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FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS OF PHILADELPHIA
CIVIL TRIAL DIVISION

In re a Conservatorship Proceeding IN REM :
by The Germantown Conservancy, Inc., :
concerning minimally 319 properties in 12th, : Civil Action _____ October Term 2009
13th, 59th, 22nd and 9th Wards in the City :
and County of Philadelphia : Control No:

NOTICE OF HEARING

A petition has been filed under the Abandoned and Blighted Property Conservatorship Act, 68 P.S. §§ 1101-1111, for appointment of a Conservator to take possession and undertake the rehabilitation of a building to which you may be either the Owner, Lienholder or another Party in Interest of said Building. If you wish to be heard with respect to this Petition to present evidence to support or contest the Petition, you must answer this Rule to Show Cause in twenty days, by completing and filing with the Court the form accompanying this Notice. If you fail to enter an appearance the Court may proceed without you and a conservator may be appointed to take immediate possession of this property without further notice and evoke all such lawful powers thereto.

You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Philadelphia Bar Association
Lawyer Referral and Information Service
One Reading Center
Philadelphia, Pennsylvania 19107
(215) 238-6333 TTY (215) 451-6197

Una peticion se ha archivado debajo de, Abandoned y Blighted Acto numero 68, pag. 1101-1111, para el contecimeinto de un para tomar la posecion y para emprender la rehabilitacion de un edificio a lo cual usted puede ser el dueno o otra persona del interes de este edificio. Si usted desea ser oido con respecto a esta peticion para presentar evidencia para apoyar o negar la peticion usted debe contestar a esta Regla a la Causa de la demonstracion en no menos de viente (20) dias, por llenando y archivando el formulario con la corte que acompaña este aviso. Si usted no puede incorporar un aspecto, la corte, puede proceder sin usted y un conservador puede ser designado para tomar la posecion inmediata de este edificio sin aviso adicional y evocar todas sus derechas.

Lleve esta demanda a un abogado inmediatamente. Si no tiene abogado o si no tiene el dinero suficiente de pagar tal servicio. Vaya en persona o llame por telefono a la oficina cuya direccion se encuentra escrita abajo para averiguar donde se puede conseguir asistencia legal.

Asociacion De Licenciados
De Filadelfia Servicio De Referencia E
Informacion Legal
One Reading Center
Filadelfia, Pennsylvania 19107
(215) 238-6333 TTY (215) 451-6197

1 PHILADELPHIA COURT OF COMMON PLEAS
2 CIVIL TRIAL DIVISION

3 In re a Conservatorship Proceeding IN REM :
4 by The Germantown Conservancy, Inc., :
5 concerning minimally 319 properties in 12th, : Civil Action _____ October Term 2009
6 13th, 59th, 22nd and 9th Wards in the City :
7 and County of Philadelphia : Control No:

8 Notice of Appearance and Petition to Intervene

9 To the Prothonotary of the City of Philadelphia:

10 Enter my appearance of behalf of

11 _____
12 Name

13 who is Building Owner. Administrator or Executor of Estate of Building Owner
14 Senior Lienholder. Non-Senior Lienholder
15 Party in interest who resides or works within 500 feet of subject building

16 of the following Building

17 Project No. _____ BRT No. _____

18 Street Address _____

19 who Objects Does not object to appointment of Conservator for the Building _____.

20 and in respect to Building Owner

21 Represents that the violations or nuisance or emergency condition of Building will be abated in
22 30 days 60 days 90 days Other _____

23 and in respect to Senior Lienholder

24 Accepts Declines appointment as conservator for Building under 68 P.S. § 1105(e)(2).

25 Agrees Declines to provide financing for costs of rehabilitation by the Court appointed
26 Conservator of which any funds lent to cover such costs shall be added to the Senior
27 Lienholder's first lien as provided under 68 P.S. § 1108(c).

28 _____
Attorney for Party and Identification Number or Party *Pro Se*

Notice of appearance must also be served on Petitioner and Building Owner or All Lienholders listed under Project.

