

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

FANNIE MAE,	)	CASE NO. 1:25-cv-01510
	)	
<i>Plaintiff,</i>	)	JUDGE: BRIDGET MEEHAN BRENNAN
	)	
v.	)	
	)	<u>MOTION TO INTERVENE BY</u>
RESERVE APARTMENTS, LTD.,	)	<u>NON-PARTY, CITY OF</u>
<i>et. al.</i>	)	<u>CLEVELAND, OHIO</u>
<i>Defendants.</i>	)	

NOW COMES Intervenor, City of Cleveland, Ohio (“City”), by and through counsel undersigned and respectfully Moves this Honorable Court to allow the City to Intervene in the above-captioned case to adequately assert its interests pursuant to Federal Rule of Civil Procedure 24(a)(2). The City, a municipal subdivision of the State of Ohio, is empowered by Ohio’s Constitution Article XVIII, Section 3, Ohio’s Revised Code, and corresponding local ordinances to enforce statutes, ordinances, rules and regulations related to public health, safety, and welfare within its jurisdiction (“Applicable Law”). Certain residential Property described in paragraph 22 of the Plaintiff’s Complaint [Doc. 1, PageID: #5] lies within the City’s jurisdiction and is subject to both the jurisdiction of this Court and subject to Applicable Law enforceable by the City.

For these reasons and the reasons contained in the attached Supporting Brief, the City's Motion should be granted. A Copy of the City's Complaint is attached hereto as required.

Respectfully Submitted,

/s/ Zachariah S. Germaniuk

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CERTIFICATE OF SERVICE

I, undersigned, hereby certify that on September 28th, 2026 a true and accurate copy of the foregoing was filed with the Clerk of the United States Northern District and served on all parties and counsel of record for parties using the Court's CM/ECF system.

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SUPPORTING BRIEF

I. INTRODUCTION

The City of Cleveland, Ohio (“City”) Moves to Intervene in the present case, pursuant to Federal Rule of Civil Procedure 24(A)(2), in order to assert its lawful interest and general police powers to enforce Ohio’s Revised Code, and corresponding local ordinances to enforce statutes, ordinances, rules and regulations related to public health, safety, and welfare (“Applicable Law”) within its jurisdiction. Within the context of this Court’s existing Order Appointing Receiver [Doc. 11] (“Appointing Order”), the City requests narrowly tailored injunctive relief ordering the immediate abatement of on-going physical conditions which constitute a public nuisance at certain residential real property within the City’s jurisdiction and commonly known as: 1701 East 12th Street, Cleveland, Ohio 44114 and including Permanent Parcels: 102-22-057; 102-22-058; 102-22-059; 102-22-060; 102-22-061; 102-22-003; 102-22-004; 102-22-005; 102-22-006; and 102-22-007 (the “Property”).

The Property has existed for many years and continues to exist in a state of non-compliance with Applicable Law despite the City’s prior efforts to obtain compliance as well as the efforts of this Court’s appointed receiver, Andrew Hayman of the the Hayman Company (“Receiver”). As no fewer than nineteen (19) violation notices constituting approximately fifty-two (52) separate violations of Applicable Law remain unresolved at the Property, and as existing parties recently have sought to waive otherwise mandatory Federal appraisal requirements prescribed by 28 U.S.C. § 2001(b) [Doc. 76] (“Motion to Waive”), the City respectfully seeks at this time to Intervene in the public interest and on behalf of the City’s residents.

II. FACTUAL BACKGROUND

A. INITIAL OBSERVED PROPERTY CONDITIONS & APPOINTMENT OF RECEIVER

The relevant facts for the City’s Motion concern the state of on-going disrepair and non-compliance with Applicable Law at the Property; the Receiver’s efforts to bring the Property into compliance with Applicable Law since being appointed; and Receiver’s pending and unadjudicated Motion to Waive, filed on September 2nd, 2026. When this Court issued its Appointment Order, Receiver was empowered to, among other things “Maintain and control the Property as necessary to prevent diminution of the Property’s value, to make repairs and take remedial action to preserve and protect the Property [Doc. 11, PageID #338]; Take necessary steps to winterize, waterproof and otherwise safeguard, secure, protect and preserve the Property and any and all equipment located thereon [Doc. 11, PageID #338]; and *Comply with all code enforcement orders provided to the Receiver regarding the Property or its operations*” [Doc. 11, PageID #338] [*emph. added*].

On September 22nd, 2025 Receiver submitted their initial report which outlined the Property’s conditions observed by the Receiver. [Doc. 14] (“Initial Report”). The Initial Report indicated a “need for a comprehensive capital improvement plan, with immediate attention required for deferred maintenance in the building’s mechanical and fire safety systems” [Doc. 14, Page ID #: 356]. While the Initial Report did not estimate the length of time such maintenance had been deferred, the Initial Report did indicate challenges related to “Security Systems”; “Widespread Pest Infestation”; and “City of Cleveland Code Violations” further detailed as including six (6) broken elevators, an awareness of the need for a “comprehensive structural, plumbing, and engineering assessment of the garage building” and that a “roofing

assessment and corresponding repairs are in progress” [Doc. 14, PageID #: 357-358].

In Receiver’s next report, for the period of October 1st to October 30th, 2025 [Doc. 16] (“Oct. 2025 Report”), Receiver described more severe conditions, including identifying “numerous plumbing issues throughout the [P]roperty, causing large leaks that require extractions from both apartments and commercial areas.” [Doc. 16, PageID #: 468]. Subsequent reports submitted for the months of November [Doc. 17] and December [Doc. 18] 2005 indicated both substantial issues relative to pest control, HVAC, elevators, and plumbing but also asserted that work was in various stages and quotes were being obtained. Indeed, a reasonable summary of the Property’s conditions during the first few months of Receiver’s involvement could characterize the following conditions in serious and substantial disrepair: a) the Property’s mechanical and fire systems, including malfunctioning or non-functioning elevators and fire alarms; b) the structural integrity of the Property’s attached garage; c) significant plumbing and related water damage throughout the Property; d) minimally compliant heating systems at the Property, with multiple boiler systems in disrepair.

B. RECEIVER’S WEEKLY REPORTS, CITY NOTICE LETTER, AND RESPONSES

Receiver has filed semi-regular reports [Docs. 14, 15, 16, 17, 19, 29, 30, 32, 34, 37, 38, 39, 40, 41, 44, 48, 49, 54, 55, 57, 59, 65, 69, 74, and 78] (“Reports”) that have apprised the Court in general terms as to Receiver’s actions. A shift to filing Reports on a weekly, rather than monthly, basis was triggered by a letter from the City’s Director of Building and Housing dated February 9th, 2026 (“City’s Letter”) [Doc. 25]. The City’s Letter notified the Court and all existing parties of a significant number of complaints received by the City relative to “a flooded parking garage, fire alarms that go off daily, and a lack of hot water” [Doc. 25, PageID #: 696].

The City's Letter did not state that these were the only issues in disrepair at the Property but rather expressed "fear for the safety of residents" due to "lack of heat when temperatures are regularly dipping below zero at night" [Doc. 25, Page ID #: 696]. In summarizing the City's primary concern, the City Letter stated "[The City has] not seen substantive repairs being made in the building and the conditions continue to be hazardous." [Doc. 25, Page ID #: 696].

Although the City's Letter alluded to intervention per Federal Rule of Civil Procedure 24, at the time the City's Letter was filed, the City deferred such Intervention in favor of a request for the Court to "order the Receiver to repair the broken furnace and/or boilers (make the heat functional) on an expedited schedule." [Doc. 25, Page ID #: 696].

In response to the City's Letter, the Court Ordered Receiver to begin a Weekly Reporting Schedule until instructed otherwise. ("Report Order") (non-document). The same day as the Report Order was issued, Receiver filed a response to the City's Letter ("Receiver's Reply") acknowledging that at the time of the Receiver's appointment to maintain the Property "there was significant deferred maintenance, a lack of proper security, evidence of squatters in many of the over 400 vacant units, unsanitary conditions, and widespread pest infestation." [Doc. 26, PageID #: 698]. The Receiver's Reply outlined work done in addressing heating issues, the parking garage, fire alarms, supply of hot water, pest control, and general cleanliness and further acknowledged that prioritizing the health, safety, and well-being of the residents was "Receiver's paramount concern and has guided every decision from the outset" [Doc. 26, PageID #: 700].

Although filing weekly, Receiver concurrently filed a monthly report covering a period from January 1st, 2026 to January 31st, 2026 [Doc. 30] ("Jan. 2026 Report"). Consistent with Reports from 2025 [Docs. 14, 15, 16, 17, & 19] The Jan. 2026 Report described still seeking

quotes for repairs to the building, roof, and garage but did not indicate a timeline for completion; asserted that a fourth boiler system was now operational, and that remediation work for past water damage in commercial areas was completed in areas leased to television studio WOIO (variously “WOIO” or “Gray’s”). The Jan. 2026 Report also indicated that remediation work in commercial areas leased to the Western Reserve Area Agency on Aging (variously “WRAA” or “WRAAA”) (WOIO and WRAAA together, “Commercial Tenants”) was ongoing but did not provide any timeline for completion [Doc. 30, PageID #: 727-728].

On March 6th, 2026, Commercial Tenants filed a Joint Response to Receiver’s Jan. 2026 Report [Doc. 35] (“Joint Response”). The Joint Response described conditions that sharply contrasted with Receiver’s Jan. 2026 Report and asserted among other contrasting statements that there had been “no apparent progress toward restoring [Elevator] service” [Doc. 35, PageID #: 826]; that HVAC repairs “have not reached WRAAA’s space” [Doc. 35, PageID #: 827]; that “[water damage] remediation work has not yet commenced in a manner that will restore the area to a safe, usable condition” [Doc. 35, PageID #: 827]; that “the underlying causes of the water intrusion—failures in the building’s structural systems, roof, and plumbing infrastructure—have not been adequately addressed and continue despite [contractor’s] remediation efforts” [Doc. 35, PageID #: 831]; and that “persistent water intrusion has resulted in significant mold contamination throughout multiple areas of the leased premises” [Doc. 35, PageID #: 831]. The Docket does not indicate reply by Receiver to the Joint Response of the Commercial Tenants.

Having filed a series of weekly reports as required by the Court’s Report Order [Docs. 32, 37, 39, 40, 41, 44, 48, 52, 54, & 55], Receiver Moved the Court on April 24th, 2026 to be excused from the Report Order [Doc. 52] (“Motion to Excuse”). In response, Commercial

Tenants filed a joint brief in opposition [Doc. 56] (“Opposition”). In their Opposition, Commercial Tenants raised two concerns, namely that “First...Receiver’s filings continue to describe conditions in conclusory terms that gloss over how dismal things are at Reserve Square” [Doc. 56, PageID #: 1088] and “Second...Receiver’s reporting often does not speak to any level of finality in the remediation efforts” [Doc. 56, PageID #: 1088]. Receiver responded to these assertions on May 15th, 2026 [Doc. 58] (“Reply in Support”) and characterized the Commercial Tenants as non-parties having “seized upon this proceeding as a forum to air landlord-tenant disputes that have nothing to do with the City’s letter [Doc. 25] or the Reporting Order [non-document]” [Doc. 58, PageID #: 1108].

Moreover, Receiver’s Reply in Support listed summaries of repairs to Heating, Parking Garage Flooding, Fire Alarms, and Hot Water in a section entitled “The City’s Concerns That Prompted the Reporting Order Have Been Resolved” [Doc. 58, PageID #: 1109] In concluding Receiver’s Reply, the Receiver indicated that neither of the Commercial Tenants had moved to intervene and otherwise lacked standing to assert their claims in the context of the present action [Doc. 58, PageID #: 1112]. Subsequently, neither Commercial Tenants filed Motions to Intervene and the Court granted Receiver’s Motion to Excuse on May 21st, 2026.

C. RECEIVER’S LATEST REPORTS, OPEN VIOLATIONS & MOTION TO WAIVE REQUIRED APPRAISAL

The Receiver returned to monthly Reports from April 1st to August 31st [Docs. 59, 65-1, 69-1, 74-1, and 78-1] (“Spring/Summer 2026 Reports”). Receiver’s Spring/Summer 2026 Reports indicate from April to August 2026, the Property’s overall occupancy dropped from twenty-four percent (24%) to approximately nineteen percent (19%) and that on-going repair work to elevators, the attached garage, and complete remediation of water damage / plumbing

issues had minimal indication of a timeline towards full completion or a completion date certain. Prior to Receiver's latest available Report [Doc. 78-1], Receiver filed a "Motion to Amend Agreed Order Appointing Receiver to Waive 28 U.S.C. § 2001(b) Requirements and Approve Listing Agreement" [Doc. 76] ("Motion to Waive") on September 2nd, 2026.

Receiver's Motion to Waive, pending at this time, seeks the Court to waive the "mandatory appraisal and other requirements of 28 U.S.C. § 2001(b) for private sales of receivership property" [Doc. 76, PageID #: 1431] and "approve the Listing Agreement between the Receiver and Institutional Property Advisors ("Broker") for the marketing and sale" of the Property [Doc. 76, PageID #: 1431]. However, and as will be further discussed below, Receiver's Reports taken together have not presented anything resembling full compliance with all City's code enforcement orders ("Violations") at the Property as required by this Court's Appointing Order [Doc. 11]. These uncorrected Violations, when taken in combination with Receiver's Motion to Waive [Doc. 76], ripen the City's lawful interest in enforcing Applicable Law. As the following analysis makes plain, and in light of the foregoing factual summary, this Court should grant City's instant Motion to Intervene and add the City as a third-party plaintiff.

III. LAW AND ARGUMENT

This Court should grant the City's Motion to Intervene and allow the City to prosecute its lawful interests in enforcing Applicable Law in the present venue, as the City's interests are in fact separate and distinct from the presently existing parties in this case. Federal Courts have long recognized that a State and its political subdivisions have a fundamental Constitutional interest in enforcing laws and ordinances regarding local codes affecting building, housing, zoning, health, fire, and safety. *See generally* Thomas Cusack Co. v. City of Chicago, 242 U.S.

