

FILED
LICKING COUNTY
MUNICIPAL COURT

2012 NOV 27 P 1:30

NEWARK, OHIO
MARCIA J. HELPS
CLERK

**IN THE MUNICIPAL COURT
LICKING COUNTY, OHIO**

CITY OF NEWARK
40 W. Main St.
Newark, OH 43055,

Plaintiff,

v.

STEPHEN TROUT
5920 Donn Rd.
Newark, OH 43055,

and

PATRICIA TROUT
5920 Donn Rd.
Newark, OH 43055

Defendant.

CASE NO. 12CNE02883

JUDGE _____

COMPLAINT

COUNT ONE

1. Plaintiff, City of Newark (hereinafter "Plaintiff"), is a municipal corporation organized and operating pursuant to Article XVIII, Section 3, of the Constitution of the State of Ohio and to a Charter duly adopted by its citizens. Plaintiff has duly authorized the Ohio Attorney General's Office to act as its agent in this matter.
2. Defendants, Stephen Trout and Patricia Trout (hereinafter "Defendants"), are residents of Licking County, Ohio.
3. At all times relevant to this Complaint, Defendants were the title owners of record of the real property located at 259 Elmwood Avenue, Newark, Ohio 43055 (Parcel No. 54-279588-00.000), together with all improvements situated thereon (hereinafter referred to as "the property").
4. Plaintiff issued a Notice of Violation to Defendants on July 20, 2010, for a violation of the Newark Property Maintenance Code, ordering Defendants to bring the property into compliance. See Exhibit A.

5. Defendants failed to comply with the order of July 10, 2010.
6. Plaintiff issued a second Notice of Violation to Defendants on November 18, 2011, for violations of the Newark Property Maintenance Code, ordering Defendants to bring the property into compliance. See Exhibit B.
7. Defendant failed to comply with the order of November 18, 2011.
8. Plaintiff issued a Notice of Non-Compliance to Defendants on December 30, 2011, ordering Defendants to bring the property into compliance. See Exhibit C.
9. Plaintiff issued a second Notice of Non-Compliance to Defendants on January 27, 2012. See Exhibit D.
10. Plaintiff issued a third Notice of Non-Compliance to Defendants on February 3, 2012. See Exhibit E.
11. Plaintiff issued a fourth Notice of Non-Compliance to Defendants on February 28, 2012. See Exhibit F.
12. On March 15, 2012, the property was declared to be in violation of the Ohio Fire Code. See Exhibit G.
13. Defendants made no efforts to remedy the housing violations, so Plaintiff contracted for the demolition of the property.
14. Commencing on or about August 21, 2012, Plaintiff through its private, independent demolition contractor demolished the structure located at the property.
15. Plaintiff paid its independent contractors *Seven Thousand Seven Hundred Fifty-Two Dollars and 00 Cents (\$7,752.00)* for the aforesaid demolition work performed at the property.
16. On November 6, 2012, Plaintiff issued an Invoice to Defendants for the costs associated with demolition. See Exhibit H.
17. Pursuant to Ohio Revised Code Section 715.261, Defendant owes to Plaintiff the amount of *Seven Thousand Seven Hundred Fifty-Two Dollars and 00 Cents (\$7,752.00)*, together with interest from August 21, 2012, and Defendants have failed or refused to pay said amount.

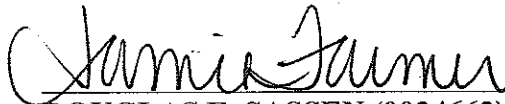
COUNT TWO

18. Plaintiff incorporates herein, by reference, each and every allegation contained in Paragraphs 1-17.

19. As a direct result of Plaintiff's expenditure of funds for the total cost of demolition at the property, Defendants have been unjustly enriched at the expense of Plaintiff, the City of Newark, in the amounts listed in Count I.
20. **This lawsuit is an attempt to collect a debt. Any and all information obtained will be used for that purpose.**

WHEREFORE, Plaintiff demands judgment against Defendants, Stephen Trout and Patricia Trout, jointly and severally, for the total amount of *Seven Thousand Seven Hundred Fifty-Two Dollars and 00 Cents (\$7,752.00)*, together with interest from August 21, 2012, and the costs of this action, and such other relief as this Court may deem appropriate.

