



City of Dallas

October 13, 2008

Hamsher International, Ltd
1914 Commerce St.
Dallas, TX 75201
VIA CERTIFIED MAIL RRR: 7006 0100 0003 1294 8818

Hamsher International, Ltd
%CT Corporation System, registered agent
350 N. St. Paul
Dallas, Texas 75201
VIA CERTIFIED MAIL RRR: 7006 0100 0003 1294 8801

Chi Hing Chan
Director, Hamsher International, Ltd.
16/F Far East Consortium
Bldg 121 Des Voeux Ro
Hong Kong, China
VIA CERTIFIED MAIL RRR: 7006 0100 0003 1294 8795

Wai Keung Lai
Director, Hamsher International, Ltd.
16/F Far East Consortium
Bldg 121 Des Voeux Ro
Hong Kong, China
VIA CERTIFIED MAIL RRR: 7006 0100 0003 1294 8788

Hamsher International Ltd.
% Thomas H. Keen
Mastrogiovanni Schorsch & Mersky
2001 Bryan Street, Suite 1250
Dallas, TX 75201
VIA CERTIFIED MAIL RRR: 7006 0100 0003 1294 8771

Re: Dallas City Block 97, 308.69X200X258.69X100X50X100, Dallas, Dallas
County, Texas (also known as 1902 Commerce Street)

October 13, 2008

Re: 1902 Commerce Street Chapter 54 Notice

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Dear Sirs and/or Madams:

I am writing to express our concern with the condition of the property located at 211 N. Ervay Street, Dallas, Texas ("Property"). As a person with an ownership interest the Property, you are responsible for maintaining the Property in a safe and sanitary condition. The Property is in violation of numerous city ordinances, many of which may create health and safety problems to the neighbors and the general public. Ordinance violations existing on the Property are listed below. This letter does not purport to contain a complete list of all of the violations.

If you no longer own the Property, you must execute an affidavit stating that you no longer own the Property and stating the name and last known address of the person who acquired the Property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the Property described in this notice.

Violations of Dallas City Code:

1. There are sharp objects that are reasonably capable of causing injury to a person in violation of Section 27-11(a)(1);
2. Failure to provide drainage to prevent standing water and flooding in violation of Section 27-11(a)(4);
3. There are holes, cracks or other defects reasonably capable of causing injury to a person in stairs, porches, steps and balconies in violation of Section 27-11(b)(4);
4. Failure to maintain a structure intended for human occupancy and a structure used as an accessory to a structure intended for human occupancy in a water-tight and weather-tight condition in violation of Section 27-11(b)(5);
5. Failure to maintain floors, walls, ceilings, and all supporting structural members in a sound condition, capable of bearing imposed loads safely, in violation of Section 27-11(b)(6);
6. Failure to repair holes, cracks, breaks, and loose surface materials that are health or safety hazards in or on floors, walls, and ceilings in violation of Section 27-11(b)(9);
7. Failure to maintain a fence so that it is not out of vertical alignment more than one foot from vertical, measured at the top of the fence, for a fence over four feet high, or more than six inches from the vertical, measured at the top of the fence, for a fence not more than four feet high in violation of Section 27-11(b)(10)(A);

