

January 21, 2015

RECEIVED  
D.C. OFFICE OF ZONING

2015 JAN 21 AM 10: 12

VIA HAND DELIVERY

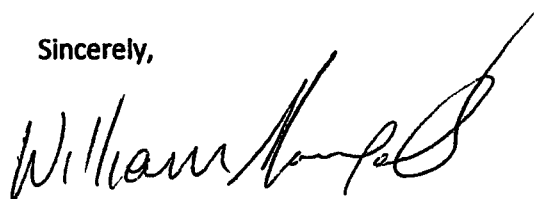
Ms. Sharon Schellin  
Secretary to the D.C. Zoning Commission  
441 4<sup>th</sup> Street NW  
Suite 210S  
Washington, D.C. 20001

Re: Zoning Commission Case No. 13-08- Motion to Postpone Hearing on behalf of Alabama Ave/ 13<sup>th</sup> Street Tenants Coalition

Dear Ms. Schellin,

Enclosed please find fourteen copies of the Motion to Postpone Hearing 13-08 on behalf of the Alabama Ave/ 13<sup>th</sup> Street Tenants Coalition and supplemental attachments which was filed in person on January 21<sup>st</sup> 2015 and served via certified mail to the Office of Planning, ANC 8C and 8E, and served via certified mail to counsel for applicant on that date. Also please note that the Party Status Request Form for the Alabama Ave/ 13<sup>th</sup> Street Tenants Coalition was also served on the Zoning Commission as well as counsel for applicant, the Office of Planning and ANCs 8E and 8C on January 8<sup>th</sup>, 2015. If you or anyone in the Office of Zoning has any questions, please feel free to contact me.

Sincerely,



William Merrifield,

Staff Attorney Washington Legal Clinic for the Homeless

Enclosures.

RECEIVED  
D.C. OFFICE OF ZONING

2015 JAN 21 AM 10:13

January 20, 2015

District of Columbia Zoning Commission  
441 4<sup>th</sup> Street, NW  
Suite 210-8  
Washington, DC 20001

Honorable Members of the Zoning Commission,

I write on behalf of the Alabama Avenue/13th Street Tenants Coalition to request a postponement of the Zoning Commission hearing for Case No. 13-08 on the following grounds:

***1. Square 5914 LLC lacks of authorization to include the property Square 5914 Lot 7 (3200 13<sup>th</sup> Street, SE, Washington, DC 20032) ("the Property") in the PUD application and therefore has failed to meet the filing requirements detailed in 11 DCMR 2406.5 and 11 DCMR 2406.3.***

On May 2, 2013, Square 5914 LLC filed an Application for a Consolidated Planned Unit Development and Related Zoning Map Amendment for Parcels 229/161, 229/160, 229/153, 229/151, and 229/103 in Square 5914 and Lots 6 and 7 in Square 5914. As part of the PUD application, Sanford Capital Square 5914 LLC filed Application forms and Letters of Authorization purportedly for the above detailed properties.

However, Square 5914 LLC lacks a Letter of Authorization from the owners of the Property. Review of subsequent, amended submissions to the Zoning Commission by the PUD applicant finds no such Letter of Authorization from the owners of the Property.

By not including the appropriate letter of Authorization for all parcels included in the instant PUD application, the Applicant has not met the PUD filing requirements per 11 DCMR 2406.5. These requirements make clear that the name, address, and signature of each owner of property included in the area to be developed, or of the owner's authorized agent, shall be included in the PUD application.

***2. The site control and title of the Property is clouded in several ways which will prohibit the Zoning Administrator from approving building permit applications if the proposed PUD application is approved and may make moot any consideration and decisions by the Zoning Commission.***

Pursuant to 11 DCMR 2409.12 the term "Applicant" in any condition of an order approving a PUD or PUD modification shall mean the person or entity then holding title to the Subject Property. Furthermore, the regulation states that if there is more than one owner, the obligations under the order shall be joint and several.

In the present case, the "Applicant" must include the owner of 3200 Thirteenth Street SE Washington DC, 20032. Presently there are numerous issues which cloud the title of the Property. These issues include:

- A. The Recorder of Deeds online records include a Lis Pendens regarding the Property: document 2014083206. The Lis Pendens in a real property lawsuit (Superior Court of the District of Columbia Civil Division case 14-0005639) by the plaintiff Congress Heights Community Training and Development Corporation against the defendants 3200 Thirteenth Street, LLC, Zed Smith, and Kelvin Elmore (the owners of the Property). The lawsuit seeks to enforce a contract signed by the defendants in 2012 to sell the Property to the plaintiff. (See Exhibit 1 attached)
- B. The owners of the Property are in default on a loan from the District Department of Housing and Community Development in the amount of \$920,100 (See Exhibit 2 attached).
- C. The owners of the property owe \$70,100.19 in back taxes to the District of Columbia according to the Office of Tax and Revenue online records (See Exhibit 3 attached).
- D. The owners of the Property have an existing water sewer lien from the District of Columbia Water and Sewer Authority (see Exhibit 4 attached).
- E. The Property is covered by a Covenant with the District of Columbia and its Department of Housing and Community Development that limits occupancy of its residential units to Extremely Low Income tenants (see Exhibit 5 attached).

