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April 5, 2002

BY FACSIMILE -- (202) 452-1410

Jacques B. DePuy, Esquire
Greenstein DeLorme & Luchs, P.C.
1620 L Street, N.W.
Suite 900
Washington, DC 20036

Re: BZA Application No. 16854; 315 East Capitol Street, S.E. (the "Property")
Our File No. 092207.0000

Dear Jacques:

In response to your email message of this date regarding Mr. Warlick's status as a contract purchaser of 313 East Capitol Street, S.E., it is our position that Mr. Warlick is, indeed, the contract purchaser for that property. Furthermore, Mr. Warlick has sufficient interest in 313 East Capitol Street to support his request for party status.

As set forth in my letter of April 5, 2002, Mr. Warlick was unable to close on the purchase of 313 East Capitol Street, S.E. by March 15, 2002, due to his inability to timely secure financing. Mr. Warlick was unable to timely secure financing as a result of the BZA application filed by the Hollidays. As Mr. Warlick will testify, he notified the trustee on or about March 14 that he would be able to close the following Monday or Tuesday, financing being secured only after the ANC voted not to approve the requested zoning relief. Therefore, Mr. Warlick was in substantial compliance with the terms of the Consent Order. Although we are not representing Mr. Warlick in his negotiations with the trustee, it is our understanding that he has not acquiesced any of his rights and fully expects to close on the purchase of 313 East Capitol street. To that end, we have been informed that Mr. Warlick's lender has extended its financing commitment. However, because the property is part of a bankruptcy estate, once the terms of closing are agreed upon, it will have to be approved by the bankruptcy court. Clearly, there is not adequate time for this to occur prior to the April 9, 2002 BZA hearing. Moreover, it is our

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Exhibit No. 44

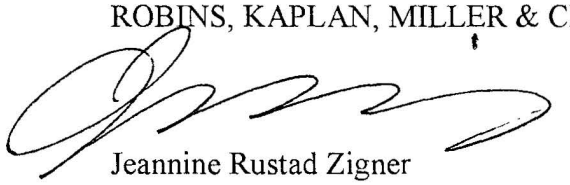
Board of Zoning Adjustment
District of Columbia
CASE NO.16854
EXHIBIT NO.44

understanding that several of the terms for closing are contingent upon the outcome of the BZA hearing. Under these circumstances, it is clear that Mr. Warlick is the contract purchaser for the property. Even if Mr. Warlick were deemed a mere "tenant", such interest is sufficient to support his request for party status. *See* 11 DCMR § 3106.2(e)(2).

In short, the equities of the instant matter warrant a finding that Mr. Warlick has a sufficient interest in the property and the BZA matter to support his request for party status.

Sincerely,

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.



Jeannine Rustad Zigner

cc: Lyle Blanchard, Esquire (by facsimile)
Ms. Sherri M. Pruitt, Board of Zoning Adjustment (by hand)
Mr. John Moore, Office of Planning (by facsimile)
Mr. Jim Warlick
Ms. Olivia Jones
Richard B. Nettler, Esquire