Respectfully submitted,



DOUGLAS E. SASSEN (0034662)

JAMIE A. FARMER (0080160)

Newark Law Director

40 W. Main Street

Newark, OH 43055

Phone: 740.670.7880

Attorneys for Plaintiff

MICHAEL DEWINE

OHIO ATTORNEY GENERAL



AMBER WOOTTON HERTLEIN (0083858)

WALTER J. McNAMARA (0074570)

Assistant Attorneys General

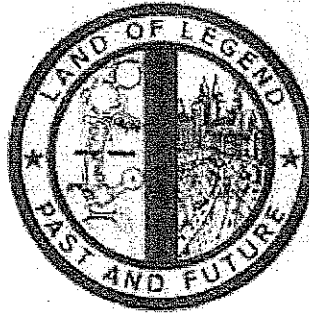
30 E. Broad Street, 17th Floor

Columbus, OH 43215

Phone: 614.752.6733

Attorneys for Plaintiff

Bob Diebold
Mayor
Telephone: (740) 670-7512



Roger Stollard
Safety Director
Telephone: (740) 670-7713

DEPARTMENT OF PROPERTY MAINTENANCE

Service To The People

Telephone: (740) 670-7585

Stephen Trout
5920 Donn Rd
Newark, OH 43055

July 20, 2010

Re: 259 Elmwood Ave.

Notice of Violation

Dear Mr. Trout:

The Division of Property Maintenance received a complaint regarding the high grass on your property. An inspection was performed on 7/19/10. The back yard of the property you own at 259 Elmwood Ave. is in violation of the Property Maintenance Code Section 302.4, high grass and weeds. The property maintenance code requires that grass/weeds shall not exceed 10". Corrective action must be taken within 7 days of the date of this notice. A compliance inspection will be completed following the deadline. Failure to comply will result in the issuance of a citation and a penalty of \$150.00. If compliance is not met in a timely manner the City may take corrective action and the cost thereof will be assessed to you. If you have any questions please contact Property Maintenance at 740.670.7585.

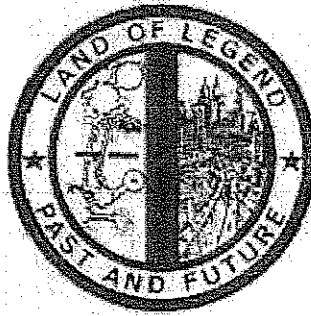
Regards,

Roger Stollard
Director of Public Safety
City of Newark

Cc: TDAG Mortgage



Bob Diebold
Mayor
Telephone: (740) 670-7512



Roger Stollard
Safety Director
Telephone: (740) 670-7713

DEPARTMENT OF PROPERTY MAINTENANCE

Service To The People

Telephone: (740) 670-7585

Notice of Violation

November 18, 2011

Stephen & Patricia Trout
5920 Donn Rd
Newark, OH 43055

Re: 259 Elmwood Ave

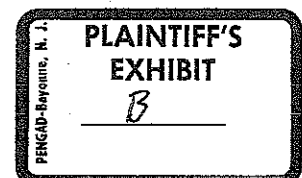
Dear Mr. & Mrs. Trout:

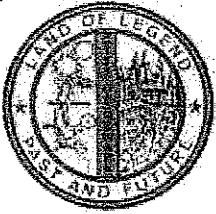
The Division of Property Maintenance received a complaint regarding the property that you own at 259 Elmwood Ave. An inspection was performed on 11/17/11. Please see the enclosed inspection report for the documented Property Maintenance Code violations.

A compliance inspection will follow the specified deadlines. Failure to correct the violations may result in a citation and penalty applicable to the offense. If you have any questions regarding this notice of violation please contact Property Maintenance at 740.670.7585.

Regards,

Will Hansen, Inspector
Code Enforcement Deputy Code Administrator
City of Newark, Ohio





City of Newark

Department of Development

40 West Main Street, Suite 407, Newark, Ohio 43055 ♦ (740) 670-7530 ♦ Fax (740) 349-6697

BOB DIEBOLD

Mayor

KIMBERLY BURTON

DOD Director

Inspection Report

Date: November 17, 2011

Property Owner: Stephen & Patricia Trout

5920 Donn Road

Newark, OH 43055

Property Address: 259 Elmwood Avenue

Newark, OH 43055

Inspector: Will Hansen

.....