The above outstanding issues, including litigation and land covenants, must demonstrate to Zoning Commissioners that at this time there is not full and clear understanding of the control, or ownership stakes of the subject site at the center of the instant matter.

Thus, the complete and proper determination of an "Applicant" cannot be demonstrated for the Commission at this time.

Without clarity and determination of a free & clear Applicant, the Zoning Administrator will be prevented from implementing any associated permit applications for this project pursuant to 11 DCMR 2409.3.

## **CONCLUSION & REMEDY**

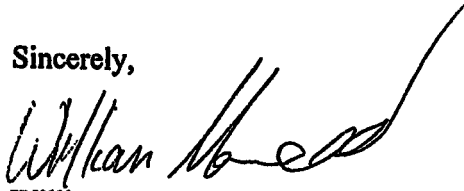
The Zoning Commission is being asked to approve a PUD application granting public entitlements written into a Final Order that acts as a binding agreement between the DC government and the Applicant, "establish[ing] a basis for long-term public control over the specific use and development of the property." See 11-DCMR-2400.3.

The facts listed in the aforementioned Points 1 & 2 demonstrate that the proposed PUD application in this instant case is not complete, and pursuant to 11 DCMR 2406.3, no PUD application shall be processed until the application is complete.

Proceeding forward on this matter risks terrible administrative inefficiencies and the unnecessary expenditure of time and City money in processing the instant PUD application, as any material changes to the currently cloudy state of site control, as well as to unresolved issues about litigation, the over-riding land covenants, and outstanding liens, has the very real risk to make moot any decision of the Zoning Commission pertaining to this case.

Therefore, the Alabama Avenue/13th Street Tenants Coalition is asking for a postponement of ZC Case No. 13-08, until as such time that site control is discretely determined and any promissory responsibilities of associated land covenants and liens are all collectively clarified in writing and re-filed with Zoning Commissioners in a complete PUD application pursuant to the DC Zoning Regulations.

Sincerely,



William Merrifield  
Staff Attorney  
Affordable Housing Initiative  
Washington Legal Clinic for the Homelessness  
Authorized Representative for the Party Opponent  
1200 U Street, third Floor  
Washington DC 20009  
202-328-5502



2014083206-1

Return To:

CONGRESS HEIGHTS COMMUNITY TRAINING & DEVELOPMENT CORPORATION  
3215 Martin L. King, Jr. Ave, SE  
Washington, D.C. 20032

Plaintiff,

v.

3200 Thirteenth Street, LLC  
2401 Martin L. King, Jr. Avenue, SE  
Washington, D.C. 20020

Zed Smith  
601 East Pratt Street, 6th Floor  
Baltimore, MD 21202

Kelvin Elmore  
2401 Martin L. King, Jr. Ave. SE Unit 205  
Washington, DC 20020

Defendants.

Doc #: 2014083206 Fees: \$31.50  
09/10/2014 03:15 PM Pages: 1  
Filed and Recorded in Official Records of  
WASH DC RECORDER OF DEEDS IDA WILLIAMS

EX. 1

**NOTICE OF PENDENCY OF ACTION (lis pendens)**

Congress Heights Community Training & Development Corporation hereby files this notice that an action has commenced and is now pending in D.C. Superior Court on the Complaint of above named Plaintiff against above named Defendants for breach of contract and specific performance.

Case number: 14-0005639  
Date filed: September 8, 2014  
Specific court: D.C. Superior Court – Civil Division / Civil Actions Branch  
Object of filing: Complaint  
Relief sought: Specific Performance  
Current owner on record: 3200 Thirteenth Street, LLC  
Description of real property: 3200 13th Street, SE, Washington DC 20032; Square 5914-Lot 007

Embossed Hereon is My  
District of Columbia Notary Public Seal  
My Commission Expires March 14, 2015  
KEVIN L. VAJGHAN

Morgia Ray

Executive Director

Congress Heights Community Training  
and Development Corporation  
3215 Martin Luther King, Jr., Ave. SE  
Washington DC 20032  
(202) 562 - 5201

District of Columbia: SS  
Subscribed and Sworn to before me

this 10 day of September, 2014

Notary Public, D.C.