526, 530–31 (1917); Vill. of Euclid, Ohio v. Ambler Realty Co., 272 U.S. 365, 387 (1926) [holding that ordinances, statutes, and all similar laws that may be used to affect building and housing are valid where their justification is found “in some aspect of the police power, asserted for the public welfare”]; and Miller v. Bd. of Pub. Works of City of Los Angeles, 234 P. 381, 383 (1925) [holding [t]he right of the city to enact ordinances governing the erection, use, maintenance, occupancy and condemnation of privately owned structures stems from its inherent police power” is ““an indispensable prerogative of sovereignty and one that is not to be lightly limited.””]. Pursuant to Rule 24(a)(2) of the Federal Rules of Civil Procedure, a ““court must permit anyone to intervene’ who, [1] ‘[o]n timely motion,’ [2] ‘claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect its interest,’ [3] ‘unless existing parties adequately represent that interest.’” Fed. R. Civ. Pro 24(a)(2). As outlined below, all relevant elements favoring City Intervention are met and the City’s Motion should be granted without delay.

1. The City’s Motion to Intervene is Timely As Defined By Existing Federal Precedent

Whether a Motion to Intervene is considered timely is conditional, fact-specific, and not fixed to an arbitrary timeline, unlike as with pleadings. United States v. City of Detroit, 712 F.3d 925, 930 (6th Cir.2013). Federal Courts consider five factors to determine generally whether a movant’s Intervention is timely: “(1) the point to which the suit has progressed; (2) the purpose for which intervention is sought; (3) the length of time preceding the application during which the proposed intervenor knew or reasonably should have known of his or her interest in the case; (4) the prejudice to the original parties due to the proposed intervenor's failure, after he or she

knew or reasonably should have known of his or her interest in the case, to apply promptly for intervention; and (5) the existence of unusual circumstances militating against or in favor of intervention.” *Id.* at 930–31. However, none of these single factors are dispositive and a timeliness determination is to be made upon consideration of all the circumstances. *Id.* at 937 (Clay, J. in agreement with outcome but dissenting in analysis) (*citing Stotts v. Memphis Fire Dep’t*, 679 F.2d 579, 582 (6th Cir. 1982); *S.H. v. Stickrath*, 251 F.R.D. 293, 297 (S.D. Ohio 2008)); *See also Cameron v. EMW Women's Surgical Ctr., P.S.C.*, 595 U.S. 267, 279 (2022) (holding that grounds to intervene became apparent only after obtaining additional information that the non-party’s interests would not be protected because another party intended to abandon the resolution of their shared interest). A motion is therefore “timely” when it is made ‘as soon as it [becomes] clear’ that the moving party’s interests ‘would no longer be protected.’ *See Cameron*, 595 U.S. at 279. This is true even in situations where remedial measures have already been implemented by the Court but such measures are not adequately protecting the movant’s interests. *Grubbs v. Norris*, 870 F.2d 343, 346 (1989).

With regards to the first, third, and fourth factors considered in assessing timeliness and prejudice against existing parties, the present case is still unresolved and no final appealable orders have been entered. Receiver’s latest filed Report [Doc. 78-1] was only filed September 21st, 2026. Although the City has been aware of the Violations present at the Property and even alluded to possible Intervention in the City’s Letter of February 12th, 2026 [Doc. 25], the City at that time was of the opinion that the Court’s Report Order [non-document] was sufficient to protect the City’s interests relative to Applicable Law. Moreover, and as the existing parties have been aware of a possible intervention by City since at least mid-February, it cannot seriously be

argued that any existing party is prejudiced now that the City believes it has satisfied all legal elements of timeliness. Indeed, it is only within the last several weeks that it has “become clear” to the City that its interests would not be adequately protected by any of the existing parties to the action, based upon both Receiver’s latest filed Report [Doc. 78-1] and Motion to Wavie [Doc. 76].

With regard to the second factor considered in assessing timeliness, the purpose of the City’s Intervention is to assert its Constitutionally-protected interest in enforcing Applicable Law related to “the preservation of the public peace and general welfare, safety, morals and health,” which necessarily include those statutes and ordinances which govern the habitability and condition of buildings in which municipal residents reside. State ex rel. Schulman v. City of Cleveland, 220 N.E.2d 386, 393 (Ohio Com. Pl. 1966). As discussed *supra*, the City has fundamental interests in exercising general police power, including over real property within its jurisdiction. *Id.* at 393 (*citing Miller* at 383 (1925)). As a matter of law, the City cannot cede its fundamental interest in seeking compliance with Applicable Law in the scenario presented by the facts of the present case summarized above, and this Court represents the most appropriate venue and most efficient mechanism for the City to assert its interest.

With regards to the fifth factor, the City has attempted numerous times to communicate its concerns and concedes to have given wide and more-than-reasonable deference to the Receiver in allowing time to address the serious and substantial code violations which have accumulated and continue to exist at the Properties. However, despite that deference, the City cannot ignore the continued non-functionality of elevators, the structural conditions of the garage and roof, and the apparently significant water damage that remains unaddressed and with neither

a reasonable timeline nor date certain for full compliance taken together with Receiver's Motion to Waive [Doc. 76].

Receiver was given full custody and control of the Property over a year ago, on or about August 14th, 2025. The Court's Appointing Order [Doc. 11] expressly mandated the Receiver to comply with all code enforcement orders provided to the Receiver regarding the Property or its operations. Now over a year into Receiver's appointment, no final deadlines for completion of serious and outstanding code violations at the Property have been submitted to the Court or to the City. Receiver's Motion to Waive [Doc. 76] the otherwise mandatory requirements exacerbates the existing situation by replacing an ostensibly Federally-mandated public appraisal process with an opaque private sale arrangement that provides little to no reassurance that existing Property conditions are properly accounted for towards the establishment of an objective, fair market price in the best interests of the receivership estate.

The purpose of an independent appraisal in the context of any foreclosure proceeding is to provide an objective valuation basis before a court confirms a private sale, and in passing 28 U.S.C. § 2001(b), Congress determined that the best-interests inquiry must be informed by the mandated appraisals. *See generally* SEC v. T-Bar Res., LLC, 2008 U.S. Dist. LEXIS 87880, 2008 WL 4790987, at 3 (N.D. Tex. Oct. 28, 2008). By seeking a Motion to Waive in light of the outstanding Violations still unresolved at the Property, Receiver increases the risk for moral hazard not unlike the selling a used car which promptly falls apart the moment a buyer, however sophisticated or mechanically inclined, drives off the lot. Just as the City would have every right to assert its interest in the context of enforcing Ohio law in consumer sales, the present unusual

circumstances in seeking to waive Federal appraisal requirements militate in favor of the City's Intervention at the present time in the present case.

While the City acknowledges that the law allows these requirements to be waived upon agreement of the parties, the City, as an Intervening party with meritorious claims, must insist upon the adjudication of such claims as a pre-requisite to granting Receiver's Motion to Waive. To do any less would only increase the very real risks to public health, safety, and welfare that could result from a potential private purchaser who has neither the financial capacity nor technical ability to sustain and complete the likely significant continued renovations this long-neglected building requires. Based upon the forgoing, the City's Motion to Intervene satisfies the elements required for a showing of timeliness and has demonstrated the City's interest.

2. The City of Cleveland has a Valid Interest in the Property Subject to Receivership that Will Be Impaired if Intervention is not Granted.

The City's interest in enforcing Applicable Law is a valid Constitutional interest that will be impaired absent the City's participation in the present case. The Jurisdiction of the Federal Court coexists with a political subdivision of a State's ability to enforce laws and ordinances involving the conditions of residential structures where health and safety are concerned. *See Vill. of Euclid, Ohio v. Ambler Realty Co.*, 272 U.S. 365, 387 (1926) and *Miller v. Bd. of Pub. Works of City of Los Angeles*, 234 P. 381, 383 (1925) *supra*. This Court's Appointment Order [Doc. 11] clearly directed the Receiver to comply with all code enforcement orders provided to the Receiver regarding the Property or its operations. That duty has not been satisfied, and as such, the City must necessarily be allowed to Intervene and assert those lawful interests before this Court.

3. The City of Cleveland's Interests in the Properties are not Adequately Represented by an Existing Party.

The City's interests are not adequately represented by existing parties in this case under the present circumstances. Federal Courts have consistently held that a party seeking to intervene in a matter must show that their interest in the matter is not adequately represented by one of the parties already in the suit. Trbovich v. UMW, 404 U.S. 528, 538 (1972). Although generally a movant need only show that his interest 'may be' inadequately protected, such burden becomes more difficult to overcome when a party to the suit shares "the same ultimate objective as a party to the suit." United States v. Michigan, 424 F.3d 438, 443-444 (6th Cir.2005) (citing Bradley v. Milliken, 828 F.2d 1186, 1192 (6th Cir. 1987)). In parsing similar cases, Federal Courts have distinguished the interests of a mortgagor in preserving property as a financial asset and compliance with applicable codes affecting health, welfare, and safety. United States v. Schreiber, 150 F.R.D. 106, 109 (1993). In *Schreiber*, the court considered whether tenants could intervene in a case where HUD sued a property owner for failing to comply with HUD regulations. Id. At 107. When considering the interests of the intervening tenants and HUD, the court noted that both parties have the same interest in granting possession of the housing projects to HUD. Id. At 109. However, the court distinguished the two parties interests, finding that HUD had a financial interest as a mortgager which was different than the tenants interest in "obtaining immediate repairs that will make these properties safe and sanitary." Id.

Here, Receiver's Motion to Waive [Doc. 76] and latest Report [Doc. 78-1] seek to waive otherwise mandatory Federal appraisal procedures while acknowledging that Violations assessed against the Property are not in full compliance. In a parallel analogy to Schrieber, Plaintiff has

responsibilities under its Charter to recover costs on behalf of the federal taxpayer; the Receiver has a twin mandate to maintain the value of the property placed into its care while also ensuring that such property is in compliance with applicable law; and the City has a duty to seek enforcement of all laws and regulations affecting public health, safety, and welfare. While the City had hoped the interests of Plaintiff and Receiver could have aligned with the City's interests in the Property's compliance with Applicable Law, this interest is clearly not being adequately represented in light of Receiver's last two filings. In its year-long reports to the Court since becoming appointed, the City can only conclude that Receiver's ability to address major issues related to code compliance is limited at best, and moreover that Receiver may lack the necessary finances to properly operate and preserve the Properties. This conclusion is only furthered by the Motion to Waive mandatory appraisal requirements imposed by Federal law. It cannot therefore be said that the City's interest in enforcing Applicable Law is adequately represented by the existing parties, and such interest may be further denigrated if the Property is offered for sale in a manner inconsistent with otherwise mandatory appraisal procedures.

IV. CONCLUSION

This case presents circumstances where the balance of interests by and between the existing parties to a Property in substantial disrepair ultimately fail to adequately consider the public interests of the residents of Cleveland, as represented by the City. As the foregoing demonstrates, the City can only adequately assert those public interests by Intervening in this Action; and for the above reasons the City's Motion should be Granted without delay.

Respectfully Submitted,

/s/ Zachariah S. Germaniuk

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

FANNIE MAE,	)	CASE NO. 1:25-cv-01510
	)	
<i>Plaintiff,</i>	)	JUDGE: BRIDGET MEEHAN BRENNAN
	)	
v.	)	
	)	<u>CITY OF CLEVELAND’S</u>
RESERVE APARTMENTS, LTD.,	)	<u>THIRD-PARTY COMPLAINT FOR</u>
<i>et. al.</i>	)	<u>DECLARATORY, INJUNCTIVE, AND</u>
	)	<u>OTHER RELIEF</u>
<i>Defendants.</i>	)	
	)	
&	)	
	)	
CITY OF CLEVELAND, OHIO	)	
	)	
<i>Third-Party Defendant.</i>	)	

INTRODUCTION AND NATURE OF THE ACTION

1. The City of Cleveland, Ohio (“City”), acting in its capacity as a political subdivision and body politic of the State of Ohio, by and through counsel undersigned, brings this civil action in the public interest and, pursuant to statutory authority granted by Ohio Revised Code chapters 715.261; 715.30; and 3767.41 as well as by Cleveland Codified Ordinance 3103.09. The City seeks to obtain equitable and injunctive relief in order to enforce State law and local ordinances related to building, housing, health, safety, fire, and zoning codes (“Applicable Law”) relating to residential real properties located within the City’s jurisdiction, which are the collateral to the above – captioned foreclosure action.

PROCEDURAL HISTORY

2. On July 21st, 2025, Plaintiff, Fannie Mae (“Plaintiff”) initiated the above-captioned action through a Complaint *In Rem* [Doc. 1] (“Plaintiff’s Complaint”) alleging that Defendants, Reserve Apartments, Ltd., and Reserve Square Apartments, Ltd. (“Defendant Borrowers”) defaulted on a certain loan owed to Plaintiff having an original principal of *Ninety-three Million For Hundred Thirty-three Thousand dollars and zero cents* (\$93,433,000.00), [Doc. 1, Page ID #: 4] (“Note”).

3. Plaintiff’s Complaint alleged such Note was secured by a certain documents consisting of, among other documents, a Mortgage (“Mortgage”), described in Plaintiff’s Complaint, paragraph 18 [Doc. 1, PageID #: 4], which was a valid first lien upon Property, described in Plaintiff’s Complaint, paragraph 22 [Doc. 1, PageID #: 5], owned by Defendant Borrowers.

4. Plaintiff’s Complaint further alleged in Count Three of Plaintiff’s Complaint [Doc. 1, PageID #: 10], that the Mortgage upon the Property authorized Plaintiff to obtain a court-appointed receiver to perform all acts necessary and appropriate for the operation and maintenance of the Property, including the making of repairs to the Property.

5. On August 14th, 2025 the Court Granted Plaintiff’s Motion for an Order Appointing a Receiver [Doc. 11] (“Appointing Order”), which appointed Andrew Hayman of the Hayman Company as receiver (“Receiver”) of the Property [Doc. 11, PageID #: 330].

6. Pursuant to the Appointing Order, paragraph 22o. [Doc. 11, PageID #: 338] Receiver was directed to “Maintain and control the Property as necessary to prevent diminution of the Property’s value, to make repairs and take remedial action to preserve and protect the

Property...as in the Receiver's prudent business judgment the Receiver deems necessary to complete any required repair or remediation of the Property."

7. Pursuant to the Appointing Order, paragraph 22q., [Doc. 11, Page ID#: 338] Receiver was directed to "Take necessary steps to winterize, waterproof and otherwise safeguard, secure, protect and preserve the Property and any and all equipment located thereon."

8. Pursuant to the Appointing Order, paragraph 22r., [Doc. 11, PageID #: 338] Receiver was directed to "Comply with all code enforcement orders provided to the Receiver regarding the Property or its operations".

9. Pursuant to the Appointing Order, paragraph 24,[Doc. 11, PageID #: 342] Receiver's duty to notify Fannie Mae of costs exceeding *Thirty-five Thousand dollars and zero cents* (\$35,000.00) as well as Fannie Mae's reciprocal authorization, was not applicable in the case of "emergency repairs, life safety repairs, or repairs required by applicable city, municipal, or state ordinance or code".