259 Elmwood Avenue is a vacant two-story single-family residential structure. It was inspected on the report that the building is in violation of the Property Maintenance Code.

The complaint was confirmed, and the code violations are so noted:

Exterior

- PMC 304.13** *Every window shall be kept in good repair.* Multiple windows on the structure are broken. **Corrective action must be taken to replace the broken windows by December 29, 2011.**
- PMC 304.2** *All exterior surfaces shall be maintained in good condition.* The areas of wood trim on the windows, doors, soffit, and fascia have paint peeling, chipping and flaking. **Corrective action must be taken to protect the wood surfaces from the elements and decay by painting or other protective covering or treatment by May 1, 2012.**
- PMC 304.10** *Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained in good repair.* The front porch is in disrepair. **Corrective action must be taken to repair the front porch and protect the surface from the elements and decay by May 1, 2012.**



PMC is the City of Newark Property Maintenance Code, adopted into law by City Ordinance 08-17. All orders are legally binding and failure to comply may result in fines and criminal charges.



City of Newark

Department of Development

40 West Main Street, Suite 407, Newark, Ohio 43055 ❖ (740) 670-7530 ❖ fax (740) 349-6697

BOB DIEBOLD

Mayor

KIMBERLY BURTON

DOD Director

Interior

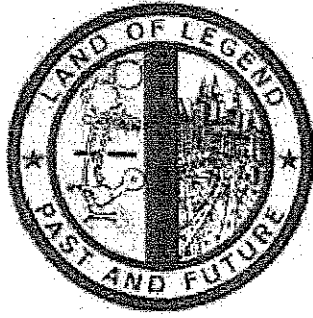
- PMC 307.1** *The interior of every structure shall be free from any accumulation of rubbish or garbage. There is an accumulation of garbage and rubbish inside the structure. Corrective action must be taken to remove the garbage and rubbish by December 29, 2011.*



PMC is the City of Newark Property Maintenance Code, adopted into law by City Ordinance 08-17. All orders are legally binding and failure to comply may result in fines and criminal charges.



Bob Diebold
Mayor
Telephone: (740) 670-7512



Roger Stollard
Safety Director
Telephone: (740) 670-7713

DEPARTMENT OF PROPERTY MAINTENANCE

Service To The People

Telephone: (740) 670-7585

Notice of Non Compliance

December 30, 2011

Stephen & Patricia Trout
5920 Donn Rd
Newark, OH 43055

Re: 259 Elmwood Ave

Dear Mr. & Mrs. Trout:

The Division of Property Maintenance performed an inspection on 12/29/11 to determine compliance with the previous notice of violation dated 11/18/11 regarding the windows on the structure and the trash inside the structure. The violations still exist. Failure to comply has resulted in a citation and penalty of \$150.00. Please see enclosed invoice.

The following Property Maintenance Code violations will be re-inspected on January 26, 2012:

PMC 304.13 *Every window shall be kept in good repair.* Multiple windows on the structure are broken. Corrective action must be taken to replace the broken windows.

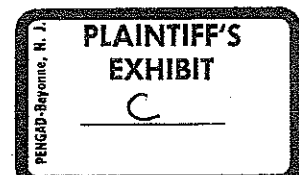
PMC 307.1 *The interior of every structure shall be free from any accumulation of rubbish or garbage.* There is an accumulation of garbage and rubbish inside the structure. Corrective action must be taken to remove the garbage and rubbish.

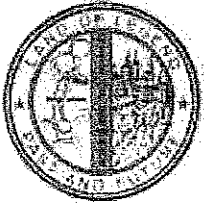
Failure to correct the violations may result in a second citation and penalty of \$250.00. If you have any questions regarding this notice of violation please contact Property Maintenance at 740.670.7585.

Regards,

A handwritten signature in black ink, appearing to read "Joe Paul", is written over the "Regards," text.