My commission expires 03/14/15

RECORDING FEES \$25.00  
SURCHARGE \$6.50

80

D.C. Courts Home

**Court Cases Online**

Case Search for Company: CONGRESS HEIGHTS COMMUNITY TRAINING

[Click here to view search criteria](#)

Search retrieved 5 cases in 2 seconds.

Selected 1 cases to view

[Click here to view search results](#)

Viewing single case; Details retrieved in less than a second.

[Click here to view case summary](#)

<b>2014 CA 005639 R(RP): CONGRESS HEIGHTS COMMUNITY TRAINING &amp; DEVELOPMENT Vs. 3200 THIRTEENTH STREET, LLC, et al.</b>	
Case Type: Real Property	File Date: 09/08/2014
Status: Open	Status Date: 09/08/2014
Disposition: Undisposed	Disposition Date:

Party Name	Party Alias(es)	Party Type	Attorney(s)
CONGRESS HEIGHTS COMMUNITY TRAINING & DEVELOPMENT		PLAINTIFF	CASTRO, TITO
3200 THIRTEENTH STREET, LLC		Defendant	CARPENTER LOURIE, Ms VANESSA
SMITH, ZED		Defendant	CARPENTER LOURIE, Ms VANESSA
ELMORE, KELVIN		Defendant	CARPENTER LOURIE, Ms VANESSA

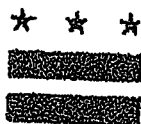
Docket Date	Description	Messages
12/12/2014	Event Resulted:	Event Resulted: The following event: Initial Scheduling Conference-60 scheduled for 12/12/2014 at 9:30 am has been resulted as follows:  Result: Scheduling Conference Hearing Held, Courtsmart (Courtroom A-47). All parties present. Case placed on Track 2 - Mediation. Scheduling Order signed and filed. Copies hand-delivered to the parties in Open Court. JA  Judge: NASH, STUART G Location: Courtroom A-47 Ms VANESSA CARPENTER LOURIE (Attorney) on behalf of 3200 THIRTEENTH STREET, LLC, ZED SMITH, KELVIN ELMORE (Defendant); ALPHA BAH (Attorney) on behalf of CONGRESS HEIGHTS COMMUNITY TRAINING & DEVELOPMENT (PLAINTIFF) Participant(s): Judge STUART G NASH
12/12/2014	Track 2 - Mediation Scheduling Order Entered on the Docket	Track 2 - Mediation Scheduling Order Entered on the Docket DCM Track Track 2 - Mediation was added on 12/12/2014 with the following milestone(s): Deadline For Discovery Request T2 due 02/10/2015 Exchange Witness Lists T2 due 02/10/2015 Proponent's Rule 26(b) (4) Statement T2 due 02/17/2015 Opponent's Rule 26(b) (4) Statement T2 due 03/12/2015 Discovery Closed T2 due 04/13/2015 Deadline For Filing Motions T2 due 04/27/2015 Dispositive Motions Decided T2 due 05/26/2015 ADR - Mediation T2-1 due 06/10/2015 ADR - Mediation T2-2 due 07/10/2015 Pretrial T2 due 08/10/2015 Pretrial T2-2 due 09/08/2015
10/31/2014	Order Filed	Order Grantng Motion to Admit Pro Hac Vice Attorney Alpha Bah. Signed by Judge Stuart G. Nash on October 31, 2014. Submitted, 10/31/2014 12:10. arr.
10/31/2014	Order Granting Motion to Admit Attorney Pro Hac Vice Entered on the Docket	Order Granting plaintiff's Motion to Admit Attorney Pro Hac Vice Alpha Bah, Esq. entered on the docket, signed by Judge Nash and e-filed, mailed and e-served on parties of record on 10/31/14. awp
10/23/2014	Additional eFiling Document to	Additional eFiling Document to Motion to Admit Attorney Pro Hac Vice Filed. submitted 10/23/2014 14:11.rp Attorney: CASTRO, TITO (992539) CONGRESS HEIGHTS COMMUNITY TRAINING & DEVELOPMENT (PLAINTIFF);
10/23/2014	Motion to Admit Attorney Pro Hac Vice	Motion to Admit Attorney Pro Hac Vice Filed. submitted 10/23/2014 14:11.rp Attorney: CASTRO, TITO (992539)