1 PHILADELPHIA COURT OF COMMON PLEAS
2 CIVIL TRIAL DIVISION

3 In re a Conservatorship Proceeding IN REM :
4 by The Germantown Conservancy, Inc., :
5 concerning minimally 319 properties in 12th, : Civil Action _____ October Term 2009
6 13th, 59th, 22nd and 9th Wards in the City :
7 and County of Philadelphia : Control No:

8 **RULE TO SHOW CAUSE**

9 **ORDER**

10 AND NOW, this ____ day of October, 2009, upon consideration of the foregoing Petition,
11 it is hereby ORDERED that

- 12 1. A Rule is issued upon all Parties in Interest as defined under 68 P.S. § 1103 [11] to show
13 cause why the Petitioner is not entitled to the relief requested;
- 14 2. Parties in Interest who desire to intervene and be heard shall file an appearance and petition
15 to intervene within twenty days substantially be the form in the attached; and
- 16 3. A Hearing or Argument shall had be held as required under 68 P.S. § 1105(a) shall be held
17 on Monday, November 23, 2009 at 9 o'clock A.M., or seen thereafter as counsel may be
18 heard, all parties in interest reporting to City Hall Room 262; and
- 19 4. Notice of the entry of this order shall be provided immediately to all Parties in Interest by the
20 Petitioner.

21
22 _____ J.
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1 Walter S. Zimolong, Esquire
2 wally@sigmanandrochlin.com
3 Attorney ID No.: 89151
4 **SIGMAN & ROCHLIN, LLC**
5 1515 Market Street, Suite 1410
6 Philadelphia, PA 19102-1900
7 Ph: (215) 665-0842
8 Fx: (215) 689-3404

6 Walter S. Zimolong, Esquire
7 Attorney for Petitioner

8
9 In re a Conservatorship Proceeding IN REM : PHILADELPHIA COUNT
10 by The Germantown Conservancy, Inc., : COURT OF COMMON
11 concerning minimally 319 properties in 12th, : TRIAL DIVISION
12 13th, 59th, 22nd and 9th Wards in the City : Civil Action _____ October Term 2009
13 and County of Philadelphia : Control No:

12 **PETITION FOR CONSERVATORSHIP**

13 The Petition of The Germantown Conservancy, Inc., respectfully states:

- 14 1. This Court has jurisdiction pursuant to the Abandoned and Blighted Property Conservatorship
15 Act, 68 P.S. § 1101-1111 (“Act 135”). Venue is per 68 P.S. § 1104(a).
- 16 2. Petitioner, a nonprofit corporation organized purely for public charity, 10 P.S. § 371, *et seq.*,
17 is a party in interest as defined under 68 P.S. § 1103.
- 18 3. Petitioner avers, based on information, knowledge and belief after reasonable efforts to obtain
19 such information, the following buildings appear to be abandoned or blighted property in that:
20 (1) The building has not been legally occupied for at least the previous 12 months.
21 (2) The building has not been actively marketed during the 60 days prior to date of this
22 petition by posting a for sale sign, listing on the Multiple Listing Service and advertising.
23 (3) The building is not subject to an existing foreclosure action.
24 (4) The current owner has not acquired the property within the preceding six months.
25 (5) The building suffers from at least three of the following attributes:
26 i. The building or physical structure is a public nuisance in violation of the City of
27

1 Philadelphia Fire, Health, Housing and/or Property Maintenance Codes.

- 2 ii. The building is in need of substantial rehabilitation which requires the cost of
3 repairs, replacements and improvements exceeds 15% of the property's value after
4 completion of such repairs, or more than one major building component
5 requirements replacement, including but not limited to roof structures, ceilings, wall
6 or floor structures, foundations, plumbing systems, heating and air conditioning
7 systems, and electrical systems; and no rehabilitation has taken place during the
8 previous 12 months.
- 9 iii. The building is unfit for human habitation, occupancy or use.
- 10 iv. The condition and vacancy of the building materially increase the risk of fire to the
11 building and to adjacent properties.
- 12 v. The building is subject to unauthorized entry leading to potential health and safety
13 hazards and one of the following applies:
- 14 (1) The owner has failed to take reasonable and necessary measures to secure the
15 building.
- 16 (2) The City has secured the building to prevent such hazards after the owner has
17 failed to do so.
- 18 vi. The property is an attractive nuisance to children, including, but not limited to, the
19 presence of abandoned wells, shafts, basements, excavations and unsafe structures.
- 20 vii. The presence of vermin or the accumulation of debris, uncut vegetation or physical
21 deterioration of the structure or grounds has created potential health and safety
22 hazards and the owner has failed to take reasonable and necessary measures to
23 remove the hazards.
- 24 viii. The dilapidated appearance or other condition of the building negatively affects the
25 economic well-being of residents and businesses in close proximity to the building,
26 including decreases in property value and loss of business, and the owner has failed
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1 to take reasonable and necessary measures to remedy appearance or the condition.