10. During the twelve (12) months following the Appointment Order, Receiver was and continues to be presented with numerous conditions complaints and violation notices ("Violation Notices") of Applicable Law at the Property, both pre-dating and post-dating the period of Receiver's custody and control over the Property. Copies of the presently outstanding nineteen (19) Violation Notices are included herein as City's Exhibits "A: 1-19", attached.

11. On February 9th, 2026 the City filed a letter with this Court [Doc. 25, PageID #: 696-697] ("City's Letter") which highlighted the City's immediate concerns regarding lack of heat, flooding in the Property's parking garage, malfunctioning fire alarms, and lack of hot water.

12. Despite attempts at remediation, including this Court's Order of February 12th, 2026 [non-document] directing Receiver to, for a time, provide weekly reports, subsequent reports by the Receiver have failed to provide adequate timelines or dates certain towards the completion of emergency repairs, life safety repairs, or repairs required by applicable city, municipal, or state ordinance or code.

13. On September 2nd, 2026 Receiver filed a Motion to Amend the Appointment Order [Doc. 76, PageID #: 1431] seeking waiver of certain appraisal requirements mandated by Federal Law in 28 United States Code section 2001(b) relative to the establishment of an objective, fair, and transparent appraisal process in preparation for the sale of the Property.

14. As of the date and time of the City's instant filing, all nineteen (19) of the Violation Notices constituting fifty-two (52) separate and distinct violations of Applicable Law relative to the Property's persistently non- or mal-functioning elevators, un-remediated water damage, and structural damage to the Property's attached garage, remain uncompleted without any date certain or set timeline towards the final resolution of such Violation Notices provided by Receiver.

PARTIES, JURISDICTION, & VENUE

15. The City re-alleges and re-avers each and every foregoing paragraph as if fully re-written herein.

16. The City is a municipal corporation and subdivision of the State of Ohio, organized through its Charter and pursuant to authority granted by Ohio Constitution, Article XVIII, Section 3 to exercise all lawful powers of self-government, including those enumerated in Ohio

Revised Code sections 715.26 - 715.30; 3767.41 and such Applicable Law as contained in the City's codified ordinances, Titles IX and XIII, including Codified Ordinance 3013.09.

17. Plaintiff is a corporation chartered under the laws of the United States of America with its principal place of business located at Midtown Center, 1100 15th Street, NW, Washington, DC, 20005 who claims a legally cognizable interest in certain multifamily residential real estate within the City's jurisdiction and prior identified in these proceedings as the Property.

18. Defendants Reserve Apartments, Ltd.; Square Apartments, Ltd.; Cuyahoga County Fiscal Officer; ("Defendants") as well as Receiver Hayman Company are the "owner(s)" and/or "operator(s)" as defined by Codified Ordinance 3101.05 of certain real properties located within the jurisdiction of the City of Cleveland, Ohio, and as such are subject to Applicable Laws affecting the conditions, operations, and uses of residential real estate within the City's jurisdiction.

19. Jurisdiction and Venue in this Court is proper pursuant to Fed. R. Civ. Pro. 24(A) as this Complaint is filed concurrently with the City's Motion to Intervene as required by Rule.

COUNT ONE: INJUNCTIVE RELIEF (R.C. § 715.30 & R.C. § 3767.41)

20. The City re-asserts each and every paragraph above as if fully re-written herein.

21. The plaint language of the Appointing Order empowers the City to exercise its fundamental police powers as a political subdivision of the State of Ohio granted to it by the 10th Amendment to the United States Constitution; Article XVIII, Section 3 of the Ohio Constitution, Ohio Revised Code chapters 715.30 and 3767.41; and the City's codified ordinances.

22. The Property referenced above is required to be maintained in compliance with Applicable Law pursuant to this Court's Appointment Order [Doc. 11].

23. The Properties are “Buildings” as that term is defined by R.C. § 3767.41(A)(1).

24. Under the authority granted by the prior Order of this Court, the Receiver is a person directly in control of the Properties and therefore meets the definition of “owner” under the City’s Codified Ordinance section 3101.05.

25. As a lawful exercise of its police power, the City is empowered by R.C. §§ 715.30 and 3767.41(B)(1)(a) to institute suit for injunction, in addition to any other rights and remedies available to it, in order to prevent or terminate actions and conditions at any building or structure within the City’s jurisdiction which constitutes a public nuisance.

26. The Property is currently maintained in violation of Applicable Law and this Court’s Appointment Order due to the existence of nineteen (19) open and uncorrected Violation Notices covering the Property, which represent a total of fifty-two (52) separate violations of Applicable Law.

27. The Property’s current conditions constitute an ongoing danger to the public health, safety, and welfare, of neighboring residents, nearby lands and roads, and the citizens of the City of Cleveland, presenting irreparable harm to the City and for which the City has no adequate remedy at law. The City supports this allegation with the following Affidavit of Fact included herein as Exhibit “B”, attached.

28. The Property subject to these proceedings constitutes a public nuisance as defined in R.C. § 3767.41(A)(2)(a) and requires a further Order from this Court pursuant to R.C. § 3767.41(C)(1) in order to provide for their final abatement.

WHEREFORE, The City prays this Honorable Court for relief as follows:

- a. That the Property described above be collectively declared a public nuisance pursuant to R.C. § 3767.41(C)(1);
- b. That any auction of the Properties or any interest therein fully comply with Federal Law contained in 28 U.S.C. 2001(b);
- c. That the City be granted any and all further legal or equitable relief to which it is otherwise entitled.

Respectfully Submitted,

/s/ **Zachariah S. Germaniuk**
Zachariah S. Germaniuk (0090109)
David M. Douglass (0015312)
DOUGLASS & ASSOCIATES CO., L.P.A.
4725 Grayton Road
Cleveland, OH 44135
(216) 362-7777 or 216 362-4148
Fax No.: (216) 362-4160
E-Mail: z.germaniuk@douglasslaw.com
Attorneys for Plaintiff City of Cleveland

CERTIFICATE OF SERVICE

I, undersigned, hereby certify that on September 28th, 2026 a true and accurate copy of the foregoing was filed with the Clerk of the United States Northern District and served on all parties and counsel of record for parties using the Court's CM/ECF system.

James W. Sandy (0084246)
Hinshaw & Culbertson LLP
16102 Chagrin Blvd., Suite 112
Shaker Heights, Ohio 44120
Counsel for Plaintiff, Fannie Mae

Jeanna M. Weaver (0075186)
David L. Van Slyke (0077721)
Plunkett Cooney
716 Mt. Airyshire Blvd., Ste. 150
Columbus, Ohio 43235
*Attorneys for Andrew Hayman of the
Hayman Company, as Court-Appointed
Receiver*

-and-

-and-

Michael S. Tucker (0034398)
Lori Pittman Haas (0077698)
UB Greensfelder LLP
1660 West 2nd St., Suite 1100
Cleveland, Ohio 44113
*Counsel for Defendants Reserve Apartments,
Ltd. and Reserve Square Apartments, Ltd.*

Adam D. Jutte (0081671)
Assistant Prosecuting Attorney
Cuyahoga County Tax Foreclosure Unit
Courthouse Square
310 W. Lakeside Ave., Ste. 300
Cleveland, Ohio 44113
*Attorney for Defendant Treasurer of
Cuyahoga County*

Respectfully Submitted,

/s/ Zachariah S. Germaniuk
DAVID M. DOUGLASS (0015312)
ZACHARIAH S. GERMANIUK (0090109)
DOUGLASS & ASSOCIATES CO., L.P.A.
Attorneys for Intervenor, City of Cleveland

EXHIBIT LIST

V22008518	Exhibit A-1
V22009097	Exhibit A-2
V22022485	Exhibit A-3
V22031311	Exhibit A-4
V22031312	Exhibit A-5
V22031313	Exhibit A-6
V23031569	Exhibit A-7
V23031580	Exhibit A-8
V23031583	Exhibit A-9
V23031695	Exhibit A-10
V23031697	Exhibit A-11
V23031698	Exhibit A-12
V23031700	Exhibit A-13
V23031701	Exhibit A-14
V23031996	Exhibit A-15
V24019702	Exhibit A-16
V25000383	Exhibit A-17
V25000384	Exhibit A-18
V26003513	Exhibit A-19
AFFIDAVIT	Exhibit B

THE CITY OF CLEVELAND
DEPARTMENT OF BUILDING & HOUSING
DIVISION OF CODE ENFORCEMENT
601 LAKESIDE AVE. CLEVELAND, OH 44114

NOTICE OF VIOLATION OF BUILDING AND HOUSING ORDINANCES

WARD: 7

ISSUE DATE: 4/7/2022

CENSUS TRACT: 107800

PPN: 10222003

PROP. ADDRESS: 1701 E 12th ST, APT# 13F
Cleveland, OH 44114

AKA:

----- RESPONSIBLE PARTY(S) -----

Reserve Apartments LTD
Corelogic 2500 Westfield Rd
Elgin, IL 60124

Reserve Apartments LTD
1701 E 12 St Apt 13 F Cleveland Ohio 44114

Reserve Apartments LTD
K&D Management LLC 4420 Sherwin Rd Willoughby Ohio 44094

Reserve Apartments LTD
Reserve Square Leasing Dept Cleveland Ohio 44114

OCCUP./USE: MXD Mixed Uses - Multiple uses in
one building

INSPECTION DATE:

KIND OF STRUCTURE: 5 Sty. Concrete Frame

VIOLATION #: V22008518

ZONING DISTRICT: Multi-Family

NUMBER OF DWELLING UNITS:

TYPE OF VIOLATION: Interior Maintenance

THIS NOTICE SHALL BE COMPLIED WITH AND ALL VIOLATIONS CORRECTED BY THE BELOW
LISTED "COMPLY DATE".

FAILURE TO COMPLY WITH THIS NOTICE WILL RESULT IN PROSECUTIVE ACTION OR PENALTY
AS PROVIDED BY LAW.

PLEASE CONTACT THE INSPECTOR UPON RECEIPT OF THIS NOTICE.

RIGHT TO APPEAL

You have the right to appeal this notice. If you wish to appeal, you must file a written appeal within 30 days of the
issuance date on this notice. The appeal must be filed at:

Cleveland City Hall
601 Lakeside Avenue, Room 516
Cleveland, Ohio 44114

TO CONTACT YOUR INSPECTOR CALL MONDAY THRU FRIDAY.

INSPECTOR: Kimberly Lanum

PHONE: 216-664-
4887

EMAIL: klanum@clevelandohio.gov

SEQ NO	COMPLY DATE	NATURE OF VIOLATION	COMMENTS
1	05/07/2022	11[369.13]: THERE IS LOOSE, PEELING, AND/OR HANGING MATERIAL. THE SPECIFIC LOCATION IS:	hallway wall of apt damage from wheelchair repair wall
2	05/07/2022	705 [369.13]: THE HALL CEILING IS WATER DAMAGED	all damage ceiling tile on the 13th fl. water damage /broken tile must be replace and find source of leak and make repairs

TO CONTACT YOUR INSPECTOR CALL MONDAY THRU FRIDAY.

INSPECTOR: Kimberly Lanum

PHONE: 216-664-4887

EMAIL: klanum@clevelandohio.gov

THE CITY OF CLEVELAND
DEPARTMENT OF BUILDING & HOUSING
DIVISION OF CODE ENFORCEMENT
601 LAKESIDE AVE. CLEVELAND, OH 44114

NOTICE OF VIOLATION OF BUILDING AND HOUSING ORDINANCES

WARD: 7

ISSUE DATE: 4/7/2022

CENSUS TRACT: 107800

PPN: 10222003

PROP. ADDRESS: 1701 E 12th ST Cleveland, OH
44114

AKA:

----- RESPONSIBLE PARTY(S) -----

Reserve Apartments LTD
Corelogic 2500 Westfield Rd
Elgin, IL 60124

Reserve Apartments LTD
1701 E 12 ST Reserve Square Leasing dept Cleveland Ohio 44114

Reserve Apartments LTD
K&D Management LLC 4420 Sherwin Rd Willoughby Ohio 44094

OCCUP./USE: MXD Mixed Uses - Multiple uses in
one building

INSPECTION DATE: 04/07/2022

KIND OF STRUCTURE: 5 Sty. Concrete Frame

VIOLATION #: V22009097

ZONING DISTRICT: Multi-Family

NUMBER OF DWELLING UNITS:

TYPE OF VIOLATION: Rental Registration

THIS NOTICE SHALL BE COMPLIED WITH AND ALL VIOLATIONS CORRECTED BY THE BELOW
LISTED "COMPLY DATE".

FAILURE TO COMPLY WITH THIS NOTICE WILL RESULT IN PROSECUTIVE ACTION OR PENALTY
AS PROVIDED BY LAW.

PLEASE CONTACT THE INSPECTOR UPON RECEIPT OF THIS NOTICE.

RIGHT TO APPEAL

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601 Lakeside Avenue, Room 516
Cleveland, Ohio 44114

TO CONTACT YOUR INSPECTOR CALL MONDAY THRU FRIDAY.

INSPECTOR: Kimberly Lanum

PHONE: 216-664-
4887

EMAIL: klanum@clevelandohio.gov

SEQ NO	COMPLY DATE	NATURE OF VIOLATION	COMMENTS
1	05/07/2022	362.02 (b) (3) If the owner of a rental unit resides or is located outside of Cuyahoga County, the name, current address, telephone number, and email address of an agent designated by the owner, who is a natural person and who resides within Cuyahoga County, and who is authorized by the owner to receive service of a Notice of Violation on the owner's behalf shall be included in the rental registration application. An agent designated under this section shall be of sound mind and at least eighteen (18) years of age. It is the owner's obligation to notify the Director in writing, of any change in the name, address, telephone number, and/or email address of any agent designated.	
2	05/07/2022	365.02 (a) An owner of a residential rental unit or units located in the City shall register each unit with the Department of Building and Housing in a rental registry which is established by the Director. "Residential rental unit" means any part of a building being used, designed or intended to be used as an individual's private residence, including a unit occupied by one (1) or more persons regardless of whether the occupant pays rent or provides anything else of value to the titled owner in consideration for occupying the structure. A residential rental unit does not include a unit occupied by the titled owner.	
3	05/07/2022	367.05 Whenever the owner of a dwelling structure has been issued a Notice of Violation per Cleveland Codified Ordinance 367.04 (a) and fails to comply with said notice they are subject to prosecution and penalties	

TO CONTACT YOUR INSPECTOR CALL MONDAY THRU FRIDAY.

