. Box 1797
El Paso, Texas 79949

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated **July 26, 2006**, regarding the property at **117-119 W. Overland Ave.**, El Paso, Texas, [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

Taffy Bagley, Trustee
First Savings Bank, F.S.B. N/K/A Southwest Securities Bank
P. O. Box 1959
Arlington, Texas 76604

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated **July 26, 2006**, regarding the property at **117-119 W. Overland Ave.,** El Paso, Texas, [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

Miguel Salom A.K.A. Mike Salom
1129 Rim Road
El Paso, Texas 79902

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated **July 26, 2006**, regarding the property at **117-119 W. Overland Ave.,** El Paso, Texas, [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

Parks, Huffman, McVay, Shepard & Wells, P.C.
ATTN: Vickie Hancock
500 E. Border St., Suite 820
Arlington, Texas 76010

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated **July 26, 2006**, regarding the property at **117-119 W. Overland Ave.,** El Paso, Texas, [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

First Savings Bank, F.S.B.
ATTN: Bill Mahone
301 S. Center Street
Arlington, Texas 76010

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated **July 26, 2006**, regarding the property at **117-119 W. Overland Ave.,** El Paso, Texas, was [HAND-DELIVERED] to:

City of El Paso
C/O City Clerk
#2 Civic Center Plaza
El Paso, TX 79901

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated **July 26, 2006**, regarding the property at **117-119 W. Overland Ave.**, El Paso, Texas, was [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

Governor of the Ysleta Del Sur Pueblo Indian Tribe
AKA The Tigua Indian Community
119 S. Old Pueblo Road
El Paso, TX 79907

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated **July 26, 2006**, regarding the property at **117-119 W. Overland Ave.**, El Paso, Texas, was [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

James Kirby Read
1011 N. Mesa
El Paso, TX 79902

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated **July 26, 2006**, regarding the property at **117-119 W. Overland Ave.**, El Paso, Texas, was [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

Bill Elkenberry
1011 N. Mesa
El Paso, TX 79902

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated **July 26, 2006**, regarding the property at **117-119 W. Overland Ave.**, El Paso, Texas, was [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

Richard J. Driscoll, President
First Savings Bank FSB
P. O. Box 1959
Arlington, Texas 76004

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated **July 26, 2006**, regarding the property at **117-119 W. Overland Ave.**, El Paso, Texas, was [MAILED CERTIFIED RETURN RECEIPT REQUESTED] to:

El Paso Central Appraisal District
5801 Trowbridge Ave.
El Paso, Texas 79925

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated **July 26, 2006**, regarding the property at **117-119 W. Overland Ave.**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso County Probate Court
500 E. San Antonio Avenue, Suite 703
El Paso, Texas 79901

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice was POSTED at _____, El Paso, Texas.

Date: _____

Time: _____

Inspector

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

JOSE MESTI

C. Signature Agent Addressee

X *[Signature]*

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below

RECEIVED

AUG 25 2006

3. Service Type Certified Mail

**CITY OF EL PASO
DEVELOPMENT SERVICES
DEPARTMENT**

4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:
William Abraham (Trustee)
For Franklin Group L.P.
P. O. Box 1797
El Paso TX 79949
117-119 W Overland

2. Article Number (Copy from service label)

7105 8873 0193 6300 8452

ORDER OF THE BUILDING AND STANDARDS
COMMISSION OF THE CITY OF EL PASO

WHEREAS, the Director for Building Permits and Inspections of the City of El Paso has conducted an investigation and has reported to the Building and Standards Commission in writing that he is of the opinion that the structure located on the property at **117-119 West Overland Ave**, in El Paso, Texas, which property is more particularly described as follows:

Legal Description: Portion of Block 15, MILLS MAP ADDITION and being in the Southwest corner of said Block 15.

Is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; and does not meet the minimum standards for continued use

WHEREAS, **William Abraham (Trustee) for Franklin Group L.P**, record Owner, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before the Building and Standards Commission at **5:30 p.m. on July, 26, 2006**; and to appear at a compliance hearing on **September 27, 2006**.

WHEREAS, William Abraham appeared; and

WHEREAS, Upon the preponderance of the evidence provided by the Director of Development services the building and Standards Commission made the following findings:

- A.** That the structure located on said property is an urban nuisance; and
- B.** That the structure located on said property is currently unsafe, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
- C.** That the structure is not in substantial compliance with municipal ordinances regulating structural or service systems integrity and disposal of refuse; and
- D.** That the structure can be repaired; and
- E.** That in order to be made safe, all of the aforementioned violations must be corrected.