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8. Failure to provide and maintain in operating condition a toilet connected to a water source and to a public sewer, where available, in each structure intended for human habitation in violation of Section 27-11(c)(2);
9. Failure to provide and maintain in operating condition connections and pipes to supply potable water at adequate pressure to a structure intended for human habitation occupancy in violation of Section 27-11(c)(3);
10. Failure to provide and maintain in operating condition a device to supply hot water of a minimum temperature of 120°F within each structure intended for human habitation in violation of Section 27-11(c)(4);
11. Failure to provide and connect a kitchen sink, bathtub or shower, and lavatory to a cold and hot water source in each structure intended for human habitation in violation of Section 27-11(c)(5);
12. Failure to connect plumbing fixtures and heating equipment that the owner supplies in accordance with the Dallas Plumbing Code and Mechanical Code in violation of Section 27-11(c)(6);
13. Failure to provide and maintain heating equipment in operating condition so that it is capable of maintaining a minimum inside temperature of 68 degrees F. from November 16 through March 15 in each room of a structure intended for human occupancy in violation of Section 27-11(c)(7);
14. Failure to provide and maintain refrigerated air equipment in operating condition (if screens are not provided pursuant to Section 27-11(d)(2)) that it is capable of maintaining a maximum inside temperature that is 20 degrees F. cooler than the outside temperature, or 85 degrees F., whichever is warmer, from April 1 through November 1, in each room of a structure intended for human occupancy in violation of Section 27-11(c)(8);
15. Electrical circuits and outlets are not maintained to safely carry a load imposed by normal use of appliances and fixtures in violation of Section 27-11(c)(11);
16. Failure to eliminate rodents and vermin in or on the land in violation of Section 27-11(d)(1);
17. Failure to maintain the interior of a vacant structure or vacant portion of a structure free from rubbish and garbage in violation of Section 27-11(d)(3);
18. There are accumulations of litter that are not in authorized private receptacles for collection in violation of Section 7A-18;
19. There are collections of standing or flowing water in which mosquitoes breed or are likely to breed in violation of Section 19-30.

20. Failure to remove visible graffiti on the property in violation of Section 31-38(b);
21. Failure to obtain a required permit from the Building Official in violation of Section 52-301(a);
22. Owning and/or operating a vacant building without a valid certificate of registration, in violation of Section 48B-6.

Violations of Dallas Fire Code:

1. Failure to remove the accumulation of combustible waste in violation of Dallas Fire Code Section 304.1;
2. Failure to discontinue the use of extension cords and flexible cords as a substitute for permanent wiring in violation of Dallas Fire Code Section 605.5;
3. Failure to provide and maintain approved covers for all switch and electrical outlet boxes in violation of Dallas Fire Code Section 605.6;
4. Failure to seal wall, floor and ceiling penetrations with a two hour rated material that is listed by a nationally recognized testing laboratory in violation of Dallas Fire Code Section 703.1;
5. Failure to provide, inspect, test, and maintain fire protection systems in accordance with the fire protection system maintenance standards in violation of Dallas Fire Code Section 901.6.1;
6. Failure to repair and maintain illuminated exit signs in an approved condition in violation of Dallas Fire Code Section 1011.2; and
7. Failure to supply a key box where access to a structure or an area that is restricted because of secured openings in violation of Dallas Fire Code Section 506.1.

Copies of the ordinances cited above have been attached to this letter.

Additionally, the City of Dallas is also awaiting an engineering report regarding the structural integrity of the Property. This engineering report may reveal additional violations other than those detailed above.

Please provide proof of the commercial general liability insurance coverage required by Section 48B-16 of the Dallas City Code, within 20 days of receipt of this letter, to the following address:

Melissa A. Miles
Assistant City Attorney
Dallas City Attorney's Office
1500 Marilla, Suite 7BN
Dallas, Texas 75201

Please note that a suit may be filed in District Court requesting injunctive relief if you fail to take all actions necessary to remedy the ordinance violations on your property. This suit will ask the court to order repair and additional relief. Also, note that we may seek civil penalties of up to \$1,000 a day for each violation. Remedies may be requested under other law if necessary and appropriate. We may, additionally or in lieu of a civil suit, file class C misdemeanor complaints for all of the violations existing on the Property.

Nothing in this letter should be construed as legal advice to you. Consult your own attorney. **If you have any questions or reasonable offers as to a prompt resolution of all of these matters, I can be reached at 214-671-9544.**

Sincerely,



Melissa A. Miles
Assistant City Attorney
Dallas City Attorney's Office

Enclosures

cc: Forest Turner – Interim Director, Code Compliance (without enclosures)
Debra Carlin – Fire Marshall, Dallas Fire Department (without enclosures)
Zaida Basora – Building Official (without enclosures)