INSPECTOR: Kimberly Lanum

PHONE: 216-664-4887

EMAIL: klanum@clevelandohio.gov

THE CITY OF CLEVELAND
DEPARTMENT OF BUILDING & HOUSING
DIVISION OF CODE ENFORCEMENT
601 LAKESIDE AVE. CLEVELAND, OH 44114

NOTICE OF VIOLATION OF BUILDING AND HOUSING ORDINANCES

WARD: 3

ISSUE DATE: 8/24/2022

CENSUS TRACT: 107800

PPN: 10222003

PROP. ADDRESS: 1701 E 12 CLEVELAND, OH
44114

AKA: 1279 CHESTER AVE CLEVELAND,
OHIO 44114

----- RESPONSIBLE PARTY(S) -----

RESERVE APARTMENTS, LTD
4420 SHERWIN RD
WILLOUGHBY, OH 44094

RESERVE APARTMENTS, LTD
1701 E 12 ST CLEVELAND OHIO, 44114

----- INTERESTED PARTY(S) -----

K & D MANAGEMENT, LLC
4420 SHERWIN RD
WILLOUGHBY, OH 44094

OCCUP./USE:

INSPECTION DATE:

KIND OF STRUCTURE: Garage

VIOLATION #: V22022485

ZONING DISTRICT: General Retail

NUMBER OF DWELLING UNITS:

TYPE OF VIOLATION: Interior/Exterior Maintenance

THIS NOTICE SHALL BE COMPLIED WITH AND ALL VIOLATIONS CORRECTED BY THE BELOW LISTED "COMPLY DATE".

FAILURE TO COMPLY WITH THIS NOTICE WILL RESULT IN PROSECUTIVE ACTION OR PENALTY AS PROVIDED BY LAW.

PLEASE CONTACT THE INSPECTOR UPON RECEIPT OF THIS NOTICE.

TO CONTACT YOUR INSPECTOR CALL MONDAY THRU FRIDAY.

INSPECTOR: ERIC ELMI

PHONE: 2166644379 EMAIL: eelmi@clevelandohio.gov

RIGHT TO APPEAL

You have the right to appeal this notice. If you wish to appeal, you must file a written appeal within 30 days of the issuance date on this notice. The appeal must be filed at:

Cleveland City Hall
601 Lakeside Avenue, Room 516
Cleveland, Ohio 44114

SEQ NO	COMPLY DATE	NATURE OF VIOLATION	COMMENTS
1	09/23/2022	1 [3101.10(A)]: GENERAL MAINTENANCE REQUIREMENTS. ALL STRUCTURES BOTH EXTERIOR AND INTERIOR, SHALL BE MAINTAINED IN GOOD REPAIR AND SHALL BE CAPABLE OF PERFORMING THE PURPOSE FOR WHICH SUCH STRUCTURE OR PART ANY FEATURE THEREOF, WAS DESIGNED OR INTENDED TO BE USED.	
2	09/23/2022	12 [3103.09]: UNSAFE STRUCTURE: THIS STRUCTURE IS FOUND TO BE STRUCTURALLY UNSAFE.	FOUND STRUCTURAL DAMAGES ON CONCRETE CEILINGS, WALLS AND COLUMNS, REPAIRS NEEDED. MUST ENGAGE WITH STRUCTURAL ENGINEER/ARCHITECT TO REMEDY THE ISSUES.
3	09/23/2022	14 [3105.01(A)]: MAKE APPLICATION FOR AND OBTAIN ALL THE REQUIRED PERMITS BEFORE STARTING ANY WORK FROM THE BUILDING DEPARTMENT, ROOM 505, CITY HALL.	
4	09/23/2022	15 [3105.02(B)]: SUBMIT THREE (3) SETS OF PLANS BY A REGISTERED ARCHITECT OR REGISTERED PROFESSIONAL ENGINEER.	

TO CONTACT YOUR INSPECTOR CALL MONDAY THRU FRIDAY.

INSPECTOR: ERIC ELMI

PHONE: 2166644379 EMAIL: eelmi@clevelandohio.gov

THE CITY OF CLEVELAND
DEPARTMENT OF BUILDING & HOUSING
DIVISION OF CODE ENFORCEMENT
601 LAKESIDE AVE. CLEVELAND, OH 44114

NOTICE OF VIOLATION OF BUILDING AND HOUSING ORDINANCES

WARD:

ISSUE DATE: 11/29/2022

CENSUS TRACT: 107800

PPN: 10222003

PROP. ADDRESS: 1701 E 13 ST CLEVELAND, OH
44114

AKA:

----- RESPONSIBLE PARTY(S) -----

BRITTONY FRIEND
1701 E 12TH ST
CLEVELAND, OH 44114

OCCUP./USE:

INSPECTION DATE:

KIND OF STRUCTURE:

VIOLATION #: V22031311

ZONING DISTRICT:

NUMBER OF DWELLING UNITS:

TYPE OF VIOLATION: Elevator

THIS NOTICE SHALL BE COMPLIED WITH AND ALL VIOLATIONS CORRECTED BY THE BELOW LISTED "COMPLY DATE".

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PLEASE CONTACT THE INSPECTOR UPON RECEIPT OF THIS NOTICE.

RIGHT TO APPEAL

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Cleveland City Hall
601 Lakeside Avenue, Room 516
Cleveland, Ohio 44114

TO CONTACT YOUR INSPECTOR CALL MONDAY THRU FRIDAY.

INSPECTOR: Kenneth Eaton

PHONE: 2166642506 EMAIL: keaton@city.cleveland.oh.us

SEQ NO	COMPLY DATE	NATURE OF VIOLATION	COMMENTS
1	12/29/2022	159[C.C.O. 3141.05] RESPONSIBILITY OF OWNER: THE OWNER OF A BUILDING OR OTHER STRUCTURE IN WHICH AN ELEVATOR, DUMBWAITER, MOVING STAIRWAY, AMUSEMENT DEVICE, OR SPECIAL EQUIPMENT IS INSTALLED SHALL BE RESPONSIBLE FOR THE SAFE OPERATION AND PROPER MAINTENANCE OF SUCH ELEVATOR, DUMBWAITER, MOVING STAIRWAY, AMUSEMENT DEVICE, OR SPECIAL EQUIPMENT AFTER THE INSTALLATION THEREOF HAS BEEN APPROVED BY THE COMMISSIONER AND DURING THE PERIOD OF EFFECTIVENESS OF ANY LIMITED CERTIFICATE PERMITTING OPERATION THEREOF. SUCH OWNER, OR HIS OR HER DULY APPOINTED AGENT, SHALL ALSO MAKE AND BE RESPONSIBLE FOR ALL PERIODIC TESTS WHICH THE COMMISSIONER MAY REQUIRE UNDER THE PROVISIONS OF OHIO ELEVATOR CODE, OBBC AND THIS BUILDING CODE.	

TO CONTACT YOUR INSPECTOR CALL MONDAY THRU FRIDAY.

INSPECTOR: Kenneth Eaton

PHONE: 2166642506 EMAIL: keaton@city.cleveland.oh.us

2 12/29/2022

160.[C.C.O. 3141.15] ORDER DISCONTINUING
USE: WHENEVER THE COMMISSIONER
SHALL, FROM INSPECTION OR TESTS OF
ANY ELEVATOR, MOVING STAIRWAY,
DUMBWAITER, AMUSEMENT DEVICE, OR
SPECIAL EQUIPMENT, DETERMINE THAT IN
THE INTEREST OF PUBLIC SAFETY SUCH
ELEVATOR, MOVING STAIRWAY,
DUMBWAITER, AMUSEMENT DEVICE, OR
SPECIAL EQUIPMENT, OR ANY PART OR
APPLIANCE THEREOF, IS OUT OF ORDER OR
IN AN UNSAFE CONDITION, HE OR SHE
SHALL HAVE THE POWER TO ORDER THE
DISCONTINUANCE OF THE USE OF ANY
SUCH ELEVATOR, MOVING STAIRWAY,
DUMBWAITER, AMUSEMENT DEVICE, OR
SPECIAL EQUIPMENT, AND TO COMPEL THE
PERSON, FIRM, OR CORPORATION HAVING
CONTROL OR POSSESSION OR USE
THEREOF TO DISCONTINUE SUCH USE
UNTIL SUCH ELEVATOR, MOVING
STAIRWAY, DUMBWAITER, AMUSEMENT
DEVICE, OR SPECIAL EQUIPMENT, OR PART
OF APPLIANCE THEREOF, HAS BEEN
SATISFACTORILY REPAIRED OR REPLACED
SO THAT SUCH ELEVATOR, MOVING
STAIRWAY, DUMBWAITER, AMUSEMENT
DEVICE OR SPECIAL EQUIPMENT, IS IN A
SAFE AND PROPER CONDITION. TO
ENFORCE THE PROVISIONS OF THIS
SECTION THE COMMISSIONER MAY REVOKE
AN EXISTING CERTIFICATE OF OPERATION
AND REQUIRE THAT IT BE SURRENDERED
AND MAY SEAL OR ORDER THE SEALING OF
SUCH PARTS OF THE OPERATING
MECHANISM AS WILL MAKE THE DEVICE
INOPERATIVE, AND IT SHALL BE A
VIOLATION OF OBBC, THE OHIO ELEVATOR
CODE OR THIS BUILDING CODE FOR ANY
PERSON OR PERSONS OTHER THAN THE
AUTHORIZED INSPECTOR OF THE
COMMISSIONER TO BREAK OR REMOVE
SUCH SEAL.

TO CONTACT YOUR INSPECTOR CALL MONDAY THRU FRIDAY.

INSPECTOR: Kenneth Eaton

PHONE: 2166642506 EMAIL: keaton@city.cleveland.oh.us

THE CITY OF CLEVELAND
DEPARTMENT OF BUILDING & HOUSING
DIVISION OF CODE ENFORCEMENT
601 LAKESIDE AVE. CLEVELAND, OH 44114

NOTICE OF VIOLATION OF BUILDING AND HOUSING ORDINANCES

WARD:

ISSUE DATE: 11/29/2022

CENSUS TRACT: 107800

PPN: 10222003

PROP. ADDRESS: 1701 E 13 ST CLEVELAND, OH
44114

AKA:

----- RESPONSIBLE PARTY(S) -----

BRITTONY FRIEND
1701 E 12TH ST
CLEVELAND, OH 44114

OCCUP./USE:

INSPECTION DATE:

KIND OF STRUCTURE:

VIOLATION #: V22031312

ZONING DISTRICT:

NUMBER OF DWELLING UNITS:

TYPE OF VIOLATION: Elevator

THIS NOTICE SHALL BE COMPLIED WITH AND ALL VIOLATIONS CORRECTED BY THE BELOW LISTED "COMPLY DATE".

FAILURE TO COMPLY WITH THIS NOTICE WILL RESULT IN PROSECUTIVE ACTION OR PENALTY AS PROVIDED BY LAW.

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RIGHT TO APPEAL

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Cleveland City Hall
601 Lakeside Avenue, Room 516
Cleveland, Ohio 44114

TO CONTACT YOUR INSPECTOR CALL MONDAY THRU FRIDAY.

INSPECTOR: Kenneth Eaton

PHONE: 2166642506 EMAIL: keaton@city.cleveland.oh.us

SEQ NO	COMPLY DATE	NATURE OF VIOLATION	COMMENTS
1	12/29/2022	159[C.C.O. 3141.05] RESPONSIBILITY OF OWNER: THE OWNER OF A BUILDING OR OTHER STRUCTURE IN WHICH AN ELEVATOR, DUMBWAITER, MOVING STAIRWAY, AMUSEMENT DEVICE, OR SPECIAL EQUIPMENT IS INSTALLED SHALL BE RESPONSIBLE FOR THE SAFE OPERATION AND PROPER MAINTENANCE OF SUCH ELEVATOR, DUMBWAITER, MOVING STAIRWAY, AMUSEMENT DEVICE, OR SPECIAL EQUIPMENT AFTER THE INSTALLATION THEREOF HAS BEEN APPROVED BY THE COMMISSIONER AND DURING THE PERIOD OF EFFECTIVENESS OF ANY LIMITED CERTIFICATE PERMITTING OPERATION THEREOF. SUCH OWNER, OR HIS OR HER DULY APPOINTED AGENT, SHALL ALSO MAKE AND BE RESPONSIBLE FOR ALL PERIODIC TESTS WHICH THE COMMISSIONER MAY REQUIRE UNDER THE PROVISIONS OF OHIO ELEVATOR CODE, OBBC AND THIS BUILDING CODE.	

TO CONTACT YOUR INSPECTOR CALL MONDAY THRU FRIDAY.

INSPECTOR: Kenneth Eaton

PHONE: 2166642506 EMAIL: keaton@city.cleveland.oh.us

2 12/29/2022

160.[C.C.O. 3141.15] ORDER DISCONTINUING
USE: WHENEVER THE COMMISSIONER
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THE INTEREST OF PUBLIC SAFETY SUCH
ELEVATOR, MOVING STAIRWAY,
DUMBWAITER, AMUSEMENT DEVICE, OR
SPECIAL EQUIPMENT, OR ANY PART OR
APPLIANCE THEREOF, IS OUT OF ORDER OR
IN AN UNSAFE CONDITION, HE OR SHE
SHALL HAVE THE POWER TO ORDER THE
DISCONTINUANCE OF THE USE OF ANY
SUCH ELEVATOR, MOVING STAIRWAY,
DUMBWAITER, AMUSEMENT DEVICE, OR
SPECIAL EQUIPMENT, AND TO COMPEL THE
PERSON, FIRM, OR CORPORATION HAVING
CONTROL OR POSSESSION OR USE
THEREOF TO DISCONTINUE SUCH USE
UNTIL SUCH ELEVATOR, MOVING
STAIRWAY, DUMBWAITER, AMUSEMENT
DEVICE, OR SPECIAL EQUIPMENT, OR PART
OF APPLIANCE THEREOF, HAS BEEN
SATISFACTORILY REPAIRED OR REPLACED
SO THAT SUCH ELEVATOR, MOVING
STAIRWAY, DUMBWAITER, AMUSEMENT
DEVICE OR SPECIAL EQUIPMENT, IS IN A
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VIOLATION OF OBBC, THE OHIO ELEVATOR
CODE OR THIS BUILDING CODE FOR ANY
PERSON OR PERSONS OTHER THAN THE
AUTHORIZED INSPECTOR OF THE
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SUCH SEAL.