WHEREAS, The Building and Standards commission ordered the Owners to;

- A.** Secure the structure from unwanted entry within 30 days and maintained secured until rehabilitated; and
- B.** That all overhead extensions be removed within 30 days; and
- C.** That a design professional be hired to submit a plan for the repair, removal and stabilization of all exterior surfaces and wall facings to prevent further deterioration, within 30 days; and
- D.** That all required permits be obtained within 30 days; and
- E.** That all repairs be made within 60 days; and

- F. Scheduling a hearing for September 27, 2006 to determine if the property is in compliance with the Building and Standards Commission order of July 26, 2006 and if not, to establish a penalty schedule for continued noncompliance.

IT IS THEREFORE, ORDERED ADJUDGED AND DECREED BY THE BUILDING AND STANDARDS COMMISSION OF THE CITY OF EL PASO:

1. That the Owner(s), mortgagees, lienholders, and/or any other person having an interest in the property failed to comply with the Order, dated **July 26, 2006**; and that the City of El Paso, through its Director for Building Permits and Inspections, shall:
- A. Be assessed a civil penalties of \$300.00 a day from September 25, 2006 through September 27, 2006, for a total of (3) three days during which time the Building and Standards Commission Order of July 26, 2006, was not complied with for a total of \$900.00; and
 - B. That the City Clerk file a certified copy of the Order with the District Clerk of the County of El Paso; and
 - C. That the owner be placed on notice that continuing failure to comply with Building and Standards Commission Order of July 26, 2006, may result in additional and more severe penalties; and
 - D. That a public hearing be scheduled for November 29, 2006, to determine if the Building and Standard Commission order of July 26, 2006, has been complied with and if not to determine additional penalties.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the City Clerk shall cause copies of this Order to be served on the record owner(s) and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own or have an interest in the property described in this notice. If you no longer own or have an interest in the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the twentieth (20th) day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice.

ADOPTED on this 27th day of September 2006.

BUILDING AND STANDARDS COMMISSION

Ted Richardson Chairman, Panel A

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Hillary McGinnes
Assistant City Attorney

Bill Stern, C.B.O., Residential Inspector Supervisor
Development Services Department
Building Permits & Inspection Division

I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice dated September 27, 2006 regarding the property located at **117-119 W. Overland Ave.**, El Paso, Texas, was PUBLISHED in the official City newspaper on the ____ day of _____, 2006.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice dated September 27, 2006 regarding the property at **117-119 W. Overland Ave.**, El Paso, Texas, was [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

William Abraham (Trustee) for Franklin Group L.P.
P. O. Box 1797
El Paso, Texas 79949

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated September 27, 2006 regarding the property at **117-119 W. Overland Ave.**, El Paso, Texas, [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

Franklin Group L. P.
P. O. Box 1797
El Paso, Texas 79949

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated September 27, 2006 regarding the property at **117-119 W. Overland Ave.**, El Paso, Texas, [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

Taffy Bagley, Trustee
First Savings Bank, F.S.B. N/K/A Southwest Securities Bank
P. O. Box 1959
Arlington, Texas 76604

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated September 27, 2006 regarding the property at **117-119 W. Overland Ave.**, El Paso, Texas, [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

Miguel Salom A.K.A. Mike Salom
1129 Rim Road
El Paso, Texas 79902

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated September 27, 2006 regarding the property at **117-119 W. Overland Ave.**, El Paso, Texas, [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

Parks, Huffman, McVay, Shepard & Wells, P.C.
ATTN: Vickie Hancock
500 E. Border St., Suite 820
Arlington, Texas 76010

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated September 27, 2006 regarding the property at **117-119 W. Overland Ave.**, El Paso, Texas, [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

First Savings Bank, F.S.B.
ATTN: Bill Mahone
301 S. Center Street
Arlington, Texas 76010

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated September 27, 2006 regarding the property at **117-119 W. Overland Ave.**, El Paso, Texas, was [HAND-DELIVERED] to:

City of El Paso
C/O City Clerk
#2 Civic Center Plaza
El Paso, TX 79901

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated September 27, 2006 regarding the property at **117-119 W. Overland Ave.**, El Paso, Texas, was [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

Governor of the Ysleta Del Sur Pueblo Indian Tribe
AKA The Tigua Indian Community
119 S. Old Pueblo Road
El Paso, TX 79907

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated September 27, 2006 regarding the property at **117-119 W. Overland Ave.**, El Paso, Texas, was [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

James Kirby Read
1011 N. Mesa
El Paso, TX 79902

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated September 27, 2006 regarding the property at **117-119 W. Overland Ave.**, El Paso, Texas, was [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