2 ix. The property is an attractive nuisance for illicit purposes, including prostitution,
3 drug use and vagrancy.

4 4. Petitioner seeks appointment as conservator under 68 P.S. § 1105(e) for all such Buildings,
5 the anticipated source of funding includes The Reinvestment Fund, on such terms and
6 conditions as set forth under the Preliminary Plan attached hereto as Exhibit No. 2, the initial
7 cost of estimates required under 68 P.S. § 1104(b)(3) are as provided by best faith cost
8 estimates by John Milner Architects, based on the square footage reported by the City of
9 Philadelphia Board of Revision of Taxes (BRT), as set forth in the following table:

10 Legend: (1) Conservancy's Project Number. (2) City of Philadelphia BRT Number, (3) BRT Building street address,
11 (4) BRT owner of record, (5) initial cost estimate for rehabilitation of Building subject to the disclosures and
disclaimers in accompanying appendix (6) Any current tax arrearage.

12	(1)	PN 1...	6316 Germantown Ave...	593133710..	Christlane Berhrendt, Phila PA.	...	\$875,000	
13	(2)	PN 2...	6152 Wayne Ave..	593200400..	SEPTA, Phila, PA.	.....	\$875,000	
14	(3)	PN 7...	7048 Germantown Ave.	223196300..	John Capoferri Prop. Phila, PA.,	..	\$1,872,850.	\$13,153.19
15	(4)	PN 8...	221 W. Johnson Street...	881420700..	Nolen Properties, Inc. Phila PA.		\$10,115,000	
16	(5)	PN 9...	101-121 W. Johnson St.	881420675..	Nolen Properties, Inc, Phila PA.		\$20,979,000	
17	(6)	PN 10...	5928 Germantown Ave.	784165600..	City of Philadelphia.	.....	\$3,318,000	
18	(7)	PN 17...	NW Corner G Inn Proj...	592181400..	Israel Ogunleye,, Phila PA.	.....	\$57,338..	\$3,813.34
19	(8)	PN 17...	NW Corner G Inn Proj...	592069005..	Kenneth D. Lawson, Phila PA.	....	\$949,550..	\$1,934.27
20	(9)	PN 36...	5112-14 Germantown Ave..	123131925..	Bruce Ward Gibby, Phila PA.	.....	\$884,275....	\$560.63
21	(10)	PN 48...	7431 Germantown Ave.	091146300..	Jonathan M. Blazer, Phila PA.....		\$548,800	
22	(11)	PN 63...	120-128 E. Chelten Ave...	882918630..	Reading Co. Phila PA.....		\$2,787,750.	\$545,218.26
23	(12)	PN 72...	162-164 E. Chelten Ave...	122107800..	Reading Co. Phila PA.....		\$132,250.	\$66,599.26
24	(13)	PN 209..	5136 Wayne Avenue.	123217200..	Grant T Schaeffer. Phila, PA.	...	\$1,257,550..	\$1,744.37
25	(14)	PN 210..	5138 Wayne Avenue.	123217300..	Susan E Miller... Phila, PA.	.....	\$738,850..	\$8,230.10
26	(15)	PN 211..	4647-61 Stenton Avenue.	884559500..	Germantown Masjid Phila, PA...		\$6,332,900.	\$37,583.06