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THE CITY OF CLEVELAND
DEPARTMENT OF BUILDING & HOUSING
DIVISION OF CODE ENFORCEMENT
601 LAKESIDE AVE. CLEVELAND, OH 44114

NOTICE OF VIOLATION OF BUILDING AND HOUSING ORDINANCES

WARD:

ISSUE DATE: 11/29/2022

CENSUS TRACT: 107800

PPN: 10222003

PROP. ADDRESS: 1701 E 13 ST CLEVELAND, OH
44114

AKA:

----- RESPONSIBLE PARTY(S) -----

BRITTONY FRIEND
1701 E 12TH ST
CLEVELAND, OH 44114

OCCUP./USE:

INSPECTION DATE:

KIND OF STRUCTURE:

VIOLATION #: V22031313

ZONING DISTRICT:

NUMBER OF DWELLING UNITS:

TYPE OF VIOLATION: Elevator

THIS NOTICE SHALL BE COMPLIED WITH AND ALL VIOLATIONS CORRECTED BY THE BELOW LISTED "COMPLY DATE".

FAILURE TO COMPLY WITH THIS NOTICE WILL RESULT IN PROSECUTIVE ACTION OR PENALTY AS PROVIDED BY LAW.

PLEASE CONTACT THE INSPECTOR UPON RECEIPT OF THIS NOTICE.

RIGHT TO APPEAL

You have the right to appeal this notice. If you wish to appeal, you must file a written appeal within 30 days of the issuance date on this notice. The appeal must be filed at:

Cleveland City Hall
601 Lakeside Avenue, Room 516
Cleveland, Ohio 44114

TO CONTACT YOUR INSPECTOR CALL MONDAY THRU FRIDAY.

INSPECTOR: Kenneth Eaton

PHONE: 2166642506 EMAIL: keaton@city.cleveland.oh.us

SEQ NO	COMPLY DATE	NATURE OF VIOLATION	COMMENTS
1	12/29/2022	159[C.C.O. 3141.05] RESPONSIBILITY OF OWNER: THE OWNER OF A BUILDING OR OTHER STRUCTURE IN WHICH AN ELEVATOR, DUMBWAITER, MOVING STAIRWAY, AMUSEMENT DEVICE, OR SPECIAL EQUIPMENT IS INSTALLED SHALL BE RESPONSIBLE FOR THE SAFE OPERATION AND PROPER MAINTENANCE OF SUCH ELEVATOR, DUMBWAITER, MOVING STAIRWAY, AMUSEMENT DEVICE, OR SPECIAL EQUIPMENT AFTER THE INSTALLATION THEREOF HAS BEEN APPROVED BY THE COMMISSIONER AND DURING THE PERIOD OF EFFECTIVENESS OF ANY LIMITED CERTIFICATE PERMITTING OPERATION THEREOF. SUCH OWNER, OR HIS OR HER DULY APPOINTED AGENT, SHALL ALSO MAKE AND BE RESPONSIBLE FOR ALL PERIODIC TESTS WHICH THE COMMISSIONER MAY REQUIRE UNDER THE PROVISIONS OF OHIO ELEVATOR CODE, OBBC AND THIS BUILDING CODE.	

TO CONTACT YOUR INSPECTOR CALL MONDAY THRU FRIDAY.

INSPECTOR: Kenneth Eaton

PHONE: 2166642506 EMAIL: keaton@city.cleveland.oh.us

2 12/29/2022

160.[C.C.O. 3141.15] ORDER DISCONTINUING
USE: WHENEVER THE COMMISSIONER
SHALL, FROM INSPECTION OR TESTS OF
ANY ELEVATOR, MOVING STAIRWAY,
DUMBWAITER, AMUSEMENT DEVICE, OR
SPECIAL EQUIPMENT, DETERMINE THAT IN
THE INTEREST OF PUBLIC SAFETY SUCH
ELEVATOR, MOVING STAIRWAY,
DUMBWAITER, AMUSEMENT DEVICE, OR
SPECIAL EQUIPMENT, OR ANY PART OR
APPLIANCE THEREOF, IS OUT OF ORDER OR
IN AN UNSAFE CONDITION, HE OR SHE
SHALL HAVE THE POWER TO ORDER THE
DISCONTINUANCE OF THE USE OF ANY
SUCH ELEVATOR, MOVING STAIRWAY,
DUMBWAITER, AMUSEMENT DEVICE, OR
SPECIAL EQUIPMENT, AND TO COMPEL THE
PERSON, FIRM, OR CORPORATION HAVING
CONTROL OR POSSESSION OR USE
THEREOF TO DISCONTINUE SUCH USE
UNTIL SUCH ELEVATOR, MOVING
STAIRWAY, DUMBWAITER, AMUSEMENT
DEVICE, OR SPECIAL EQUIPMENT, OR PART
OF APPLIANCE THEREOF, HAS BEEN
SATISFACTORILY REPAIRED OR REPLACED
SO THAT SUCH ELEVATOR, MOVING
STAIRWAY, DUMBWAITER, AMUSEMENT
DEVICE OR SPECIAL EQUIPMENT, IS IN A
SAFE AND PROPER CONDITION. TO
ENFORCE THE PROVISIONS OF THIS
SECTION THE COMMISSIONER MAY REVOKE
AN EXISTING CERTIFICATE OF OPERATION
AND REQUIRE THAT IT BE SURRENDERED
AND MAY SEAL OR ORDER THE SEALING OF
SUCH PARTS OF THE OPERATING
MECHANISM AS WILL MAKE THE DEVICE
INOPERATIVE, AND IT SHALL BE A
VIOLATION OF OBBC, THE OHIO ELEVATOR
CODE OR THIS BUILDING CODE FOR ANY
PERSON OR PERSONS OTHER THAN THE
AUTHORIZED INSPECTOR OF THE
COMMISSIONER TO BREAK OR REMOVE
SUCH SEAL.

TO CONTACT YOUR INSPECTOR CALL MONDAY THRU FRIDAY.

INSPECTOR: Kenneth Eaton

PHONE: 2166642506 EMAIL: keaton@city.cleveland.oh.us

THE CITY OF CLEVELAND
DEPARTMENT OF BUILDING & HOUSING
DIVISION OF CODE ENFORCEMENT
601 LAKESIDE AVE. CLEVELAND, OH 44114

NOTICE OF VIOLATION OF BUILDING AND HOUSING ORDINANCES

WARD:

ISSUE DATE: 12/4/2023

CENSUS TRACT: 107800

PPN: 10222003

PROP. ADDRESS: 1701 E 13 ST CLEVELAND, OH
44114

AKA:

----- RESPONSIBLE PARTY(S) -----

ANTHONY FRACCI
4420 SHERWIN ROAD
WILLOUGHBY, OH 44094

OCCUP./USE:

INSPECTION DATE:

KIND OF STRUCTURE:

VIOLATION #: V23031569

ZONING DISTRICT:

NUMBER OF DWELLING UNITS:

TYPE OF VIOLATION: Elevator

THIS NOTICE SHALL BE COMPLIED WITH AND ALL VIOLATIONS CORRECTED BY THE BELOW LISTED "COMPLY DATE".

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RIGHT TO APPEAL

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INSPECTOR: Kenneth Eaton

PHONE: 2166642506 EMAIL: keaton@city.cleveland.oh.us

Page 1 V23031569 - 1701 E 13 ST CLEVELAND, OH 44114

EXHIBIT **A-7**

SEQ NO	COMPLY DATE	NATURE OF VIOLATION	COMMENTS
1	01/03/2024	159[C.C.O. 3141.05] RESPONSIBILITY OF OWNER: THE OWNER OF A BUILDING OR OTHER STRUCTURE IN WHICH AN ELEVATOR, DUMBWAITER, MOVING STAIRWAY, AMUSEMENT DEVICE, OR SPECIAL EQUIPMENT IS INSTALLED SHALL BE RESPONSIBLE FOR THE SAFE OPERATION AND PROPER MAINTENANCE OF SUCH ELEVATOR, DUMBWAITER, MOVING STAIRWAY, AMUSEMENT DEVICE, OR SPECIAL EQUIPMENT AFTER THE INSTALLATION THEREOF HAS BEEN APPROVED BY THE COMMISSIONER AND DURING THE PERIOD OF EFFECTIVENESS OF ANY LIMITED CERTIFICATE PERMITTING OPERATION THEREOF. SUCH OWNER, OR HIS OR HER DULY APPOINTED AGENT, SHALL ALSO MAKE AND BE RESPONSIBLE FOR ALL PERIODIC TESTS WHICH THE COMMISSIONER MAY REQUIRE UNDER THE PROVISIONS OF OHIO ELEVATOR CODE, OBBC AND THIS BUILDING CODE.	

TO CONTACT YOUR INSPECTOR CALL MONDAY THRU FRIDAY.

INSPECTOR: Kenneth Eaton

PHONE: 2166642506 EMAIL: keaton@city.cleveland.oh.us

2 01/03/2024

160.[C.C.O. 3141.15] ORDER DISCONTINUING USE: WHENEVER THE COMMISSIONER SHALL, FROM INSPECTION OR TESTS OF ANY ELEVATOR, MOVING STAIRWAY, DUMBWAITER, AMUSEMENT DEVICE, OR SPECIAL EQUIPMENT, DETERMINE THAT IN THE INTEREST OF PUBLIC SAFETY SUCH ELEVATOR, MOVING STAIRWAY, DUMBWAITER, AMUSEMENT DEVICE, OR SPECIAL EQUIPMENT, OR ANY PART OR APPLIANCE THEREOF, IS OUT OF ORDER OR IN AN UNSAFE CONDITION, HE OR SHE SHALL HAVE THE POWER TO ORDER THE DISCONTINUANCE OF THE USE OF ANY SUCH ELEVATOR, MOVING STAIRWAY, DUMBWAITER, AMUSEMENT DEVICE, OR SPECIAL EQUIPMENT, AND TO COMPEL THE PERSON, FIRM, OR CORPORATION HAVING CONTROL OR POSSESSION OR USE THEREOF TO DISCONTINUE SUCH USE UNTIL SUCH ELEVATOR, MOVING STAIRWAY, DUMBWAITER, AMUSEMENT DEVICE, OR SPECIAL EQUIPMENT, OR PART OF APPLIANCE THEREOF, HAS BEEN SATISFACTORILY REPAIRED OR REPLACED SO THAT SUCH ELEVATOR, MOVING STAIRWAY, DUMBWAITER, AMUSEMENT DEVICE OR SPECIAL EQUIPMENT, IS IN A SAFE AND PROPER CONDITION. TO ENFORCE THE PROVISIONS OF THIS SECTION THE COMMISSIONER MAY REVOKE AN EXISTING CERTIFICATE OF OPERATION AND REQUIRE THAT IT BE SURRENDERED AND MAY SEAL OR ORDER THE SEALING OF SUCH PARTS OF THE OPERATING MECHANISM AS WILL MAKE THE DEVICE INOPERATIVE, AND IT SHALL BE A VIOLATION OF OBBC, THE OHIO ELEVATOR CODE OR THIS BUILDING CODE FOR ANY PERSON OR PERSONS OTHER THAN THE AUTHORIZED INSPECTOR OF THE COMMISSIONER TO BREAK OR REMOVE SUCH SEAL.

3 01/03/2024

51[A17.3 2.2.3]: PROVIDE SUFFICIENT, PERMANENT LIGHTING IN MACHINE ROOM

4 01/03/2024

74[A17.1 8.6.4.20]: PERFORM A CAPACITY LOAD SAFETY TEST

FULL LOAD SAFETY TEST PAST DUE

TO CONTACT YOUR INSPECTOR CALL MONDAY THRU FRIDAY.

INSPECTOR: Kenneth Eaton

PHONE: 2166642506 EMAIL: keaton@city.cleveland.oh.us

THE CITY OF CLEVELAND
DEPARTMENT OF BUILDING & HOUSING
DIVISION OF CODE ENFORCEMENT
601 LAKESIDE AVE. CLEVELAND, OH 44114

NOTICE OF VIOLATION OF BUILDING AND HOUSING ORDINANCES

WARD:

ISSUE DATE: 12/4/2023

CENSUS TRACT: 107800

PPN: 10222003

PROP. ADDRESS: 1701 E 13 ST CLEVELAND, OH
44114

AKA:

----- RESPONSIBLE PARTY(S) -----

ANTHONY FRACCI
4420 SHERWIN ROAD
WILLOUGHBY, OH 44094

OCCUP./USE:

INSPECTION DATE:

KIND OF STRUCTURE:

VIOLATION #: V23031580

ZONING DISTRICT:

NUMBER OF DWELLING UNITS:

TYPE OF VIOLATION: Elevator

THIS NOTICE SHALL BE COMPLIED WITH AND ALL VIOLATIONS CORRECTED BY THE BELOW LISTED "COMPLY DATE".

FAILURE TO COMPLY WITH THIS NOTICE WILL RESULT IN PROSECUTIVE ACTION OR PENALTY AS PROVIDED BY LAW.

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RIGHT TO APPEAL

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Cleveland City Hall
601 Lakeside Avenue, Room 516
Cleveland, Ohio 44114

SEQ NO	COMPLY DATE	NATURE OF VIOLATION	COMMENTS
1	01/03/2024	57[A17.1 8.6.1]: EMPTY DRIP PANS IN MACHINE ROOM	
2	01/03/2024	MISC	EMERGENCY POWER JEWEL IN HALL BUTTON IS BROKEN (REPLACE)

TO CONTACT YOUR INSPECTOR CALL MONDAY THRU FRIDAY.

INSPECTOR: Kenneth Eaton

PHONE: 2166642506 EMAIL: keaton@city.cleveland.oh.us

TO CONTACT YOUR INSPECTOR CALL MONDAY THRU FRIDAY.

INSPECTOR: Kenneth Eaton

PHONE: 2166642506 EMAIL: keaton@city.cleveland.oh.us

THE CITY OF CLEVELAND
DEPARTMENT OF BUILDING & HOUSING
DIVISION OF CODE ENFORCEMENT
601 LAKESIDE AVE. CLEVELAND, OH 44114

NOTICE OF VIOLATION OF BUILDING AND HOUSING ORDINANCES

WARD:

ISSUE DATE: 12/4/2023

CENSUS TRACT: 107800

PPN: 10222003

PROP. ADDRESS: 1701 E 13 ST CLEVELAND, OH
44114

AKA:

----- RESPONSIBLE PARTY(S) -----

ANTHONY FRACCI
4420 SHERWIN ROAD
WILLOUGHBY, OH 44094

OCCUP./USE:

INSPECTION DATE:

KIND OF STRUCTURE:

VIOLATION #: V23031583

ZONING DISTRICT:

NUMBER OF DWELLING UNITS:

TYPE OF VIOLATION: Elevator

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601 Lakeside Avenue, Room 516
Cleveland, Ohio 44114

SEQ NO	COMPLY DATE	NATURE OF VIOLATION	COMMENTS
1	01/03/2024	57[A17.1 8.6.1]: EMPTY DRIP PANS IN MACHINE ROOM	

TO CONTACT YOUR INSPECTOR CALL MONDAY THRU FRIDAY.