Bill Elkenberry
1011 N. Mesa
El Paso, TX 79902

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated September 27, 2006 regarding the property at **117-119 W. Overland Ave.**, El Paso, Texas, was [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

Richard J. Driscoll, President
First Savings Bank FSB
P. O. Box 1959
Arlington, Texas 76004

Date _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated September 27, 2006 regarding the property at **117-119 W. Overland Ave.**, El Paso, Texas, was [MAILED CERTIFIED RETURN RECEIPT REQUESTED] to:

El Paso Central Appraisal District
5801 Trowbridge Ave.
El Paso, Texas 79925

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated September 27, 2006 regarding the property at **117-119 W. Overland Ave.**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso County Probate Court
500 E. San Antonio Avenue, Suite 703
El Paso, Texas 79901

Date:

Time:

Inspector

I certify that a true and correct copy of the foregoing Notice was POSTED at **117-119 W. Overland Ave** El Paso, Texas.

Date: _____

Time: _____

Inspector

RECEIVED

OCT 26 2006

CITY OF EL PASO

1. Article Addressed to: **DEVELOPMENT SERVICES DEPARTMENT**
William Abraham (Trustee)
for Franklin Group L.P.
P. O. Box 1797
El Paso TX 79949
117-119 W. Overland

[Handwritten signature]

2. Article Number (Copy from service label)

7105 8873 0193 6301 1056

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

[Handwritten signature]

Agent
 Addressee

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

3. Service Type

Certified Mail

4. Restricted Delivery? (Extra Fee)

Yes

ORDER OF THE BUILDING AND STANDARDS
COMMISSION OF THE CITY OF EL PASO

WHEREAS, the Director for Building Permits and Inspections of the City of El Paso has conducted an investigation and has reported to the Building and Standards Commission in writing that he is of the opinion that the structure located on the property at **117-119 West Overland Ave**, in El Paso, Texas, which property is more particularly described as follows:

Legal Description: Portion of Block 15, MILLS MAP ADDITION and being in the Southwest corner of said Block 15.

Is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; and does not meet the minimum standards for continued use

WHEREAS, **William Abraham (Trustee) for Franklin Group L.P, P. O. Box 1797, El Paso, Texas 79949** record Owner, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before the Building and Standards Commission at **5:30 p.m. on July, 26, 2006**; and to appear at a compliance hearing on **September 27, 2006 and November 29, 2006**.

WHEREAS, William Abraham appeared; and

WHEREAS, Upon the preponderance of the evidence provided by the Director of Development services the building and Standards Commission made the following findings:

- F.** That the structure located on said property is an urban nuisance; and
- G.** That the structure located on said property is currently unsafe, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
- H.** That the structure is not in substantial compliance with municipal ordinances regulating structural or service systems integrity and disposal of refuse; and
- I.** That the structure can be repaired; and
- J.** That in order to be made safe, all of the aforementioned violations must be corrected.

WHEREAS, The Building and Standards commission ordered the Owners to;

- G.** Secure the structure from unwanted entry within 30 days and maintained secured until rehabilitated; and
- H.** That all overhead extensions be removed within 30 days; and
- I.** That a design professional be hired to submit a plan for the repair, removal and stabilization of all exterior surfaces and wall facings to prevent further deterioration, within 30 days; and
- J.** That all required permits be obtained within 30 days; and
- K.** That all repairs be made within 60 days; and
- L.** Scheduling a hearing for September 27, 2006 to determine if the property is in compliance with the Building and Standards Commission order of July 26, 2006 and if not, to establish a penalty schedule for continued noncompliance.

IT IS THEREFORE, ORDERED ADJUDGED AND DECREED BY THE BUILDING AND STANDARDS COMMISSION OF THE CITY OF EL PASO:

2. That the Owner(s), mortgagees, lienholders, and/or any other person having an interest in the property failed to comply with the Order, dated **July 26, 2006**; and that the City of El Paso, through its Director for Building Permits and Inspections, shall:
- E.** Be assessed a civil penalties of \$1,000.00 a day from September 27, 2006 through November 29, 2006, for a total of (63) sixty-three days during which time the Building and Standards Commission Order of July 26, 2006, was not complied with for a total of \$63,000.00; and
 - F.** That the City Clerk file a certified copy of the Order with the District Clerk of the County of El Paso; and
 - G.** That the owner be placed on notice that continuing failure to comply with Building and Standards Commission Order of July 26, 2006, may result in additional and more severe penalties; and
 - H.** That a public hearing be scheduled for January 31, 2007 to determine if the Building and Standard Commission order of July 26, 2006, has been complied with and if not to determine additional penalties.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the City Clerk shall cause copies of this Order to be served on the record owner(s) and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own or have an interest in the property described in this notice. If you no longer own or have an interest in the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the twentieth (20th) day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice.