- 1 (16) PN 212.. 4663-79 Stenton Avenue. . . 884067900. . Chavone Jackson. Phila, PA. . . \$16,116,275. \$11,371.26
- 2 (17) PN 213.. 4648 Stenton Avenue. 121207100. . Rommy Weiser. . . Phila, PA. \$122,500.. \$3,696.00
- 3 (18) PN 214.. 4650 Stenton Avenue. 121207200. . S.C. Seward.. Phila, PA. \$149,450.. \$1,785.55
- 4 (19) PN 215.. 4652 Stenton Avenue. 121207300. . Ernest Block. Phila, PA. \$149,450. . . \$310.00
- 5 (20) PN 216.. 4654 Stenton Avenue. 121207400. . W.T. Langdon. . . Phila, PA. \$21,350.. \$1,785.55
- 6 (21) PN 217.. 4666 Stenton Avenue. 121208000. . Castle Properties. Elkins Park PA.. \$21,350.. \$2,861.00
- 7 (22) PN 218.. 4700 Stenton Avenue. 884342040. . 4700 Stenton Ave Assoc Phila, PA. . \$547,500. \$13,773.14
- 8 (23) PN 219.. 4705-15 Stenton Avenue. . . 884559600. . Salvaote/Mary Cocivera Rydal PA. \$5,012,700
- 9 (24) PN 220.. 4717 Stenton Avenue. 884559700. . Itchy Pines LLC. . Phila, PA. . . . \$5,012,700. \$10,957.23
- 10 (25) PN 221.. 4720-30 Stenton Ave. 884342045. . Robt C Jacobs. . . Phila, PA. . . . \$2,597,000
- 11 (26) PN 222.. 4732-36 Stenton Ave. 884342050. . Stenton Guild LLC. . . Phila, PA. \$3,857,000.. \$7,520.78
- 12 (27) PN 223.. 4800 Stenton Avenue. 121208900. . Herman Anderson. Phila, PA. \$280,175
- 13 (28) PN 224.. 4801-13 Stenton Ave. 884559800. . Cornell Smit. Phila, PA. \$7,646,625.. \$2,861.00
- 14 (29) PN 225.. 4828 Stenton Avenue. 121210300. . Phillip Graves. . . Phila, PA. \$25,750. \$21,858.18
- 15 (30) PN 226.. 4851-65 Stenton Avenue. . . 884067910. . AIB Realty. . . Phila, PA. \$1,638,875.
- 16 (31) PN 227.. 4854 Stenton. Avenue. 776460820. . GG Edu DC. . Phila, PA. \$676,275.. \$2,941.05
- 17 (32) PN 228.. 4854R Stenton Avenue. . . . 121211530. . John Muhmmad. . Phila, PA. \$676,275. . . \$825.19
- 18 (33) PN 229.. 4856-60 Stenton Ave 776460840. . GG Edu DC. . Phila, PA. \$2,720,725.. \$9,500.92
- 19 (34) PN 235.. 4500 Wayne Avenue. 884563900. . David A Gebbert. Hatfield PA. . \$1,050,000. . . \$129.35
- 20 (35) PN 236.. 4600 Wayne Avenue. 133090100. . Michelle Fuller. . Lansdowne PA.. \$547,750.. \$4,012.18
- 21 (36) PN 237.. 5250 Wayne Avenue. 776288000. . New Covenant. . . Phila, PA. . . \$58,155,125
- 22 (37) PN 238.. 5521 Wayne Avenue. 882918940. . Jevs Holding Co.. Phila, PA. . . . \$1,417,500
- 23 (38) PN 251.. 6448 Germantown Ave. 223189800. . Ruby D Hale, Phila, PA. \$422,100
- 24 (39) PN 255.. 37 W Upsal Street. 223020300. . Navbharath Corp, New Rochelle NY \$552,300.. \$2,171.91
- 25 (40) PN 256.. 39 W Upsal Street. 223020400. . Dow Lewis. . . Phila, PA. \$476,875. \$33,941.09
- 26 (41) PN 257.. 50 W Upsal Street. 223013800. . Yvonne Hays. Phila, PA. \$732,200

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- 1 (42) PN 258.. 60 W Upsal Street. 223014100.. Charles M Cooper, Phila, PA. \$796,250.. \$8,672.11
- 2 (43) PN 259.. 106 W Upsal Street. 223014205.. Lawrence Driban, Phila, PA. \$363,825. \$14,991.19
- 3 (44) PN 265.. 6320 Germantown Ave. 593133800.. Jeffrey Collins, Phila, PA. \$437,500
- 4 (45) PN 303.. 133 W. Berkley Street. 884561200.. Edward Francis, Phila, PA. \$8,361,150.\$124,707.63
- 5 (46) PN 304.. 137-45 W. Berkley Street. 884561300.. Wayne Bullock, Phila, PA. \$3,272,500. \$10,778.61
- 6 (47) P N 306. 133-29 W. Berkley Street. 884561100.. Berkley Properties, Blue Bell PA. \$3,473,225
- 7 (48) PN 307.. 200-240 Berkley Street. 884563500.. Levy Max Autograph, Phila, PA.. \$4,993,275
- 8 (49) PN 308.. 4501 Wayne Ave. 884561600.. Wayne Mills, Phila, PA. \$21,200,200
- 9 (50) PN 309.. 20-30 W. Berkley Street. 884561000.. Garnett Littlepage. Phila, PA. \$2,102,100.. \$1,969.50

10 5. Notice of this petition has been provided to the Office of the Attorney General and a letter
 11 indicating no objection thereto is attached hereto as Exhibit No. 1.