Joe Paul
Property Maintenance Code Official
City of Newark, Ohio





NEWARK CITY PROPERTY MAINTENANCE

40 W MAIN STREET, SUITE 411
NEWARK, OH 43055

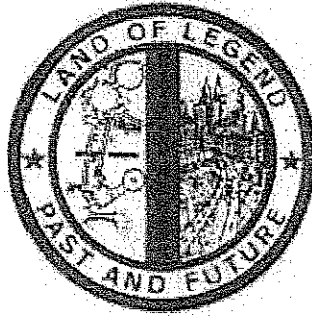
For Office Use Only	
Date Rec'd	Initials
Payment with form \$	
Money order or Cashier Check Only	

Stephen Trout 5920 Donn Rd Newark, OH 43055

Invoice #	Invoice Date	Due Date
1208	12/30/2011	1/30/2012

Description	Rate	Amount
Postage Reimbursement	150.00	150.00
	6.03	6.03
Total Due		\$156.03

Jeff Hall
Mayor
Telephone: (740) 670-7512



William Spurgeon
Safety Director
Telephone: (740) 670-7713

DEPARTMENT OF PROPERTY MAINTENANCE

Service To The People

Telephone: (740) 670-7585

Notice of Non Compliance

January 27, 2012

Stephen & Patricia Trout
5920 Donn Rd
Newark, OH 43055

Re: 259 Elmwood Ave

Dear Mr. & Mrs. Trout:

The Division of Property Maintenance performed an inspection on 1/26/12 to determine compliance with the previous notices of violation regarding the windows on the structure and the trash inside the structure. The violations still exist; in addition upon inspection the rear door of the structure was documented to be unsecured. Failure to comply with this Division's previous notices of violation has resulted in a citation and penalty of \$250.00. Please see enclosed invoice. The balance on the account for this property is \$412.22.

The following Property Maintenance Code violations will be re-inspected on **February 27, 2012**:

PMC 304.13 *Every window shall be kept in good repair.* Multiple windows on the structure are broken. **Corrective action must be taken to replace the broken windows.**

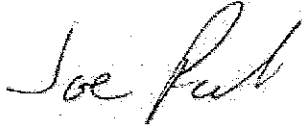
PMC 307.1 *The interior of every structure shall be free from any accumulation of rubbish or garbage.* There is an accumulation of garbage and rubbish inside the structure. **Corrective action must be taken to remove the garbage and rubbish.**

PMC 301.3 *All vacant structures shall be maintained in a clean, safe, secure and sanitary condition.* The many doors open and provide access to the interior, which is filled with garbage and rubbish. **Corrective action must be taken IMMEDIATELY to secure the structure.**

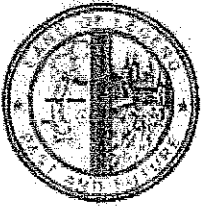


Failure to correct the violations will result in a third citation and penalty of \$500.00. If you have any questions regarding this notice of violation please contact Property Maintenance at 740.670.7585.

Regards,

A handwritten signature in cursive script that reads "Joe Paul".

Joe Paul
Property Maintenance Code Official
City of Newark, Ohio



NEWARK CITY PROPERTY MAINTENANCE

40 W MAIN STREET, SUITE 411
NEWARK, OH 43055

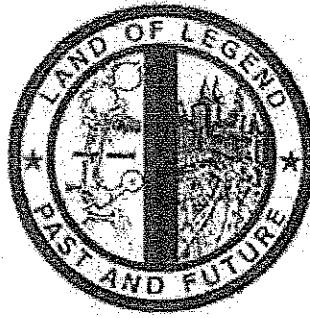
Stephen Trout
5920 Donn Rd
Newark, OH 43055

For Office Use Only	
Date Rec'd	Initials
Payment with form \$	
Money order or Cashier Check Only	

Invoice #	Invoice Date	Due Date
1234	1/27/2012	2/27/2012

Description	Rate	Amount
Postage Reimbursement	250.00	250.00
	6.19	6.19
<i>259 Elmwood Ave</i>		Total Due
		\$256.19

Jeff Hall
Mayor
Telephone: (740) 670-7512



William Spurgeon
Safety Director
Telephone: (740) 670-7713

DEPARTMENT OF PROPERTY MAINTENANCE

Service To The People

Telephone: (740) 670-7585

Notice of Non Compliance

February 3, 2012

Stephen & Patricia Trout
5920 Donn Rd
Newark, OH 43055

Re: 259 Elmwood Ave

Dear Mr. & Mrs. Trout:

The Division of Property Maintenance performed an inspection on 2/03/12 to determine compliance with the previous notices of violation. The violations still exist. Failure to comply with this Division's previous notices of violation has resulted in a third citation and penalty of \$500.00. Please see enclosed invoice. The balance on the account for this property is \$918.41.

