

12261 DIANA NATALICIO



May 6, 2009



Deborah A Waddle-Brooks
12261 Diana Natalicio Dr.
El Paso, Texas 79936

Re: 12261 Diana Natalicio Dr.
Blk: 574 Vista Del Sol Unit 152
Lot: 15
Zoned: R-3A
BSC09-00299
Mail Receipt #:
7007 3020 0001 2772 6392

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 18.50, Property Maintenance Code, which states:

18.50.106.1 General.

When a structure or equipment is found by the Director to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure or equipment shall be condemned pursuant to the provisions of Chapter 2.38 of this code.

The El Paso Municipal Code Chapter 18.50 International Property Maintenance Code defines unsafe structure as follows:

18.50.106.1.1 Unsafe Structures.

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

18.50.106.1.2 Unsafe Equipment

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

Mayor
John F. Cook

City Council

District 1
Ann Morgan Lilly

District 2
Susannah M. Byrd

District 3
Emma Acosta

District 4
Melina Castro

District 5
Rachel Quintana

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Beto O'Rourke

City Manager
Joyce A. Wilson

18.50.106.1.3 Structure Unfit for Human Occupancy.

A structure is unfit for human occupancy whenever the Director finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth or contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public

The structure located at **12261 Diana Natalicio Dr., El Paso, Texas, 79936** is in violation of the requirements found in the following sections of the 2003 International Property Maintenance Code as adopted in the El Paso City Code, Chapter 18.50, Property Maintenance Code:

- a. The floors have not been maintained in a safe manner. [Sec. 305.4]
- b. The walls have not been maintained in a safe manner free of holes and cracks. [Sec. 304.6]
- c. The roof structure has not been maintained free of defects that may cause leaks. [Sec. 304.7]
- d. The means of egress is/are inadequate and do not meet minimum code requirements. [Sec. 702.4]
- e. The plumbing system is inadequate and does not meet minimum code requirements. [Sec. 504.1]
- f. The electrical system is inadequate and does not meet minimum code requirements. [Sec. 604.3]
- g. The HVAC system is inadequate and does not meet minimum code requirements. [Sec. 603.1]
- h. The repairs to the structural elements and/or service systems referred to in the previous sections must be completed within 30 days of your receipt of this letter. If, due to the scope and complexity of the work more time is needed, you must make this request to the Building and Standards Commission at a hearing scheduled by this department.

As a result of the aforementioned violations, the following action may be taken:

- a. This case is being submitted to the City Building and Standards Commission for unsafe structures proceedings. The City Building and Standards Commission will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Chapter 2.38 of the El Paso Municipal Code.
- b. By authority of Chapter 18.02.103.9.3 of the El Paso Municipal Code the electrical service at this property may be disconnected at the request of the Building Permits and Inspections Department because of Electrical Code violations.

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.

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:

Sergio Melendez
Building Combination Inspector Supervisor

SM/nms

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the **14th** day of **October, 2009** in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the Building and Standards Commission of El Paso (the "**Commission**") will hold a public hearing on the question of whether the building located on the property at **12261 Diana Natalicio Dr.**, in El Paso, Texas, which property is more particularly described as:

Legal Description: Lot 15, Block 574, Vista Del Sol Unit One Hundred Fifty Two, an addition to the City of El Paso, El Paso County, Texas, according to the Plat thereof on file in Volume 75, Page 30 and 30A, Real property records of El Paso County, Texas

and which is subject to that certain Building and Standards Commission Order dated July 29, 2009 has been brought into compliance with said Order, and if not to determine penalties or further action required.

According to the real property records of the County of El Paso, Texas, J P Morgan Chase Bank, National Association, C/O Codillis & Starviarski, 650 N. Sam Houston Parkway East, Suite 450, Houston, Texas, 77060, JP Morgan Chase Bank, N.A., 1111 Polaris Parkway, Columbus, Ohio, 43240, J.P. Morgan Chase Bank, N.A., Home Equity Loan Servicing, P. O. Box 24714, Columbus, Ohio, 43224, Deborah A. Waddle-Brooks, 12261 Diana Natalicio, El Paso, Texas, 79936 (the "**Owners**") are listed as the owners of the real property described herein.

The Owners of said property are hereby ordered to appear before the Building and Standards Commission and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before the commission.

The Owners have failed, neglected and refused to comply with the order of the commission. Therefore, the City may pursue one, or more of the following actions:

- I. the City will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II. assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$100.00 a day for each violation, or \$10.00 a day if the Owners show that the property is the Owner's lawful homestead and;
- III. appoint a receiver as permitted by state law; and
- IV. any other remedies permitted by state law.

- V. any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full'

The City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an 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 real 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 or have an interest in the property and stating the name and last known address of the person who acquired the property or interest from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Building Standards Enforcement Division 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.

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Mark Shoesmith
Assistant City Attorney

Bill Stern, C.B.O.
Chief Building Inspector
Development Services Department

I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice regarding the property located at 12261 Diana Natalicio Dr. was PUBLISHED in the official City newspaper on the ____ day of _____, 2009.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at 12261 Diana Natalicio Dr. 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 regarding the property at 12261 Diana Natalicio Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

JP Morgan Chase bank, National Association
c/o Codillis & Starviarski
650 N. Sam Houston Parkway East
Suite 450
Houston, Texas 77060

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 12261 Diana Natalicio Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

James L. Robertson, Trustee
JP Morgan Chase Bank
Retail Loan Servicing KY2-1606
P. O. Box 11606
Lexington, KY 40576-1606

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 12261 Diana Natalicio Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

JP Morgan Chase Bank, N.A.
1111 Polaris Parkway
Columbus, Ohio 43240

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 12261 Diana Natalicio Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

JP Morgan Chase Bank, N.A.
Home Equity Loan Servicing
P. O. Box 24714
Columbus, Ohio 43224

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 12261 Diana Natalicio Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Deborah A Waddle-Brooks
12261 Diana Natalicio Dr.
El Paso, Texas 79936

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 12261 Diana Natalicio Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

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

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 12261 Diana Natalicio Dr. 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 regarding the property at 12261 Diana Natalicio Dr. 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 regarding the property at 12261 Diana Natalicio Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Delgado, Acosta, Spencer
Linebarger, Heard & Perez, LLP
Attn: Bonnie Cooper
221 N. Kansas Suite 1400
El Paso, TX 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice was POSTED at 12261 Diana Natalicio Dr., El Paso, Texas.

