

**IN THE COURT OF COMMON PLEAS
MONTGOMERY COUNTY, OHIO**

**CITY OF DAYTON
101 W. 3rd Street
Dayton, OH 45402,**

Plaintiff,

v.

**WRIGHT HOMEBUYERS, LLC
c/o Harry P. Rife
580 Lincoln Park Blvd.
Suite 150
Kettering, OH 45429,**

Defendant.

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CASE NO. _____

JUDGE _____

COMPLAINT

COUNT ONE

1. Plaintiff, City of Dayton (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. Defendant, Wright Homebuyers, LLC (hereinafter "Defendant"), is a limited liability company organized and existing under the laws of the State of Ohio, and formed on December 23, 2005.
3. At all times relevant to this Complaint, Defendant was the title owner of record of the real property located at 1509-1511 Viola Avenue, Dayton, Ohio 45405 (Parcel No. R72-XXXXXXXXXX), together with all improvements situated thereon (hereinafter referred to as "the property").

4. The structure located at 1509-1511 Viola Avenue was destroyed by fire on March 21, 2010. The property was vacant at that time.
5. On July 26, 2010, the property was declared to be a public nuisance, and Defendant was ordered to abate the nuisance. Defendants were notified of the same by United States mail at the address contained in the Montgomery County Auditor's records as Defendant's tax mailing address. See Exhibit A.
6. Defendant did not abate the nuisance.
7. On June 21, 2011, Plaintiff notified Defendant that the property was certified for demolition by Plaintiff. See Exhibit B.
8. Commencing on or about August 6, 2012, Plaintiff demolished the structure located at 1509-1511 Viola Avenue, Dayton, Ohio 45406.
9. In demolishing the property, Plaintiff incurred expenses of *Sixteen Thousand Two Hundred Thirteen Dollars and 31 Cents (\$16,213.31)*.
10. On September 24, 2012, Plaintiff issued an Invoice to Defendant for the costs associated with the demolition. See Exhibit C.
11. Pursuant to Ohio Revised Code Section 715.261, Defendant owes to Plaintiff the amount of *Sixteen Thousand Two Hundred Thirteen Dollars and 31 Cents (\$16,213.31)*, together with interest from August 6, 2012, and Defendant has failed or refused to pay said amount.

COUNT TWO

12. Plaintiff incorporates herein, by reference, each and every allegation contained in Paragraphs 1-11.
13. As a direct result of Plaintiff's expenditure of funds for the total cost of demolition at 1509-1511 Viola Avenue, Dayton, Ohio 45405, Defendant has been unjustly enriched at the expense of Plaintiff, the City of Dayton, in the amount listed in Count I.
14. **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 Defendant, Wright Homebuyers, LLC, for the total amount of *Sixteen Thousand Two Hundred Thirteen Dollars and 31 Cents (\$16,213.31)*, together with interest, and the costs of this action, and such other relief as this Court may deem appropriate.

Respectfully submitted,

/s/ John J. Danish by approval on 11/27/12

JOHN J. DANISH (0046639)

Attorney for Plaintiff, City of Dayton

City Attorney, City of Dayton, Ohio

101 W. Third Street

P.O. Box 22

Dayton, OH 45401

Tel: 937.333.4100

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MICHAEL DEWIE (0009181)

OHIO ATTORNEY GENERAL

/s/ Walter J. McNamara IV

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July 26, 2010

**Notification of Public Nuisance and
Securing by the City of Dayton**

Structural / Owned
Page 1

Wright Homebuyers LLC
PO Box 8935382
Miliani, HI 96789

The **premise owned by you and** located at 1509-11 Viola Av,
Dayton, Ohio, and being known as Lot No. 36814, has been inspected
pursuant to the City of Dayton Revised Code of General Ordinances (R.C.G.O.) Section 152.04
pertaining to the Abatement of Public Nuisances, and **has been declared a public nuisance**, as
defined in R.C.G.O. Section 152.01E.

You are hereby ordered to abate the public nuisance, by either rehabilitation or by removal of
the building, structure, or nuisance. If failure to abate the public nuisance, the City will abate the
nuisance by demolition and all costs of the abatement will be billed to you. If you fail to pay the
bill, the costs will be assessed against the property, or the City may commence a civil action
against you to recover the costs.

Failure to abate a public nuisance may result in criminal prosecution. Penalty for failing to
abate a public nuisance is up to \$500 in fines and/or up to sixty (60) days incarceration.