INSPECTOR: Kenneth Eaton

PHONE: 2166642506 EMAIL: keaton@city.cleveland.oh.us

THE CITY OF CLEVELAND
DEPARTMENT OF BUILDING & HOUSING
DIVISION OF CODE ENFORCEMENT
601 LAKESIDE AVE. CLEVELAND, OH 44114

NOTICE OF VIOLATION OF BUILDING AND HOUSING ORDINANCES

WARD:

ISSUE DATE: 12/5/2023

CENSUS TRACT: 107800

PPN: 10222003

PROP. ADDRESS: 1701 E 13 ST CLEVELAND, OH
44114

AKA:

----- RESPONSIBLE PARTY(S) -----

ANTHONY FRACCI
4420 SHERWIN ROAD
WILLOUGHBY, OH 44094

OCCUP./USE:

INSPECTION DATE:

KIND OF STRUCTURE:

VIOLATION #: V23031695

ZONING DISTRICT:

NUMBER OF DWELLING UNITS:

TYPE OF VIOLATION: Elevator

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Cleveland City Hall
601 Lakeside Avenue, Room 516
Cleveland, Ohio 44114

TO CONTACT YOUR INSPECTOR CALL MONDAY THRU FRIDAY.

INSPECTOR: Wayne Moore

PHONE: 216-664-
2856

EMAIL: wmoore@city.cleveland.oh.us

SEQ NO	COMPLY DATE	NATURE OF VIOLATION	COMMENTS
1	01/04/2024	159[C.C.O. 3141.05] RESPONSIBILITY OF OWNER: THE OWNER OF A BUILDING OR OTHER STRUCTURE IN WHICH AN ELEVATOR, DUMBWAITER, MOVING STAIRWAY, AMUSEMENT DEVICE, OR SPECIAL EQUIPMENT IS INSTALLED SHALL BE RESPONSIBLE FOR THE SAFE OPERATION AND PROPER MAINTENANCE OF SUCH ELEVATOR, DUMBWAITER, MOVING STAIRWAY, AMUSEMENT DEVICE, OR SPECIAL EQUIPMENT AFTER THE INSTALLATION THEREOF HAS BEEN APPROVED BY THE COMMISSIONER AND DURING THE PERIOD OF EFFECTIVENESS OF ANY LIMITED CERTIFICATE PERMITTING OPERATION THEREOF. SUCH OWNER, OR HIS OR HER DULY APPOINTED AGENT, SHALL ALSO MAKE AND BE RESPONSIBLE FOR ALL PERIODIC TESTS WHICH THE COMMISSIONER MAY REQUIRE UNDER THE PROVISIONS OF OHIO ELEVATOR CODE, OBBC AND THIS BUILDING CODE.	

TO CONTACT YOUR INSPECTOR CALL MONDAY THRU FRIDAY.

INSPECTOR: Wayne Moore

PHONE: 216-664-
2856

EMAIL: wmoore@city.cleveland.oh.us

2 01/04/2024 160.[C.C.O. 3141.15] ORDER DISCONTINUING
USE: WHENEVER THE COMMISSIONER
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SPECIAL EQUIPMENT, DETERMINE THAT IN
THE INTEREST OF PUBLIC SAFETY SUCH
ELEVATOR, MOVING STAIRWAY,
DUMBWAITER, AMUSEMENT DEVICE, OR
SPECIAL EQUIPMENT, OR ANY PART OR
APPLIANCE THEREOF, IS OUT OF ORDER OR
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SHALL HAVE THE POWER TO ORDER THE
DISCONTINUANCE OF THE USE OF ANY
SUCH ELEVATOR, MOVING STAIRWAY,
DUMBWAITER, AMUSEMENT DEVICE, OR
SPECIAL EQUIPMENT, AND TO COMPEL THE
PERSON, FIRM, OR CORPORATION HAVING
CONTROL OR POSSESSION OR USE
THEREOF TO DISCONTINUE SUCH USE
UNTIL SUCH ELEVATOR, MOVING
STAIRWAY, DUMBWAITER, AMUSEMENT
DEVICE, OR SPECIAL EQUIPMENT, OR PART
OF APPLIANCE THEREOF, HAS BEEN
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SO THAT SUCH ELEVATOR, MOVING
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DEVICE OR SPECIAL EQUIPMENT, IS IN A
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AND REQUIRE THAT IT BE SURRENDERED
AND MAY SEAL OR ORDER THE SEALING OF
SUCH PARTS OF THE OPERATING
MECHANISM AS WILL MAKE THE DEVICE
INOPERATIVE, AND IT SHALL BE A
VIOLATION OF OBBC, THE OHIO ELEVATOR
CODE OR THIS BUILDING CODE FOR ANY
PERSON OR PERSONS OTHER THAN THE
AUTHORIZED INSPECTOR OF THE
COMMISSIONER TO BREAK OR REMOVE
SUCH SEAL.

3 01/04/2024 22[A17.3 3.4.5 (e)]: REPAIR CAR TOP LIGHT

4 01/04/2024 69[A17.1 8.6.4.7]: PITS SHALL BE KEPT DRY
AND CLEAN

TO CONTACT YOUR INSPECTOR CALL MONDAY THRU FRIDAY.

INSPECTOR: Wayne Moore

PHONE: 216-664-
2856

EMAIL: wmoore@city.cleveland.oh.us

THE CITY OF CLEVELAND
DEPARTMENT OF BUILDING & HOUSING
DIVISION OF CODE ENFORCEMENT
601 LAKESIDE AVE. CLEVELAND, OH 44114

NOTICE OF VIOLATION OF BUILDING AND HOUSING ORDINANCES

WARD:

ISSUE DATE: 12/5/2023

CENSUS TRACT: 107800

PPN: 10222003

PROP. ADDRESS: 1701 E 13 ST CLEVELAND, OH
44114

AKA:

----- RESPONSIBLE PARTY(S) -----

ANTHONY FRACCI
4420 SHERWIN ROAD
WILLOUGHBY, OH 44094

OCCUP./USE:

INSPECTION DATE:

KIND OF STRUCTURE:

VIOLATION #: V23031697

ZONING DISTRICT:

NUMBER OF DWELLING UNITS:

TYPE OF VIOLATION: Elevator

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601 Lakeside Avenue, Room 516
Cleveland, Ohio 44114

SEQ NO	COMPLY DATE	NATURE OF VIOLATION	COMMENTS
1	01/04/2024	3[A17.3 3.11]: INSTALL OR REPAIR 24 HOUR 2-WAY COMM. IN CAR	
2	01/04/2024	69[A17.1 8.6.4.7]: PITS SHALL BE KEPT DRY AND CLEAN	

TO CONTACT YOUR INSPECTOR CALL MONDAY THRU FRIDAY.

INSPECTOR: Wayne Moore

PHONE: 216-664-
2856

EMAIL: wmoore@city.cleveland.oh.us

TO CONTACT YOUR INSPECTOR CALL MONDAY THRU FRIDAY.

INSPECTOR: Wayne Moore

PHONE: 216-664-
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EMAIL: wmoore@city.cleveland.oh.us

THE CITY OF CLEVELAND
DEPARTMENT OF BUILDING & HOUSING
DIVISION OF CODE ENFORCEMENT
601 LAKESIDE AVE. CLEVELAND, OH 44114

NOTICE OF VIOLATION OF BUILDING AND HOUSING ORDINANCES

WARD:

ISSUE DATE: 12/5/2023

CENSUS TRACT: 107800

PPN: 10222003

PROP. ADDRESS: 1701 E 13 ST CLEVELAND, OH
44114

AKA:

----- RESPONSIBLE PARTY(S) -----

ANTHONY FRACCI
4420 SHERWIN ROAD
WILLOUGHBY, OH 44094

OCCUP./USE:

INSPECTION DATE:

KIND OF STRUCTURE:

VIOLATION #: V23031698

ZONING DISTRICT:

NUMBER OF DWELLING UNITS:

TYPE OF VIOLATION: Elevator

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INSPECTOR: Wayne Moore

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SEQ NO	COMPLY DATE	NATURE OF VIOLATION	COMMENTS
1	01/04/2024	159[C.C.O. 3141.05] RESPONSIBILITY OF OWNER: THE OWNER OF A BUILDING OR OTHER STRUCTURE IN WHICH AN ELEVATOR, DUMBWAITER, MOVING STAIRWAY, AMUSEMENT DEVICE, OR SPECIAL EQUIPMENT IS INSTALLED SHALL BE RESPONSIBLE FOR THE SAFE OPERATION AND PROPER MAINTENANCE OF SUCH ELEVATOR, DUMBWAITER, MOVING STAIRWAY, AMUSEMENT DEVICE, OR SPECIAL EQUIPMENT AFTER THE INSTALLATION THEREOF HAS BEEN APPROVED BY THE COMMISSIONER AND DURING THE PERIOD OF EFFECTIVENESS OF ANY LIMITED CERTIFICATE PERMITTING OPERATION THEREOF. SUCH OWNER, OR HIS OR HER DULY APPOINTED AGENT, SHALL ALSO MAKE AND BE RESPONSIBLE FOR ALL PERIODIC TESTS WHICH THE COMMISSIONER MAY REQUIRE UNDER THE PROVISIONS OF OHIO ELEVATOR CODE, OBBC AND THIS BUILDING CODE.	

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- 2 01/04/2024 160.[C.C.O. 3141.15] ORDER DISCONTINUING
USE: WHENEVER THE COMMISSIONER
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SPECIAL EQUIPMENT, DETERMINE THAT IN
THE INTEREST OF PUBLIC SAFETY SUCH
ELEVATOR, MOVING STAIRWAY,
DUMBWAITER, AMUSEMENT DEVICE, OR
SPECIAL EQUIPMENT, OR ANY PART OR
APPLIANCE THEREOF, IS OUT OF ORDER OR
IN AN UNSAFE CONDITION, HE OR SHE
SHALL HAVE THE POWER TO ORDER THE
DISCONTINUANCE OF THE USE OF ANY
SUCH ELEVATOR, MOVING STAIRWAY,
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PERSON, FIRM, OR CORPORATION HAVING
CONTROL OR POSSESSION OR USE
THEREOF TO DISCONTINUE SUCH USE
UNTIL SUCH ELEVATOR, MOVING
STAIRWAY, DUMBWAITER, AMUSEMENT
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COMMISSIONER TO BREAK OR REMOVE
SUCH SEAL.
- 3 01/04/2024 3[A17.3 3.11]: INSTALL OR REPAIR 24 HOUR
2-WAY COMM. IN CAR
- 4 01/04/2024 69[A17.1 8.6.4.7]: PITS SHALL BE KEPT DRY
AND CLEAN

TO CONTACT YOUR INSPECTOR CALL MONDAY THRU FRIDAY.

INSPECTOR: Wayne Moore

PHONE: 216-664-
2856

EMAIL: wmoore@city.cleveland.oh.us

THE CITY OF CLEVELAND
DEPARTMENT OF BUILDING & HOUSING
DIVISION OF CODE ENFORCEMENT
601 LAKESIDE AVE. CLEVELAND, OH 44114

NOTICE OF VIOLATION OF BUILDING AND HOUSING ORDINANCES

WARD:

ISSUE DATE: 12/5/2023

CENSUS TRACT: 107800

PPN: 10222003

PROP. ADDRESS: 1701 E 13 ST CLEVELAND, OH
44114

AKA:

----- RESPONSIBLE PARTY(S) -----

ANTHONY FRACCI
4420 SHERWIN ROAD
WILLOUGHBY, OH 44094

OCCUP./USE:

INSPECTION DATE:

KIND OF STRUCTURE:

VIOLATION #: V23031700

ZONING DISTRICT:

NUMBER OF DWELLING UNITS:

TYPE OF VIOLATION: Elevator

THIS NOTICE SHALL BE COMPLIED WITH AND ALL VIOLATIONS CORRECTED BY THE BELOW LISTED "COMPLY DATE".

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Cleveland, Ohio 44114

SEQ NO	COMPLY DATE	NATURE OF VIOLATION	COMMENTS
1	01/04/2024	57[A17.1 8.6.1]: EMPTY DRIP PANS IN MACHINE ROOM	
2	01/04/2024	69[A17.1 8.6.4.7]: PITS SHALL BE KEPT DRY AND CLEAN	

TO CONTACT YOUR INSPECTOR CALL MONDAY THRU FRIDAY.

INSPECTOR: Wayne Moore

PHONE: 216-664-
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DEPARTMENT OF BUILDING & HOUSING
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601 LAKESIDE AVE. CLEVELAND, OH 44114

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CENSUS TRACT: 107800

PPN: 10222003

PROP. ADDRESS: 1701 E 13 ST CLEVELAND, OH
44114

AKA:

----- RESPONSIBLE PARTY(S) -----

ANTHONY FRACCI
4420 SHERWIN ROAD
WILLOUGHBY, OH 44094

OCCUP./USE:

INSPECTION DATE:

KIND OF STRUCTURE:

VIOLATION #: V23031701

ZONING DISTRICT:

NUMBER OF DWELLING UNITS:

TYPE OF VIOLATION: Elevator

THIS NOTICE SHALL BE COMPLIED WITH AND ALL VIOLATIONS CORRECTED BY THE BELOW LISTED "COMPLY DATE".

FAILURE TO COMPLY WITH THIS NOTICE WILL RESULT IN PROSECUTIVE ACTION OR PENALTY AS PROVIDED BY LAW.

PLEASE CONTACT THE INSPECTOR UPON RECEIPT OF THIS NOTICE.

RIGHT TO APPEAL

You have the right to appeal this notice. If you wish to appeal, you must file a written appeal within 30 days of the issuance date on this notice. The appeal must be filed at:

Cleveland City Hall
601 Lakeside Avenue, Room 516
Cleveland, Ohio 44114

TO CONTACT YOUR INSPECTOR CALL MONDAY THRU FRIDAY.

