

July 8, 2011

Via Certified Mail RRR No.

Villages, Ltd.
c/o Mr. Don Smith
223 Smith #124
City, Texas 75ZZZ

Via Certified Mail RRR No. 7010 1870 0002 6775 4009:

Villages, Ltd
c/o City Smith, Inc., General Partner
P.O. Box 1234
City, Texas 75ZZZ

Re: Apartment Complex located at 310–370 Brown Drive, City, City County, Texas (“the Property”)

Dear Mr. Smith:

It has come to my attention that the above-referenced Property is once again in violation of multiple ordinances of the City. I have set up a meeting for you to come to **City Hall, 123 W. Smith Boulevard, 4th floor (City Attorney’s Office), City, Texas, at 11 a.m., on Tuesday, July 26, 2011**, and meet with representatives from the Code Enforcement Department and the City Attorney’s Office to discuss the issues regarding this property.

We will present options available to you to obtain compliance with the City’s code requirements without need for City to request an injunction by a court, civil penalties of up to \$1,000 a day, or any other remedies which are allowed by law.

The following is a list of City Ordinances in which the Property is currently violating (this does not purport to be a complete list):

1. Failure to maintain all glazing materials free from cracks and holes in violation of Section 8-26 (b)(1)(l) of the Code of Civil and Criminal Ordinances of City, Texas;
2. Failure to maintain all exterior surfaces, including, but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks, and fences in good condition in violation of Section 8-26 (b)(1)(a) of the Code of Civil and Criminal Ordinances of City, Texas;
3. Failure to maintain food-contact surfaces smooth and easily cleanable; impermeable to liquid; unpainted; not resurfaced; free from areas which are inaccessible to cleaning

- and inspection; free from breaks, seams, cracks, chips, pits, or similar imperfection; and free from difficult-to-clean internal corners or crevices in violation of Section 8-26 (c) (1) (e) of the Code of Civil and Criminal Ordinances of City, Texas;
4. Failure to maintain all structures free from insect and rodent infestation in violation of Section 8-26 (c)(1)(e) of the Code of Civil and Criminal Ordinances of City, Texas;
 5. Failure to maintain all interior surfaces, including windows and doors, in good, clean, and sanitary condition; failure to correct cracked or loose plaster, decayed wood, and other defective surface conditions in violation of Section 8-26 (c) (1) (b) of the Code of Civil and Criminal Ordinances of City, Texas;
 6. Failure to keep receptacles enclosed so that live wiring terminals are not exposed to contact in violation of NEC Article 406.4 (f) as adopted by City, Texas;
 7. Failure to provide and maintain all systems, devices, and equipment to detect a fire, smoke, or carbon monoxide, actuate an alarm, or suppress or control a fire or any combination thereof in operable condition at all times in accordance with the International Fire Code in violation of Section 8-26 (i) of the Code of Civil and Criminal Ordinances of City, Texas;
 8. Failure to maintain a window latch on each exterior window of the dwelling and failure to provide a keyless bolting device and a door viewer on each exterior door of the dwelling in violation of the Texas Property Code Section 92.153 as adopted by Section 8-26 (b)(2) of the Code of Civil and Criminal Ordinances of City, Texas;
 9. Failure to properly install and maintain all electrical equipment, wiring, and appliances in a safe manner, including, but not limited to: ground-fault circuit-interrupter protected receptacles shall be provided for the following locations: Bathrooms; Kitchens (where the receptacles are installed to serve the countertop surfaces); and Laundry (utility, and wet bar sinks where the receptacles are installed within six (6) feet of the outside edge of the sink) in violation of Section 8-26 (c)(4)(c) of the Code of Civil and Criminal Ordinances of City, Texas;
 10. Failure to maintain grease extracting ventilation hoods which are readily removable and listed by a recognized testing laboratory in violation of Section 8-26(c)(1)(e)(4) of the Code of Civil and Criminal Ordinances of City, Texas;
 11. Allowing another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter in violation of Section 8-24 of the Code of Civil and Criminal Ordinances of City, Texas;
 12. Failure to properly install and maintain all electrical equipment, wiring, and appliances in a safe manner, including, but not limited to: the size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the National Electrical Code and artificial light fixtures with protective shields capable of preventing broken glass from falling in areas where food may be exposed and where equipment or utensils may be stored in violation of Section 8-26 (c)(4) of the Code of Civil and Criminal Ordinances of City, Texas;