The following Property Maintenance Code violations will be re-inspected on February 27, 2012:

PMC 304.13 *Every window shall be kept in good repair.* Multiple windows on the structure are broken. Corrective action must be taken to replace the broken windows.

PMC 307.1 *The interior of every structure shall be free from any accumulation of rubbish or garbage.* There is an accumulation of garbage and rubbish inside the structure. Corrective action must be taken to remove the garbage and rubbish.

PMC 301.3 *All vacant structures shall be maintained in a clean, safe, secure and sanitary condition.* The many doors open and provide access to the interior, which is filled with garbage and rubbish. Corrective action must be taken IMMEDIATELY to secure the structure.



Failure to correct the violations will result in a fourth citation and penalty of \$500.00. If you have any questions regarding this notice of violation please contact Property Maintenance at 740.670.7585.

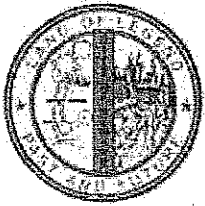
Regards,



Will Hansen

Code Enforcement Deputy Code Administrator

City of Newark, Ohio



NEWARK CITY PROPERTY MAINTENANCE

40 W MAIN STREET, SUITE 411
NEWARK, OH 43055

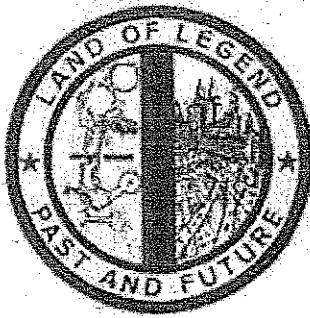
Stephen Trout
5920 Donn Rd
Newark, OH 43055

For Office Use Only	
Date Rec'd	Initials
Payment with form \$	
Money order or Cashier Check Only	

Invoice #	Invoice Date	Due Date
1245	2/3/2012	3/5/2012

Description	Rate	Amount
Citation Fee	500.00	500.00
Postage Reimbursement	6.19	6.19
Total Due		\$506.19

Jeff Hull
Mayor
Telephone: (740) 670-7512



William Spurgeon
Safety Director
Telephone: (740) 670-7713

DEPARTMENT OF PROPERTY MAINTENANCE

Service To The People

Telephone: (740) 670-7585

Notice of Non Compliance

February 28, 2012

Stephen & Patricia Trout
5920 Donn Rd
Newark, OH 43055

Re: 259 Elmwood Ave

Dear Mr. & Mrs. Trout:

The Division of Property Maintenance performed an inspection on 2/28/12 to determine compliance with the previous notices of violation regarding the structure being unsecured, multiple windows broken, and rubbish on the property. The violations still exist. Failure to comply with this Division's previous notices of violation has resulted in a fourth citation and penalty of \$500.00. Please see enclosed invoice. The balance on the account for this property is \$1424.81.

The following Property Maintenance Code violations will be re-inspected on **March 13, 2012**:

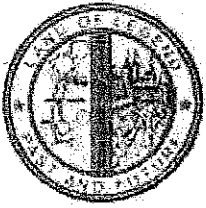
PMC 304.13 *Every window shall be kept in good repair.* Multiple windows on the structure are broken. **Corrective action must be taken to replace the broken windows.**

PMC 307.1 *The interior of every structure shall be free from any accumulation of rubbish or garbage.* There is an accumulation of garbage and rubbish inside the structure. **Corrective action must be taken to remove the garbage and rubbish.**

Failure to correct the violations will result in a subsequent citation and penalty of \$500.00. If you have any questions regarding this notice of violation please contact Property Maintenance at 740.670.7585.