12 WHEREFORE, Petitioner respectfully prays that this Court that:

- 13 1. Find that each of the aforementioned buildings are public nuisances in violation of the
 14 Philadelphia Fire, Health, Housing and/or Property Maintenance Codes.
- 15 2. Enter a declaratory judgment that each of the aforementioned buildings satisfy conditions for
 16 conservatorship under Act 135.
- 17 3. Enter an order that if Owner seeks conditional relief under 68 P.S. § 1105(f), or if Senior
 18 Lienholder to seeks appointment as conservator under 68 P.S. § 1105(e)(2) either shall post
 19 bond equal to the initial cost estimate as herein proposed and if in arrears for payment of real
 20 estate taxes, for the full amount of real property taxes in arrears; and if owner is a nonprofit
 21 corporation, evidence of full compliance with the Internal Revenue Code and the Nonprofit
 22 Corporation Law of 1988, 15 Pa.C.S. § 5101 *et seq.*, and when applicable, the Institutions
 23 of Purely Public Charities Act, 10 P.S. § 371 *et seq.* and the Solicitation of Funds for
 24 Charitable Purposes Act, 10 P.S. § 161.1 *et seq.*
- 25 4. Appoint Petitioner as conservator, and authorize Petitioner as conservator to file a lien against
 26 each respective property for all costs incurred during conservatorship, to promptly take
 27

1 possession of building and other property subject to conservatorship and be authorized to
2 exercise all powers under Act 135, under all such the terms and conditions as set forth under
3 the accompanying Preliminary Plan attached hereto as Exhibit No. 2, if:

4 i. Owner fails to seek or does not qualify for conditional relief under 68 P.S. § 1105(f), or
5 if Senior Lienholder fails to seek or does not qualify for appointment as conservator under
6 68 P.S. § 1105(e)(2), or

7 ii. If Owner or Senior Lienholder fails to enter an appearance to intervene, or

8 iii. If Owner or Senior Lienholder, upon being granted conditional relief, fails to abate the
9 conditions giving rise to the finding Building is abandoned or blighted under 68 P.S. §
10 1105(d) within sixty (60) days.

11 5. The hearing required under 69 P.S. § 1105(a) be had 9:00 A.M. on Monday, November 23,
12 2009 or as soon thereafter as counsel may be heard.

13 6. And such other and additional relief as may be just and appropriate.

14 . Respectfully, etc.

15 . /s/ Walter S. Zimolong

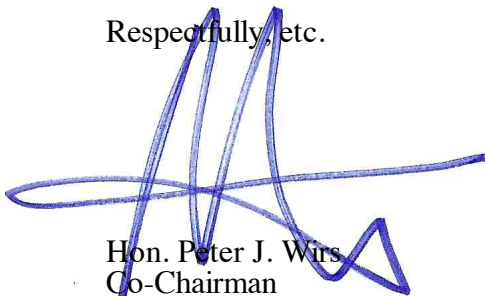
16 . Walter S. Zimolong, Esq.
17 . *Special Counsel for Petitioner*

18 Dated: October 26, 2009

1 **Verification of Petitioner**

2 The undersigned does hereby verifies he is one of director of the above-named The Germantown
3 Conservancy, Inc., petitioner and that the facts set forth in the foregoing petition which are within
4 the personal knowledge of the petitioner is true, and as to facts based on the information of others,
5 the petitioner, after diligent inquiry, believes them to be true; and that any false statements herein are
6 made subject to the penalties of 18 Pa.C.S. §4904 (relating to unsworn falsification to authorities).

7 . Respectfully, etc.



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10
11 . Hon. Peter J. Wirs
12 . Co-Chairman
13 . THE GERMANTOWN CONSERVANCY, INC.
14 . 6145 Germantown Ave
15 . Philadelphia, PA 19144-2047
16 . 215-843-0500
17 . pjwirs@peterjwirs.com
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16 Dated: October 26, 2009