INSPECTOR: Wayne Moore

PHONE: 216-664-
2856

EMAIL: wmoore@city.cleveland.oh.us

SEQ NO	COMPLY DATE	NATURE OF VIOLATION	COMMENTS
1	01/04/2024	159[C.C.O. 3141.05] RESPONSIBILITY OF OWNER: THE OWNER OF A BUILDING OR OTHER STRUCTURE IN WHICH AN ELEVATOR, DUMBWAITER, MOVING STAIRWAY, AMUSEMENT DEVICE, OR SPECIAL EQUIPMENT IS INSTALLED SHALL BE RESPONSIBLE FOR THE SAFE OPERATION AND PROPER MAINTENANCE OF SUCH ELEVATOR, DUMBWAITER, MOVING STAIRWAY, AMUSEMENT DEVICE, OR SPECIAL EQUIPMENT AFTER THE INSTALLATION THEREOF HAS BEEN APPROVED BY THE COMMISSIONER AND DURING THE PERIOD OF EFFECTIVENESS OF ANY LIMITED CERTIFICATE PERMITTING OPERATION THEREOF. SUCH OWNER, OR HIS OR HER DULY APPOINTED AGENT, SHALL ALSO MAKE AND BE RESPONSIBLE FOR ALL PERIODIC TESTS WHICH THE COMMISSIONER MAY REQUIRE UNDER THE PROVISIONS OF OHIO ELEVATOR CODE, OBBC AND THIS BUILDING CODE.	

TO CONTACT YOUR INSPECTOR CALL MONDAY THRU FRIDAY.

INSPECTOR: Wayne Moore

PHONE: 216-664-
2856

EMAIL: wmoore@city.cleveland.oh.us

- 2 01/04/2024 160.[C.C.O. 3141.15] ORDER DISCONTINUING USE: WHENEVER THE COMMISSIONER SHALL, FROM INSPECTION OR TESTS OF ANY ELEVATOR, MOVING STAIRWAY, DUMBWAITER, AMUSEMENT DEVICE, OR SPECIAL EQUIPMENT, DETERMINE THAT IN THE INTEREST OF PUBLIC SAFETY SUCH ELEVATOR, MOVING STAIRWAY, DUMBWAITER, AMUSEMENT DEVICE, OR SPECIAL EQUIPMENT, OR ANY PART OR APPLIANCE THEREOF, IS OUT OF ORDER OR IN AN UNSAFE CONDITION, HE OR SHE SHALL HAVE THE POWER TO ORDER THE DISCONTINUANCE OF THE USE OF ANY SUCH ELEVATOR, MOVING STAIRWAY, DUMBWAITER, AMUSEMENT DEVICE, OR SPECIAL EQUIPMENT, AND TO COMPEL THE PERSON, FIRM, OR CORPORATION HAVING CONTROL OR POSSESSION OR USE THEREOF TO DISCONTINUE SUCH USE UNTIL SUCH ELEVATOR, MOVING STAIRWAY, DUMBWAITER, AMUSEMENT DEVICE, OR SPECIAL EQUIPMENT, OR PART OF APPLIANCE THEREOF, HAS BEEN SATISFACTORILY REPAIRED OR REPLACED SO THAT SUCH ELEVATOR, MOVING STAIRWAY, DUMBWAITER, AMUSEMENT DEVICE OR SPECIAL EQUIPMENT, IS IN A SAFE AND PROPER CONDITION. TO ENFORCE THE PROVISIONS OF THIS SECTION THE COMMISSIONER MAY REVOKE AN EXISTING CERTIFICATE OF OPERATION AND REQUIRE THAT IT BE SURRENDERED AND MAY SEAL OR ORDER THE SEALING OF SUCH PARTS OF THE OPERATING MECHANISM AS WILL MAKE THE DEVICE INOPERATIVE, AND IT SHALL BE A VIOLATION OF OBBC, THE OHIO ELEVATOR CODE OR THIS BUILDING CODE FOR ANY PERSON OR PERSONS OTHER THAN THE AUTHORIZED INSPECTOR OF THE COMMISSIONER TO BREAK OR REMOVE SUCH SEAL.
- 3 01/04/2024 57[A17.1 8.6.1]: EMPTY DRIP PANS IN MACHINE ROOM
- 4 01/04/2024 69[A17.1 8.6.4.7]: PITS SHALL BE KEPT DRY AND CLEAN

TO CONTACT YOUR INSPECTOR CALL MONDAY THRU FRIDAY.

INSPECTOR: Wayne Moore

PHONE: 216-664-
2856

EMAIL: wmoore@city.cleveland.oh.us

THE CITY OF CLEVELAND
DEPARTMENT OF BUILDING & HOUSING
DIVISION OF CODE ENFORCEMENT
601 LAKESIDE AVE. CLEVELAND, OH 44114

NOTICE OF VIOLATION OF BUILDING AND HOUSING ORDINANCES

WARD: 7

ISSUE DATE: 12/7/2023

CENSUS TRACT: 107800

PPN: 10222003

PROP. ADDRESS: 1701 E 12th Cleveland, OH 44114

AKA: RESERVE APARTMENTS, LTD FILE
#419 SERIAL # 3645,3646,3649,3650

----- RESPONSIBLE PARTY(S) -----

RESERVE APARTMENTS
1701 E 12TH ST.
CLEVELAND, OH 44114

RESERVE APARTMENTS, LTD
4420 SHERWIN RD
WILLOUGHBY, OH 44094

K&D MANAGEMENT, LTD
4420 SHERWIN RD
WILLOUGHBY, OH 44094

K&D MANAGEMENT, LLC
4420 SHERWIN RD
WILLOUGHBY, OH 44094

OCCUP./USE:

INSPECTION DATE: 12/11/2023

KIND OF STRUCTURE:

VIOLATION #: V23031996

ZONING DISTRICT:

NUMBER OF DWELLING UNITS:

TYPE OF VIOLATION: Elevator

THIS NOTICE SHALL BE COMPLIED WITH AND ALL VIOLATIONS CORRECTED BY THE BELOW LISTED "COMPLY DATE".

FAILURE TO COMPLY WITH THIS NOTICE WILL RESULT IN PROSECUTIVE ACTION OR PENALTY AS PROVIDED BY LAW.

TO CONTACT YOUR INSPECTOR CALL MONDAY THRU FRIDAY.

INSPECTOR: Wayne Moore

PHONE: 216-664-
2856

EMAIL: wmoore@city.cleveland.oh.us

PLEASE CONTACT THE INSPECTOR UPON RECEIPT OF THIS NOTICE.

RIGHT TO APPEAL

You have the right to appeal this notice. If you wish to appeal, you must file a written appeal within 30 days of the issuance date on this notice. The appeal must be filed at:

Cleveland City Hall
601 Lakeside Avenue, Room 516
Cleveland, Ohio 44114

SEQ NO	COMPLY DATE	NATURE OF VIOLATION	COMMENTS
1	01/06/2024	[C.C.O. 3141.05] RESPONSIBILITY OF OWNER: THE OWNER OF A BUILDING OR OTHER STRUCTURE IN WHICH AN ELEVATOR, DUMBWAITER, MOVING STAIRWAY, AMUSEMENT DEVICE, OR SPECIAL EQUIPMENT IS INSTALLED SHALL BE RESPONSIBLE FOR THE SAFE OPERATION AND PROPER MAINTENANCE OF SUCH ELEVATOR, DUMBWAITER, MOVING STAIRWAY, AMUSEMENT DEVICE, OR SPECIAL EQUIPMENT AFTER THE INSTALLATION THEREOF HAS BEEN APPROVED BY THE COMMISSIONER AND DURING THE PERIOD OF EFFECTIVENESS OF ANY LIMITED CERTIFICATE PERMITTING OPERATION THEREOF. SUCH OWNER, OR HIS OR HER DULY APPOINTED AGENT, SHALL ALSO MAKE AND BE RESPONSIBLE FOR ALL PERIODIC TESTS WHICH THE COMMISSIONER MAY REQUIRE UNDER THE PROVISIONS OF OHIO ELEVATOR CODE, OBBC AND THIS BUILDING CODE.	

TO CONTACT YOUR INSPECTOR CALL MONDAY THRU FRIDAY.

INSPECTOR: Wayne Moore

PHONE: 216-664-2856

EMAIL: wmoore@city.cleveland.oh.us

2 01/06/2024

[C.C.O. 3141.15] ORDER DISCONTINUING USE: WHENEVER THE COMMISSIONER SHALL, FROM INSPECTION OR TESTS OF ANY ELEVATOR, MOVING STAIRWAY, DUMBWAITER, AMUSEMENT DEVICE, OR SPECIAL EQUIPMENT, DETERMINE THAT IN THE INTEREST OF PUBLIC SAFETY SUCH ELEVATOR, MOVING STAIRWAY, DUMBWAITER, AMUSEMENT DEVICE, OR SPECIAL EQUIPMENT, OR ANY PART OR APPLIANCE THEREOF, IS OUT OF ORDER OR IN AN UNSAFE CONDITION, HE OR SHE SHALL HAVE THE POWER TO ORDER THE DISCONTINUANCE OF THE USE OF ANY SUCH ELEVATOR, MOVING STAIRWAY, DUMBWAITER, AMUSEMENT DEVICE, OR SPECIAL EQUIPMENT, AND TO COMPEL THE PERSON, FIRM, OR CORPORATION HAVING CONTROL OR POSSESSION OR USE THEREOF TO DISCONTINUE SUCH USE UNTIL SUCH ELEVATOR, MOVING STAIRWAY, DUMBWAITER, AMUSEMENT DEVICE, OR SPECIAL EQUIPMENT, OR PART OF APPLIANCE THEREOF, HAS BEEN SATISFACTORILY REPAIRED OR REPLACED SO THAT SUCH ELEVATOR, MOVING STAIRWAY, DUMBWAITER, AMUSEMENT DEVICE OR SPECIAL EQUIPMENT, IS IN A SAFE AND PROPER CONDITION. TO ENFORCE THE PROVISIONS OF THIS SECTION THE COMMISSIONER MAY REVOKE AN EXISTING CERTIFICATE OF OPERATION AND REQUIRE THAT IT BE SURRENDERED AND MAY SEAL OR ORDER THE SEALING OF SUCH PARTS OF THE OPERATING MECHANISM AS WILL MAKE THE DEVICE INOPERATIVE, AND IT SHALL BE A VIOLATION OF OBBC, THE OHIO ELEVATOR CODE OR THIS BUILDING CODE FOR ANY PERSON OR PERSONS OTHER THAN THE AUTHORIZED INSPECTOR OF THE COMMISSIONER TO BREAK OR REMOVE SUCH SEAL.

3 01/06/2024

§ 3141.16 Certificate of Inspection

The Commissioner shall certify each elevator, dumbwaiter, moving stairway, amusement device or special equipment which, after inspection, is judged to be in conformity with the provisions of OBBC, the Ohio Elevator Code and this Building Code. Such certification shall be in the form of an endorsement on the Certificate of Operation required in Section 3141.12 and shall include the date of the inspection and the signature of the inspector

TO CONTACT YOUR INSPECTOR CALL MONDAY THRU FRIDAY.

INSPECTOR: Wayne Moore

PHONE: 216-664-
2856

EMAIL: wmoore@city.cleveland.oh.us

- 4 01/06/2024 3103.99 Penalty
(a) Whoever violates any provision of this Building Code for which no other penalty is provided or any rule or regulation or order promulgated thereunder, or any code adopted herein, or fails to comply with the lawful order issued pursuant thereto is guilty of a misdemeanor of the first degree. Each day during which noncompliance or a violation continues shall constitute a separate offense.
- 5 01/06/2024 77[A17.1 8.6.8.15.19] : PERFORM / FAILED PERFORMANCE INDEX TEST, MAKE ADJUSTMENTS TO COMPLY WITH CODE

TO CONTACT YOUR INSPECTOR CALL MONDAY THRU FRIDAY.

INSPECTOR: Wayne Moore

PHONE: 216-664-
2856

EMAIL: wmoore@city.cleveland.oh.us

THE CITY OF CLEVELAND
DEPARTMENT OF BUILDING & HOUSING
DIVISION OF CODE ENFORCEMENT
601 LAKESIDE AVE. CLEVELAND, OH 44114

NOTICE OF VIOLATION OF BUILDING AND HOUSING ORDINANCES

WARD: 7

ISSUE DATE: 12/5/2024

CENSUS TRACT: 107800

PPN: 10222003

PROP. ADDRESS: 1701 E 12th St Cleveland, OH
44114

AKA:

----- RESPONSIBLE PARTY(S) -----

RESERVE SQUARE APARTMENTS LLC
1701 E 12
CLEVELAND, OH 44114

RESERVE SQUARE APARTMENTS LLC
AGENT: MARK B. SCHILDHOUSE ESQ 4420 SHERWIN RD WILLOUGHBY OH 44094 K& D
MANAGEMENT LLC

RESERVE SQUARE APARTMENTS LLC
THE K & D GROUP INC 8383 MENTOR AVE MENTOR OH 44060

OCCUP./USE: MXD Mixed Uses - Multiple uses in
one building

INSPECTION DATE:

KIND OF STRUCTURE: Garage

VIOLATION #: V24019702

ZONING DISTRICT: Limited Retail

NUMBER OF DWELLING UNITS:

TYPE OF VIOLATION: Interior Maintenance

THIS NOTICE SHALL BE COMPLIED WITH AND ALL VIOLATIONS CORRECTED BY THE BELOW
LISTED "COMPLY DATE".

FAILURE TO COMPLY WITH THIS NOTICE WILL RESULT IN PROSECUTIVE ACTION OR PENALTY
AS PROVIDED BY LAW.

PLEASE CONTACT THE INSPECTOR UPON RECEIPT OF THIS NOTICE.

RIGHT TO APPEAL

You have the right to appeal this notice. If you wish to appeal, you must file a written appeal within 30 days of the
issuance date on this notice. The appeal must be filed at:

Cleveland City Hall
601 Lakeside Avenue, Room 516
Cleveland, Ohio 44114

TO CONTACT YOUR INSPECTOR CALL MONDAY THRU FRIDAY.

INSPECTOR: Kevin McMahon

PHONE: 2166642872 EMAIL: KMcMahon2@clevelandohio.gov

Page 1 V24019702 - 1701 E 12th St Cleveland, OH 44114

EXHIBIT **A-16**

SEQ NO	COMPLY DATE	NATURE OF VIOLATION	COMMENTS
1	01/04/2025	123 [369.19]: THE GARAGE FLOOR SLAB IS CRACKED AND BROKEN.	UNDERSIDE OF FLOOR SLAB IS FALLING AND NEEDS TO BE FIXED

TO CONTACT YOUR INSPECTOR CALL MONDAY THRU FRIDAY.