Regards,

Will Hansen, Inspector
Code Enforcement Deputy Code Administrator
City of Newark, Ohio



NEWARK CITY PROPERTY MAINTENANCE

40 W MAIN STREET, SUITE 411
NEWARK, OH 43055

Stephen Trout
5920 Donn Rd
Newark, OH 43055

For Office Use Only

Date Rec'd	Initials
------------	----------

Payment with form \$

Money order or Cashier Check Only

Invoice #	Invoice Date	Due Date
1256	2/28/2012	3/28/2012

Description	Rate	Amount
Citation Fee	500.00	500.00
Postage Reimbursement	6.40	6.40
Total Due		\$506.40



City of Newark
DEPARTMENT OF PUBLIC SAFETY
DIVISION OF FIRE AND EMS

JACK D. STICKRADT JR., CHIEF
SERVICE TO THE PEOPLE
Fire Prevention Bureau

Newark Fire Department
Fire Prevention Bureau
G.Coffman

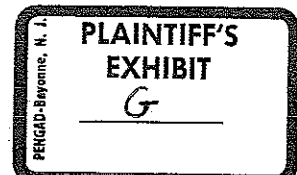
To Whom It May Concern:

Let this serve as notification that your vacant, abandoned, and unsecured property at 259 ELMWOOD AV. is in violation of the Ohio Fire Code. The Newark Fire Department, Fire Prevention Bureau will be marking this structure due to unsafe conditions found. You are also ordered to remove all combustible / flammable waste and rubbish and materials from the building. Additionally you are ordered to secure all exterior openings from unauthorized persons.

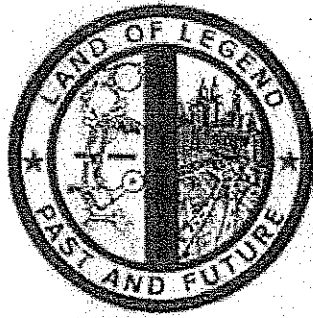
Questions regarding can be directed to the Fire Prevention Bureau of the Newark Fire Department to schedule any meetings regarding this order. Unauthorized removal of this marking can be a citable offense.

This order written on: 3-15-2012 GUC
Inspector G.Coffman, Fire Prevention Bureau
1140 Hollander Street
Newark, Ohio
740-6707654
740-6706750

cc:
File
Fire Chief
Safety Director
Property Maintenance



Jeff Hall
Mayor
Telephone: (740) 670-7512



William Spurgeon
Safety Director
Telephone: (740) 670-7713

Mark Mauter
Development Director
Telephone: (740) 670-7533

CITY OF NEWARK

40 W Main Street
Newark, OH 43055

November 6, 2012

Stephen Trout
5920 Donn Road
Newark, OH 43055

Re: 259 Elmwood Avenue

Mr. Trout:

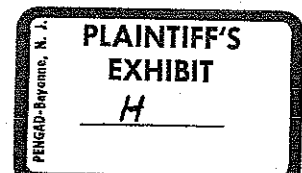
An order of demolition was issued for the above referenced structure that you own, and you did fail to comply with said order. Therefore, pursuant to Section 110.4 of the City of Newark Property Maintenance Code, the cost of the demolition and removal are being charged to you. Please see attached invoice.

Payment is due in full within seven (7) days from the date of this notice. Please remit all payments to:

City of Newark
Department of Property Maintenance
40 W Main Street
Newark, OH 43055

With regards,

William Harisen
Code Enforcement Deputy Code Administrator
City of Newark



NEWARK CITY PROPERTY MAINTENANCE

40 W MAIN STREET, SUITE 411
 NEWARK, OH 43055

For Office Use Only	
Date Rec'd	Initials
Payment with form \$	
Money order or Cashier Check Only	

Stephen Trout
 5920 Donn Rd
 Newark, OH 43055

Invoice #	Invoice Date	Due Date
1538	11/5/2012	11/5/2012

Description	Rate	Amount
Costs associated with demolition	4,460.00	4,460.00
Asbestos Removal	3,292.00	3,292.00
259 Elmwood Ave	Total Due	\$7,752.00