13. Failure to maintain all interior surfaces, including windows and doors, in good, clean, and sanitary condition; failure to repair or remove peeling, chipping, flaking, or abraded paint; failure to correct cracked or loose plaster, decayed wood, and other defective surface conditions in violation of Section 8-26 (c)(1)(b) of the Code of Civil and Criminal Ordinances of City, Texas;
14. Failure to maintain every stair, ramp, landing, or other walking surface in sound condition and good condition in violation of Section 8-26 (c)(1)(c) of the Code of Civil and Criminal Ordinances of City, Texas;
15. Failure to maintain internal parts of electrical equipment, including busbars, wiring terminals, insulators, and other surfaces, free from damaged or contaminated by foreign materials such as paint, plaster, cleaners, or abrasives, and corrosive residues; failure to repair damaged parts that might adversely affect safe operation or mechanical strength of the equipment such as parts that are broken; bent; cut; deteriorated by corrosion, chemical action, or overheating; failure to remove foreign debris from equipment in violation of International Residential Code Section E3304.6., as adopted by City, Texas.
16. Failure to maintain all occupied areas and all plumbing equipment and facilities in a clean, sanitary condition at all time and to connect plumbing fixtures and heating equipment that the occupant supplies in compliance with applicable laws in violation of Section 8-26 (g)(2) of the Code of Civil and Criminal Ordinances of City, Texas;
17. Failure to maintain exterior lighting at appropriate points adjacent to all building entrances, including individual dwelling units, sufficient to illuminate areas where hazards may reasonably exist, and operable between a half hour after sunset and a half hour before sunrise; failure to repair all inoperable exterior lighting fixtures within a reasonable period of time after being notified that the fixture is not working in violation of Section 8-27 (f)(3) of the Code of Civil and Criminal Ordinances of City, Texas;
18. Failure to maintain all exterior doors, door assemblies, and hardware in good condition with locks at all entrances to dwelling units and sleeping units that tightly secure the door in violation of Section 8-26 (b)(1)(m) of the Code of Civil and Criminal Ordinances of City, Texas;
19. Failure to maintain intake and exhaust air ducts in such a manner as to prevent the entrance of dust, dirt, and any other contaminating material in violation of Section 8-26 (c)(3)(e) of the Code of Civil and Criminal Ordinances of City, Texas;
20. Failure to maintain parking lots, fire lanes, driveways, sidewalks, porches, patios, and other paved areas free from deterioration, holes, excavations, sharp protrusions, or any other object or condition which may cause injury to a person in violation of Section 8-26 (a)(1) of the Code of Civil and Criminal Ordinances of City, Texas;
21. Failure to remove trees and tree limbs that are reasonably capable of damaging a structure, or that are reasonably capable of causing injury to a person, or which are within fourteen (14) feet of a fire lane measured vertically from the surface of the fire lane to the lowest point of the tree limb or branch in violation of Section 8-26(a)(6) of the Code of Civil and Criminal Ordinances of City, Texas;