INSPECTOR: Kevin McMahon

PHONE: 2166642872 EMAIL: KMcMahon2@clevelandohio.gov

THE CITY OF CLEVELAND
DEPARTMENT OF BUILDING & HOUSING
DIVISION OF CODE ENFORCEMENT
601 LAKESIDE AVE. CLEVELAND, OH 44114

NOTICE OF VIOLATION OF BUILDING AND HOUSING ORDINANCES

WARD:

ISSUE DATE: 1/6/2025

CENSUS TRACT: 107800

PPN: 10222003

PROP. ADDRESS: 1701 E 12 ST CLEVELAND, OH
44114

AKA:

----- RESPONSIBLE PARTY(S) -----

ANTHONY FRACCI
4420 SHERWIN ROAD
WILLOUGHBY, OH 44094

OCCUP./USE:

INSPECTION DATE:

KIND OF STRUCTURE:

VIOLATION #: V25000383

ZONING DISTRICT:

NUMBER OF DWELLING UNITS:

TYPE OF VIOLATION: Elevator

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Cleveland City Hall
601 Lakeside Avenue, Room 516
Cleveland, Ohio 44114

SEQ NO	COMPLY DATE	NATURE OF VIOLATION	COMMENTS
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TO CONTACT YOUR INSPECTOR CALL MONDAY THRU FRIDAY.

INSPECTOR: Donald Kaiser

PHONE: 2166643986 EMAIL: DKaiser@clevelandohio.gov

THE CITY OF CLEVELAND
DEPARTMENT OF BUILDING & HOUSING
DIVISION OF CODE ENFORCEMENT
601 LAKESIDE AVE. CLEVELAND, OH 44114

NOTICE OF VIOLATION OF BUILDING AND HOUSING ORDINANCES

WARD:

ISSUE DATE: 1/6/2025

CENSUS TRACT: 107800

PPN: 10222003

PROP. ADDRESS: 1701 E 12 ST CLEVELAND, OH
44114

AKA:

----- RESPONSIBLE PARTY(S) -----

ANTHONY FRACCI
4420 SHERWIN ROAD
WILLOUGHBY, OH 44094

OCCUP./USE:

INSPECTION DATE:

KIND OF STRUCTURE:

VIOLATION #: V25000384

ZONING DISTRICT:

NUMBER OF DWELLING UNITS:

TYPE OF VIOLATION: Elevator

THIS NOTICE SHALL BE COMPLIED WITH AND ALL VIOLATIONS CORRECTED BY THE BELOW LISTED "COMPLY DATE".

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Cleveland City Hall
601 Lakeside Avenue, Room 516
Cleveland, Ohio 44114

TO CONTACT YOUR INSPECTOR CALL MONDAY THRU FRIDAY.

INSPECTOR: Donald Kaiser

PHONE: 2166643986 EMAIL: DKaiser@clevelandohio.gov

Page 1 V25000384 - 1701 E 12 ST CLEVELAND, OH 44114

EXHIBIT **A-18**

SEQ NO	COMPLY DATE	NATURE OF VIOLATION	COMMENTS
1	02/05/2025	159[C.C.O. 3141.05] RESPONSIBILITY OF OWNER: THE OWNER OF A BUILDING OR OTHER STRUCTURE IN WHICH AN ELEVATOR, DUMBWAITER, MOVING STAIRWAY, AMUSEMENT DEVICE, OR SPECIAL EQUIPMENT IS INSTALLED SHALL BE RESPONSIBLE FOR THE SAFE OPERATION AND PROPER MAINTENANCE OF SUCH ELEVATOR, DUMBWAITER, MOVING STAIRWAY, AMUSEMENT DEVICE, OR SPECIAL EQUIPMENT AFTER THE INSTALLATION THEREOF HAS BEEN APPROVED BY THE COMMISSIONER AND DURING THE PERIOD OF EFFECTIVENESS OF ANY LIMITED CERTIFICATE PERMITTING OPERATION THEREOF. SUCH OWNER, OR HIS OR HER DULY APPOINTED AGENT, SHALL ALSO MAKE AND BE RESPONSIBLE FOR ALL PERIODIC TESTS WHICH THE COMMISSIONER MAY REQUIRE UNDER THE PROVISIONS OF OHIO ELEVATOR CODE, OBBC AND THIS BUILDING CODE.	

TO CONTACT YOUR INSPECTOR CALL MONDAY THRU FRIDAY.

INSPECTOR: Donald Kaiser

PHONE: 2166643986 EMAIL: DKaiser@clevelandohio.gov

2 02/05/2025	160.[C.C.O. 3141.15] ORDER DISCONTINUING USE: WHENEVER THE COMMISSIONER SHALL, FROM INSPECTION OR TESTS OF ANY ELEVATOR, MOVING STAIRWAY, DUMBWAITER, AMUSEMENT DEVICE, OR SPECIAL EQUIPMENT, DETERMINE THAT IN THE INTEREST OF PUBLIC SAFETY SUCH ELEVATOR, MOVING STAIRWAY, DUMBWAITER, AMUSEMENT DEVICE, OR SPECIAL EQUIPMENT, OR ANY PART OR APPLIANCE THEREOF, IS OUT OF ORDER OR IN AN UNSAFE CONDITION, HE OR SHE SHALL HAVE THE POWER TO ORDER THE DISCONTINUANCE OF THE USE OF ANY SUCH ELEVATOR, MOVING STAIRWAY, DUMBWAITER, AMUSEMENT DEVICE, OR SPECIAL EQUIPMENT, AND TO COMPEL THE PERSON, FIRM, OR CORPORATION HAVING CONTROL OR POSSESSION OR USE THEREOF TO DISCONTINUE SUCH USE UNTIL SUCH ELEVATOR, MOVING STAIRWAY, DUMBWAITER, AMUSEMENT DEVICE, OR SPECIAL EQUIPMENT, OR PART OF APPLIANCE THEREOF, HAS BEEN SATISFACTORILY REPAIRED OR REPLACED SO THAT SUCH ELEVATOR, MOVING STAIRWAY, DUMBWAITER, AMUSEMENT DEVICE OR SPECIAL EQUIPMENT, IS IN A SAFE AND PROPER CONDITION. TO ENFORCE THE PROVISIONS OF THIS SECTION THE COMMISSIONER MAY REVOKE AN EXISTING CERTIFICATE OF OPERATION AND REQUIRE THAT IT BE SURRENDERED AND MAY SEAL OR ORDER THE SEALING OF SUCH PARTS OF THE OPERATING MECHANISM AS WILL MAKE THE DEVICE INOPERATIVE, AND IT SHALL BE A VIOLATION OF OBBC, THE OHIO ELEVATOR CODE OR THIS BUILDING CODE FOR ANY PERSON OR PERSONS OTHER THAN THE AUTHORIZED INSPECTOR OF THE COMMISSIONER TO BREAK OR REMOVE SUCH SEAL.
3 01/06/2025	18[C.C.O. 3141.12C]: POST CERTIFICATE OF OPERATION
4 02/05/2025	3[A17.3 3.11]: INSTALL OR REPAIR 24 HOUR 2-WAY COMM. IN CAR
5 02/05/2025	74[A17.1 8.6.4.20]: PERFORM A CAPACITY LOAD SAFETY TEST

TO CONTACT YOUR INSPECTOR CALL MONDAY THRU FRIDAY.

INSPECTOR: Donald Kaiser

PHONE: 2166643986 EMAIL: DKaiser@clevelandohio.gov

THE CITY OF CLEVELAND
DEPARTMENT OF BUILDING & HOUSING
DIVISION OF CODE ENFORCEMENT
601 LAKESIDE AVE. CLEVELAND, OH 44114

NOTICE OF VIOLATION OF BUILDING AND HOUSING ORDINANCES

WARD:

ISSUE DATE: 2/3/2026

CENSUS TRACT: 107800

PPN: 10222003

PROP. ADDRESS: 1701 E 12th Cleveland, OH 44114

AKA:

----- RESPONSIBLE PARTY(S) -----

RESERVE APARTMENTS, LTD
1701 E 12th ST.
CLEVELAND, OH 44114

RESERVE APARTMENTS, LTD
4420 SHERWIN RD., WILLOUGHBY, OH 44094

RESERVE APARTMENTS, LTD in care of K&D Management LLC
4420 SHERWIN RD
WILLOUGHBY, OH 44094

RESERVE APARTMENTS, LTD in care of K&D Management LLC
1701 E 12th ST., CLEVELAND, OH 44114

RESERVE APARTMENTS, LTD in care of K&D Management LLC
1717 E 12th ST., CLEVELAND, OH 44114

HAYMAN COMPANY in care of ANDREW HAYMAN
29100 NORTHWESTERN HWY, STE. 410
SOUTHFIELD, MI 48034

HAYMAN COMPANY in care of ANDREW HAYMAN
5700 CROOKS RD. STE 400, TROY, MI, 48098

HAYMAN COMPANY
30200 TELEGRAPH RD STE. 124
BINGHAM FARMS, MI 48025

OCCUP./USE: MXD Mixed Uses - Multiple uses in
one building

INSPECTION DATE:

KIND OF STRUCTURE: High-Rise Building

VIOLATION #: V26003513

TO CONTACT YOUR INSPECTOR CALL MONDAY THRU FRIDAY.

INSPECTOR: DRAZEN BLAZEVIC PHONE: 2164208238 EMAIL: DBlazevic@clevelandohio.gov

Page 1 V26003513 - 1701 E 12th Cleveland, OH 44114

EXHIBIT **A-19**

ZONING DISTRICT:

NUMBER OF DWELLING UNITS:

TYPE OF VIOLATION: Interior/Exterior Maintenance

THIS NOTICE SHALL BE COMPLIED WITH AND ALL VIOLATIONS CORRECTED BY THE BELOW LISTED "COMPLY DATE".

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601 Lakeside Avenue, Room 516
Cleveland, Ohio 44114

SEQ NO	COMPLY DATE	NATURE OF VIOLATION	COMMENTS
1	03/05/2026	1 [3101.10(A)]: GENERAL MAINTENANCE REQUIREMENTS. ALL STRUCTURES BOTH EXTERIOR AND INTERIOR, SHALL BE MAINTAINED IN GOOD REPAIR AND SHALL BE CAPABLE OF PERFORMING THE PURPOSE FOR WHICH SUCH STRUCTURE OR PART ANY FEATURE THEREOF, WAS DESIGNED OR INTENDED TO BE USED.	
2	03/05/2026	14 [3105.01(A)]: MAKE APPLICATION FOR AND OBTAIN ALL THE REQUIRED PERMITS BEFORE STARTING ANY WORK FROM THE BUILDING DEPARTMENT, ROOM 505, CITY HALL.	Building permit needed for the significant amount of drywall needing replaced (water damage)
3	03/05/2026	7 [3101.10(F)]: DAMAGED BUILDINGS. A BUILDING DAMAGED BY FIRE OR OTHER CAUSES SHALL BE REPAIRED TO ITS ORIGINAL CONDITION AND MAY OTHERWISE BE ACCEPTED AS GOOD ENGINEERING PRACTICE. IF NOT FOR A VALID REASON A DAMAGED BUILDING CANNOT BE PROMPTLY REPAIRED, ALL DAMAGED GLASS WINDOWS & ALL DAMAGED ENTRANCE SHALL BE REPLACED, OR THE OPENINGS SHALL BE SECURELY BOARDED UP TO PREVENT UNLAWFUL ENTRY & PAINTED IN A MANNER TO HARMONIZE W/THE NEIGHBORING BUILDINGS	water damage - ground floor corridor ceilings and walls, basement ceiling and walls

TO CONTACT YOUR INSPECTOR CALL MONDAY THRU FRIDAY.

INSPECTOR: DRAZEN BLAZEVIC PHONE: 2164208238 EMAIL: DBlazevic@clevelandohio.gov

In Re: Fannie Mae v. Reserve Apartments, Ltd, et. al.

26-18271-0

Case No: 1:25-cv-01510, N.D. Ohio (2025).

STATE OF OHIO

)

)ss: AFFIDAVIT

)

COUNTY OF CUYAHOGA

I, Colleen Majeski the "Affiant", being of lawful age and having first been duly sworn, states and deposes as follows:

1. That I am the Assistant Director of Building and Housing for the City of Cleveland (hereinafter "Plaintiff"). I am at least 18 years old and competent to give testimony on all matters pertaining to Reserve Apartments, Ltd., and associated co-defendants identified in the City's Complaint as owners or operators of real estate (hereinafter Defendants) located within the City's jurisdiction at 1701 East 12th Street, Cleveland, Ohio 44114 and including Permanent Parcels: 102-22-057; 102-22-058; 102-22-059; 102-22-060; 102-22-061; 102-22-003; 102-22-004; 102-22-005; 102-22-006; and 102-22-007 (hereinafter, the "Property").

2. In the regular performance of my duties as Director, I have access to and am familiar with the activities, records and accounts maintained by the City of Cleveland's Department of Building and Housing. I have personal knowledge that said records are maintained for the purpose of documenting and pursuing the correction of building code violations at properties located within the City of Cleveland. These records (which include notices, photographs, invoices and others) are made at or near the time of occurrence or are based on information of persons with knowledge of the activities and transactions reflected in such records. In connection with making this affidavit, I reviewed the records concerning the code violations and overall conditions at The Property, which are the subject of this proceeding, and the certified Notices of Violation sent to Defendant at the addresses of record for owners and operators of the Properties along with the Properties addresses. See Exhibit "A 1-19".

3. I further state that the attached records, identified as "violation notices", are true and accurate copies of the originals, each of which is marked as Exhibits A.1 to A.19 and which are collectively attached to Plaintiff's complaint.

4. I further state that the number of existing uncorrected violations at a majority of the Properties indicated above, combined with repeated complaints to the City for maintenance issues are all indicative of serious inadequate maintenance which exist or may imminently exist at all the Properties indicated above, and such serious disrepair threatens the public health and safety of the residents of the City of Cleveland as requiring Injunctive Relief to bring these Properties into compliance with Law.

FURTHER AFFLIANT SAYETH NAUGHT.

Colleen Majeski
Colleen Majeski, Assistant Director

SWORN TO AND SUBSCRIBED before me, a Notary Public, this 28 day of September 2026.

Mary F. Dautas
NOTARY PUBLIC



MARY F. DAUTAS
NOTARY PUBLIC • STATE OF OHIO
My Commission Expires Apr. 19, 2030

EXHIBIT

B