Date:
Time:

Inspector

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

WHEREAS, the Director for Development Services 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 **12261 Diana Natalicio Dr.** in El Paso, Texas, which property is more particularly described as follows:

Legal Description: Lot 15, Block 574, Vista Del Sol Unit One Hundred Fifty Two, an addition to the City of El Paso, El Paso County, Texas, according to the Plat thereof on file in Volume 75, Page 30 and 30A, Real property records of El Paso County, Texas

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

WHEREAS, J P Morgan Chase Bank, National Association, C/O Codillis & Starviarski, 650 N. Sam Houston Parkway East, Suite 450, Houston, Texas, 77060, JP Morgan Chase Bank, N.A., 1111 Polaris Parkway, Columbus, Ohio, 43240, J.P. Morgan Chase Bank, N.A., Home Equity Loan Servicing, P. O. Box 24714, Columbus, Ohio, 43224, Deborah A. Waddle-Brooks, 12261 Diana Natalicio, El Paso, Texas, 79936 (the “**Owners**”) and all mortgagees and lienholders was duly notified according to law to appear at a public hearing before the Building and Standards Commission at 5:30 p.m. on July 29, 2009; and

WHEREAS, Deborah A. Waddle-Brooks and Barret Wood, representative from J. P. Morgan Chase Bank 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; 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 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 remain revoked and the Owners to comply with the following requirements:

- A. That the structure be vacated and remain vacated until rehabilitated or demolished within thirty (30) days; and
 - B. That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (30) days.
- 3. That upon failure of the Owners 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 clear the property of all weeds, trash, and debris and secure the structure on the property.
- 4. That upon failure of the Owners, 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. Secure the structure; and
 - B. Clean the property of all weeds, trash and debris; and
 - C. Assess the cost of the work noted above as a lien against the property which will become due and payable within thirty (30) days of the date the City of El Paso completes the work; and
 - D. Provide for any other remedies permitted by State law.
- 5. That upon failure of the Owners 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. **When this Order has been filed in the deed records of the county in which the property that is the subject of this Order is located, execution of this Order shall not be affected by a sale or other transfer of such property. Any person or entity acquiring an interest in such property after this Order has been so filed is subject to the requirements of this Order.**

7. **REHEARING:** a person affected by this order may request a rehearing by the same Building and Standards Commission panel that issued this Order. Only ONE hearing may be requested. The Building and Standards Commission may grant a rehearing only under the following circumstances:
 - A. *Proper request is made within twenty (20) days of receipt of notice of the Order of the Commission; and*
 - B. *No appeal of this Order has been taken as allowed pursuant to paragraph 8, below; and*
 - C. *Rehearing fees of five hundred and forty dollars (\$540.00) are furnished with the rehearing request. The rehearing request shall state the basis for requesting the rehearing. The Building and Standards Commission may waive these fees in cases of financial hardship based on written affirmation from the applicant.*

8. **RIGHT TO APPEAL:** *The decision of the Building and Standards Commission is final. 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 thirty (30) days of receipt of notice of the Order of the Commission in this matter. Appeals in District Court are limited to hearings under the substantial evidence rule.*

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 me 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 July, 2009.

BUILDING AND STANDARDS COMMISSION

Michael Bray Chairman, Panel A

APPROVED AS TO FORM:

Mark Shoesmith
Assistant City Attorney

APPROVED AS TO CONTENT:

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 July 29, 2009 regarding the property located at 12261 Diana Natalicio Dr. was PUBLISHED in the official City newspaper on the ____ day of _____, 2009.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice dated July 29, 2009 regarding the property at 12261 Diana Natalicio Dr. was HAND-DELIVERED to:

JP Morgan Chase Bank, National Association
c/o Codillis & Starviarski
650 N. Sam Houston Parkway East
Suite 450
Houston, Texas 77060

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice dated July 29, 2009 regarding the property at 12261 Diana Natalicio Dr. was HAND-DELIVERED to:

James L. Robertson, Trustee
JP Morgan Chase Bank
Retail Loan Servicing KY2-1606
P. O. Box 11606
Lexington, KY 40576-1606

Date:
Time:

Inspector

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JP Morgan Chase Bank, N.A.
1111 Polaris Parkway
Columbus, Ohio 43240

Date:
Time:

Inspector

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Home Equity Loan Servicing
P. O. Box 24714
Columbus, Ohio 43224

Date:
Time:

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12261 Diana Natalicio Dr.
El Paso, Texas 79936

Date:
Time:

Inspector

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

Date:
Time:

Inspector

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

Date:
Time:

Inspector

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

Date:
Time:

Inspector

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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 dated July 29, 2009 regarding the property at 12261 Diana Natalicio Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Delgado, Acosta, Spencer
Linebarger, Heard & Perez, LLP
Attn: Bonnie Cooper
221 N. Kansas Suite 1400
El Paso, TX 79901

Date:
Time:

Inspector

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Date:

Time:

Inspector