22. Failure to maintain every exterior stairway, deck, porch, and balcony, and all appurtenances attached thereto, structurally sound, in good condition, with proper anchorage and capable of supporting the imposed loads in violation of Section 8-26 (b)(1)(j) of the Code of Civil and Criminal Ordinances of City, Texas;
23. Failure to maintain the roof and flashing sound, tight and without defects that admit rain with roof drainage adequate to prevent dampness or deterioration in the walls or interior portion of the structure and roof drains, gutters, and downspouts maintained in good condition and free from obstructions in violation of Section 8-26 (b)(1)(g) of the Code of Civil and Criminal Ordinances of City, Texas;
24. Failure to maintain all exterior walls free from holes, breaks, and loose or rotting materials and to maintain all exterior walls and exposed surfaces of metal or wood to protect them from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment in violation of Section 8-26 (b)(1)(e & f) of the Code of Civil and Criminal Ordinances of City, Texas;
25. Failure to equip every window which opens directly to or from an outdoor space with a tightly fitting insect-proof screen of not less than sixteen (16) mesh per inch in violation of Section 8-26(b)(1)(l)(3) of the Code of Civil and Criminal Ordinances of City, Texas;
26. Failure to ensure that every bedroom has at least one (1) window or opening facing directly to the outdoors which is capable of being opened far enough to permit egress by any adult in violation of Section 8-26 (c) (5) of the Code of Civil and Criminal Ordinances of City, Texas;
27. Failure to remove all graffiti from the property in violation of Section 57-4 of the Code of Civil and Criminal Ordinances of City, Texas;
28. Failure to maintain the roof and flashing sound, tight, and without defects such that drainage is adequate to prevent dampness or deterioration and failure to maintain roof drains and gutters in sound condition in violation of Section 8-26 (b)(1)(g) of the Code of Civil and Criminal Ordinances of City, Texas
29. Failure to maintain fences, gates, and screening walls in good condition in violation of Section 8-26(a)(7) of the Code of Civil and Criminal Ordinances of City, Texas;
30. Failure to remove outside storage in violation of Section 52-56 of the Land Development Code;
31. Failure to maintain sillcocks, hose bibs wall hydrants and other openings with a hose connection that shall be protected by an atmospheric-type or pressure-type vacuum breaker or a permanently attached hose connection vacuum breaker in violation of International Residential Code Section P2902.4.3 as adopted by City, Texas;
32. Failure to affix official street address numbers assigned to each building and each unit as follows: **Multi-family dwelling communities:** Street number required. The owner and manager shall post street address numbers or other identifying numbers designated by City on each multi-family dwelling community structure; shall post the range of street address numbers at each entrance to the multi-family dwelling community; if

- there is a name sign posted at each entrance, shall post the range of street address numbers on this sign; and, if there are covered parking structures, shall post the building address numbers on the faces of the covered parking structures adjacent to the fire lane or access way at all locations that provide pedestrian access to a building. The street address numbers required by this subsection shall be at least six (6) inches in height with a one-inch-stroke and otherwise comply with the requirements of this chapter. **Dwelling unit numbers required:** The owner and manager shall post on each dwelling unit in a multi-family dwelling community structure at its main entrance a number distinguishing the unit from all other units in the structure. The numbers shall be no less than one and one-half (1½) inches in height and the stroke shall be one-fourth (¼) inch and comply with the requirements of section 8-16 of this chapter. In a multi-family dwelling community which has more than one (1) vehicular access to one (1) or more structures, City may require the posting of more than one (1) set of street numbers or other identifying numbers on each structure in order that each structure may be identified from each vehicular access point. The street address numbers or other identifying numbers required by this subsection shall be at least six (6) inches in height with a one-inch stroke and otherwise comply with the material requirements of section 8-16 of this chapter. A multi-family dwelling community that provides no more than four (4) dwelling units, has a building line no more than fifty (50) feet from the nearest edge of the nearest street or access way, has posted street numbers on it that are at least three (3) inches in height and is otherwise in compliance with sections 8-15 and 8-16 of this chapter is exempt from this subsection in violation of Section 8-14 (a)(1-2) of the Code of Civil and Criminal Ordinances of City, Texas;
33. Failure to maintain all structural members free from deterioration, and capable of safely supporting the imposed dead and live loads in violation of Section 8-26(b)(1) of the Code of Civil and Criminal Ordinances of City, Texas;
 34. Failure to maintain all vacant units, structures, and premises thereof or vacant land in a clean, safe, secure, and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety; and all vacant or unoccupied structures or parts of structures completely secure from unauthorized entry in violation of Section 8-26 (k)(1-5) of the Code of Civil and Criminal Ordinances of City, Texas;
 35. Failure to install equipment and appliances as required by the terms of their approval, in accordance with the conditions of the listing, the manufacturer’s installation instructions and this code in violation of the International Mechanical Code Section 304 as adopted by City, Texas;
 36. Failure to legibly identify all circuits and circuit modifications as to their clear, evident, and specific purpose or use in violation of the International Residential Code Section E3606.2 as adopted by City, Texas; and
 37. Failure to install signage preventing BBQ grills within 10 feet of a residence in violation of Section 308 of the 2006 International Fire Code as amended and adopted by Section 17-4 of the Land Development Code.

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

Property located at 123 Smith Drive, City, Texas (“the Property”)

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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.

Nothing in this letter should be considered legal advice to you. You should consult your own attorney. Please feel free to call me at (972) 721-3656 if you should have any questions.

Sincerely,

John Attorney
Assistant City Attorney

Enclosures