

Pennsylvania Office
100 W. 3rd Ave.
Suite 200
Conshohocken, PA 19428
(PH) 215-568-9500
*Mark J. Udren, Esq.
Lancaster, PA, NJ, IL*

UDREN LAW OFFICES, P.C.

New Jersey Office
Woodcrest Corporate Center
111 Woodcrest Rd.
Suite 200
Cherry Hill, NJ 08003
(PH) 856-669-8400
(FX) 856-669-5300
www.udren.com

Florida Office
2101 W. Commercial Blvd
Suite 5100
Fort Lauderdale, FL 33309
(PH) 954-378-1757
(FX) 954-378-1758

November 30, 2016

Sent by:
Fax: 610-649-9598,
Email: jkelley@lowermerion.org, and
Express mail.

Township of Lower Merion
Attn: Jody Kelley, Secretary
75 E. Lancaster Ave
Ardmore, PA 19003

Re: Appeal of Notice of Violation, 139 Ashland Avenue, Bala Cynwyd, PA 19004

Ms. Kelley:

This office represents the Wells Fargo Bank, N.A. as Trustee for Option One Mortgage Loan Trust 2001-B, Asset-Backed Certificates, Series 2001-B (hereinafter "Wells Fargo").

Please be advised that Wells Fargo hereby appeals the enclosed Notice of Violation dated November 23, 2016, issued by the Department of Building and Planning. Pursuant to Chapter 92, Section 111.1 of the Housing Property Maintenance Code, we request a hearing on this matter. Please also find enclosed, the required Affidavit.

Wells Fargo became owner of the subject property on August 3, 2016, by way of sheriff's sale deed recorded on August 19, 2016. Subsequent to the date of recording, and receipt of the sheriff's deed, Wells Fargo, by and through its agent, attempted to perform certain repair work on the Property but was advised to cease the work until permitted to do so by the Township, and until an inspection was performed. An inspection of the property was subsequently performed. Wells Fargo was also advised that before doing work on the property at any time, it should first call the police in order to avoid complaints by neighbors of strangers at the Property. While Wells Fargo is now aware of the condition of the Property due to apparent neglect by the previous owner, Wells Fargo has invested a significant amount of time and a substantial amount of money in order to mitigate its losses through the foreclosure action. Wells Fargo is entitled, as the new owner, to maximize the recoupment of losses, by repairing the subject property and seeking resale, without the threat of violation, interruption or any conduct that amounts to a "taking" of the Property.

The Township's attention to this Property commenced prior to Wells Fargo's ownership and was directed toward the previous owner. The Notice of Violation upon Wells Fargo being appealed is premature, in that it has not given a new owner adequate and reasonable time to correct extensive repair issues identified by the Township. A denial of reasonable and adequate time to make repairs would amount to a denial of due process to Wells Fargo.

Wells Fargo is entitled to a favorable ruling in this Appeal because (a) they recently became owners of the Property, which ownership did not exist while the Township had its dealings (if any) with the previous owner; (b) upon ownership, Wells Fargo was under direction from the Township to cease work on the Property until an inspection was made; (c) time period given by the Township to alleviate certain extensive repair issues identified is not reasonable nor adequate; (d) Wells Fargo was not the cause of any identified disrepair issues, having obtained ownership by virtue of its own mortgage foreclosure action and sheriff's sale; (e) the said disrepair was in fact a breach of the mortgage of which Wells Fargo was mortgagee; (f) any exercise of control over the subject Property by Township under the above circumstances would amount to a "taking" of a property interest without due process carrying implications of violations of federal and state laws, including but not limited to the constitutional rights of appellant; and (g) for all the reasons set forth above.

Wells Fargo is in the process of effectuating the necessary repairs in order to comply with any and all applicable ordinances, and requests reasonable and adequate time without the threat of violation, without the threat of any order to cease work, and without the threat of any demolition.

I look forward to hearing from you with regard to a Date and Time for a hearing on this matter.