ADOPTED on this 29th day of November 2006.

BUILDING AND STANDARDS COMMISSION

Ted Richardson Chairman, Panel A

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Roberta Cross
Assistant City Attorney

Bill Stern, C.B.O., Chief Building Inspector
Development Services Department
Building Permits & Inspection Division

I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice dated September 27, 2006 regarding the property located at **117-119 W. Overland Ave.**, El Paso, Texas, was PUBLISHED in the official City newspaper on the ____ day of _____, 2006.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice dated September 27, 2006 regarding the property at **117-119 W. Overland Ave.**, El Paso, Texas, was [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

William Abraham (Trustee) for Franklin Group L.P.
P. O. Box 1797
El Paso, Texas 79949

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated September 27, 2006 regarding the property at **117-119 W. Overland Ave.**, El Paso, Texas, [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

Franklin Group L. P.
P. O. Box 1797
El Paso, Texas 79949

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated September 27, 2006 regarding the property at **117-119 W. Overland Ave.**, El Paso, Texas, [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

Taffy Bagley, Trustee
First Savings Bank, F.S.B. N/K/A Southwest Securities Bank
P. O. Box 1959
Arlington, Texas 76604

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated September 27, 2006 regarding the property at **117-119 W. Overland Ave.**, El Paso, Texas, [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

Miguel Salom A.K.A. Mike Salom
1129 Rim Road
El Paso, Texas 79902

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated September 27, 2006 regarding the property at **117-119 W. Overland Ave.**, El Paso, Texas, [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

Parks, Huffman, McVay, Shepard & Wells, P.C.
ATTN: Vickie Hancock
500 E. Border St., Suite 820
Arlington, Texas 76010

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated September 27, 2006 regarding the property at **117-119 W. Overland Ave.**, El Paso, Texas, [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

First Savings Bank, F.S.B.
ATTN: Bill Mahone
301 S. Center Street
Arlington, Texas 76010

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated September 27, 2006 regarding the property at **117-119 W. Overland Ave.**, El Paso, Texas, was [HAND-DELIVERED] to:

City of El Paso
C/O City Clerk
#2 Civic Center Plaza
El Paso, TX 79901

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated September 27, 2006 regarding the property at **117-119 W. Overland Ave.**, El Paso, Texas, was [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

Governor of the Ysleta Del Sur Pueblo Indian Tribe
AKA The Tigua Indian Community
119 S. Old Pueblo Road
El Paso, TX 79907

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated September 27, 2006 regarding the property at **117-119 W. Overland Ave.**, El Paso, Texas, was [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

James Kirby Read
1011 N. Mesa
El Paso, TX 79902

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated September 27, 2006 regarding the property at **117-119 W. Overland Ave.**, El Paso, Texas, was [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

Bill Elkenberry
1011 N. Mesa
El Paso, TX 79902

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated September 27, 2006 regarding the property at **117-119 W. Overland Ave.**, El Paso, Texas, was [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

Richard J. Driscoll, President
First Savings Bank FSB
P. O. Box 1959
Arlington, Texas 76004

Date _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated September 27, 2006 regarding the property at **117-119 W. Overland Ave.**, El Paso, Texas, was [MAILED CERTIFIED RETURN RECEIPT REQUESTED] to:

El Paso Central Appraisal District
5801 Trowbridge Ave.
El Paso, Texas 79925

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated September 27, 2006 regarding the property at **117-119 W. Overland Ave.**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso County Probate Court
500 E. San Antonio Avenue, Suite 703
El Paso, Texas 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice was POSTED at **117-119 W. Overland Ave** El Paso, Texas.

Date: _____
Time: _____

Inspector

RECEIVED

JAN 22 2007

1. Article Addressed to:

CITY OF EL PASO
DEVELOPMENT SERVICES
FRANKLIN GROUP L.P.
P. O. Box 1797
EL PASO TX 79949
117-119 W Overland



nc
301
order

LCL

2. Article Number (Copy from service label)

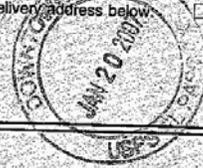
7105 8873 0193 6301 7430

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature *[Signature]* Agent Addressee

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below



3. Service Type Certified Mail

4. Restricted Delivery? (Extra Fee) Yes