Permits are required before doing any repair or demolition work. You have fifteen (15) days
after receipt of this notice in which to obtain a Nuisance Rehab Permit. If a Nuisance Rehab
Permit is obtained, all rehabilitation work must be completed within the 90-day permit period. If
a wrecking permit is obtained all wrecking must be completed within a 30-day permit period (or
such additional time as the Manager of Housing Inspection deems necessary). **To obtain a
rehabilitation permit, a wrecking permit, or to review a file, you must call one of the
Nuisance Abatement staff at (937) 333-3909 or (937) 333-3982 to schedule an appointment.**

You are further notified that **you may appeal this finding** or a public nuisance by making a
demand in writing **within fifteen (15) days after receipt of this notice**, to the Manager of
Housing Inspection for a hearing on the question of whether in fact a public nuisance exists as
defined in the Revised Code of General Ordinances Section 152.01E.



Notification of Public Nuisance and Securing by the City of Dayton

Subject Property: 1509-11 Viola Av

Date: July 26, 2010

You are also notified that **the structure was found open to entry** (unsecured) on _____ **and was secured** by Order of the Manager of Housing Inspection on _____. This is to inform you that the costs incurred by the City to secure the structure, and to keep it secured, will be recovered in the manner prescribed in R.C.G.O. Section 152.08 (you will receive an invoice). You are further notified that **you may appeal the decision** of the Manager of Housing Inspection to secure the structure by making a formal demand in writing **within fifteen (15) days after receipt of this notice** to the Manager of Housing Inspection for a hearing on the question.

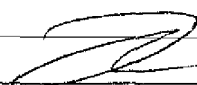
- It is illegal for any person to occupy, or allow another to occupy, a structure that has been declared a public nuisance.
- It is illegal for any person, including the owner, to enter upon the premises of a public nuisance without the written consent of the Manager of Housing Inspection.

Finally, please be aware **that you may be required to pay any costs incurred by the Dayton Fire Department** should fire suppression be needed at the property as of the date you received this notice.

Call (937) 333-3909 to obtain:

- A copy of the inspection reports listing items that constitute a nuisance;
- Information regarding the permits that must be obtained prior to rehabilitation or demolition;
- Instructions regarding your right to appeal the finding of a public nuisance;
- Authorization to enter the Public Nuisance.

NO FURTHER NOTICE REGARDING THIS MATTER WILL BE GIVEN TO YOU.



W. O'Connell, Nuisance Abatement Specialist
Division of Housing Inspection
Service: Certified COM Regular Personal



6/21/11


TO: *WRIGHT HOME BUYERS LLC*
PO Box 893538 Z
MILILANI HI 96789
FROM: Kevin Powell, Manager
 Housing Inspection


SUBJECT: *1509-11 VIOLA AVE*

A recent inspection of the subject property revealed that the required rehabilitation or demolition of the property has not occurred.

This is to inform you that the subject property is certified for demolition under a City contract. All costs incurred will be billed to you as the owner of record. If the bill is not paid within sixty (60) days after receipt of the bill, the City may cause the cost of abating such public nuisance to be levied as an assessment against the property, and recovered in accordance with the Ohio Revised Code Section 715.261, or the City may commence a Civil Action Suit to recover the cost from owners as provided in the Ohio Revised Code Section 715.261.

For:
 Kevin Powell, Manager
 Housing Inspection

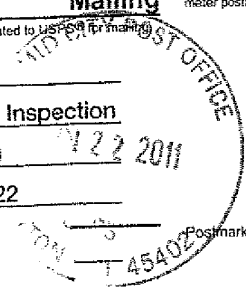
By: 


UNITED STATES POSTAL SERVICE
Certificate of Mailing
To pay fee, affix stamps or meter postage here.

This Certificate of Mailing provides evidence that mail has been presented to USPS for mailing. This form may be used for domestic and international mail.

From: **ONE STOP CENTER**
 City of Dayton, Division of Housing Inspection
 371 West Second Street (3rd Floor)
 PO Box 22, Dayton, OH 45401-0022

To: Wright Home Buyers LLC
 PO Box 8935382
 Mililani HI 96789
 DEMO/LTR/1509-11 Viola/COM/WO


 Postmark Here

371 West Seco
Phone: (937)

PS Form 3817, April 2007 PSN 7530-02-000-9065





INVOICE

Department of Finance
101 W. Third Street
P.O. Box 22
Dayton, Ohio 45402

Invoice #: 11110034
Reference #: 1509-11 Viola Ave.
Date: September 24, 2012
Customer #:
Location #:

TO:
Wright Homebuyers, LLC.
P.O. Box 8935382
Mililani, HI 96789

DESCRIPTION	AMOUNT
Reimbursement for demolition of property at parcel #R72 06801 0050 within the City of Dayton.	\$16,213.31
TOTAL AMOUNT DUE	\$16,213.31

Please submit a copy of this invoice with payment.

Make checks Payable to:
City of Dayton
Department of Finance
101 W. Third Street
P.O. Box 22
Dayton, Ohio 45402

Payments are due within 30 days
For questions regarding this invoice contact:
Trasenna T. Williams
City of Dayton - Department of Finance
(937) 333-3773