Respectfully submitted,

UDREN LAW OFFICES, P.C.

BY: 

Morris A. Scott, Esquire

Attorney for Appellant/Property Owner

cc: Arthur J. Noel, Assistant Director, Building Regulations Department

AFFIDAVIT IN SUPPORT OF APPEAL

Re: Appeal of Notice of Violation,
139 Ashland Avenue, Bala Cynwyd, PA 19004

I hereby certify that the factual statements made in the foregoing letter of Appeal of Notice of Violation concerning the Property known as 139 Ashland Avenue, Bala Cynwyd, PA 19004, are true and correct to the best of my knowledge information and belief.

OCWEN LOAN SERVICING LLC

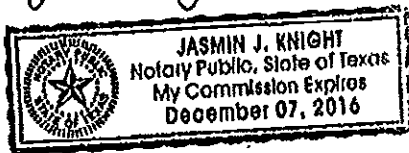
BY: Judy J. Credit

Printed Name: Judy J. Credit- Manager, PPI 407-737-5247

Ocwen Loan Servicing LLC: Agent for
Wells Fargo Bank, N.A. as Trustee for
Option One Mortgage Loan Trust 2001-B,
Asset-Backed Certificates, Series 2001-B

Date: 11/30/11

Jasmin J. Knight



**TOWNSHIP
OF
LOWER MERION**

MONTGOMERY COUNTY



DEPARTMENT OF BUILDING AND PLANNING

75 E. Lancaster Ave.
Ardmore; PA 19003-2376
Telephone: (610) 645-6200
FAX: (610) 649-9598

November 23, 2016

Wells Fargo Bank NA Tr
1661 Worthington Rd
Suite 100
West Palm Beach, FL 33409

RE: 139 Ashland Avenue, Bala Cynwyd, PA

To whom it may concern:

Please be advised that violations of the 2009 International Property Maintenance Code (IPMC) currently exist at the referenced location. More specifically, a portion of the roof at the rear of the structure has been removed. For an extended period of time, that section of the roof has been covered with a plastic tarp. Unfortunately, the tarp is a temporary short term measure to protect the structure and it has proven to be insufficient in terms of protecting the interior of the structure. Please be advised that conditions, as they exist, are a violation of the 2009 IPMC, Section 304, Exterior Structure.

You are hereby directed to repair the roof in compliance with the applicable provisions of the 2009 International Residential Code (IRC). A building permit is required for these repairs. In addition, plans that graphically describe the proposed repairs are required. They should include the size and spacing of the roof rafters, size of proposed roof decking and type of proposed roof covering.

In accordance with Lower Merion Township Code Chapter 92, Section 106.2, this correspondence will serve as the official **Notice of Violation**. You have ten (10) days from the date of this notice in which to correct the violation. Failure on your part to do so will make you liable for fines and penalties as permitted by Section 106.4. Also be advised that the Township will seek reimbursement of all legal expenses associated with the correction of this violation.

If you do not agree with this interpretation of the code, you may make a written appeal, within ten (10) days of this notice, to the Building & Planning Committee of the Board of Commissioners. You shall have the right to appear and be heard, if such right is requested in the written appeal. The cost for this appeal is \$200.00, due at time of application. This appeal is authorized under the 2009 IPMC Chapter 92, Section 111.1.

All that being said, also be advised that an inspection of the property was performed on August 23, 2016. That resulted in the compiling of an inspection report that encompasses the entire structure. At this point in time, we are still awaiting the filing of a building permit application, along with accompanying plans, and the name of the contractor that will perform the rehabilitation work. A copy of that report is attached for your benefit.

If you have any questions regarding this matter, feel free to contact me at the number listed above.

Respectfully,



Arthur J. Noel, Assistant Director
Building Regulations Department

Cc Gilbert P. High, Township Solicitor
Robert E. Duncan, Assistant Township Manager
Anthony Raj, Altisource
Morris A. Scott, Esq.

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