Court Cases Online

10/01/2014	Filed Answer to Complaint Filed	CONGRESS HEIGHTS COMMUNITY TRAINING & DEVELOPMENT (PLAINTIFF); Receipt: 294164 Date: 10/24/2014 Answer to Complaint Filed. Submitted 10/01/2014 14:34. ts. Attorney: CARPENTER LOURIE, Ms VANESSA (250068) 3200 THIRTEENTH STREET, LLC (Defendant); ZED SMITH (Defendant); KELVIN ELMORE (Defendant);
09/08/2014	Service Issued	Issue Date: 09/08/2014 Service: Summons Issued Method: Service Issued Cost Per: \$  3200 THIRTEENTH STREET, LLC 2004 2nd Place SE WASHINGTON, DC 20020 Tracking No: 5000150683  SMITH, ZED 601 East Pratt Street 6th Floor BALTIMORE, MD 21202 Tracking No: 5000150684  ELMORE, KELVIN 2401 Martin L. King Jr. Avenue SE Unit 205 WASHINGTON, DC 20020 Tracking No: 5000150685
09/08/2014	Event Scheduled	Event Scheduled Event: Initial Scheduling Conference-60 Date: 12/12/2014 Time: 9:30 am Judge: NASH, STUART G Location: Courtroom A-47
09/08/2014	Complaint for Real Property Filed	Complaint for Real Property Filed Attorney: CASTRO, TITO (992539) CONGRESS HEIGHTS COMMUNITY TRAINING & DEVELOPMENT (PLAINTIFF); Receipt: 290451 Date: 09/08/2014

Receipt #	Date	From	Payments	Fee	Amount Paid
294164	10/24/2014	CASTRO, TITO	Efile	\$20.00 Cost	\$20.00
290451	09/08/2014	tito castro	Cash	\$120.00 Cost	\$120.00

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT



February 1, 2013

Fihankra Place, Inc.  
2041 Martin Luther King Jr. Avenue  
Washington, DC 20020

Re: Submission of Asset Management Documentation  
Property Located at 3200 13th Street SE

The District of Columbia Department of Housing and Community Development ("DHCD") Portfolio Asset Management Division ("PAMD") is responsible for conducting asset management reviews for the portfolio of multifamily properties financed by the DHCD Development Finance Division.

For the property referenced above, please assist PAMD by providing following documents:

1. Copy of 2012 Final Audited Financial Statements;
2. Copy of 2012 Final Tax Return;
3. Copy of Evidence of Commercial Property Insurance with the District of Columbia DHCD added as an Additional Interest, Loss Payee:
  - District of Columbia Department of Housing and Community Development  
Portfolio Asset Management Division  
1800 Martin Luther King, Jr. Avenue, SE  
Washington, DC 20020-6900;
4. Copy of Certificate of Liability Insurance with the District of Columbia DHCD added as a Certificate Holder:
  - District of Columbia Department of Housing and Community Development  
Portfolio Asset Management Division  
1800 Martin Luther King, Jr. Avenue, SE  
Washington, DC 20020-6900;
5. Evidence of 2012 Real Estate Property Taxes paid for the 2<sup>nd</sup> Half;
6. Evidence of 2013 Real Estate Property Taxes paid for the 1<sup>st</sup> Half and,
7. Copy of Current Business License.

Refer to the enclosed instructions for online documentation of real estate property taxes paid.

If clarification is needed, contact Tiphonie Jones at (202) 442-7261. Please submit the requested documentation via e-mail to [portfolio.mgmt@dc.gov](mailto:portfolio.mgmt@dc.gov) by Friday, May 3<sup>rd</sup>, 2013.

Sincerely,

*Georgette Benson*

Georgette Benson  
Portfolio Asset Manager

Encl: Online Access: District of Columbia Office of Tax and Revenue – Real Property Service Center

EX.  
2



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT



Portfolio Asset Management Division

April 22, 2013

3200 Thirteenth Street, LLC  
c/o Fihankra Place  
4645 Nannie Helen Burroughs Avenue, SE  
Washington, DC 20019

RE: 3200 13TH STREET  
NOTICE OF DEFAULT

The District of Columbia Department of Housing and Community Development ("DHCD") Portfolio Asset Management Division ("PAMD") requested submission of asset management documentation on February 24<sup>th</sup>, 2012, for the above referenced property. To date, DHCD has not received the requested documentation.

Your failure to respond to DHCD's request for documentation is a default event under your loan agreement. In accordance with the terms and conditions of the Loan documents, you are afforded thirty (30) days from the date of this letter to provide the following requested documentation to PAMD:

157. Copy of 2011 Final Audited Financial Statements;
158. Copy of 2011 Final Tax Returns;
159. Copy of Evidence of Commercial Property Insurance with the District of Columbia DHCD added as an Additional Interest, Loss Payee:
  - District of Columbia Department of Housing and Community Development  
Portfolio Asset Management Division  
1800 Martin Luther King Jr. Avenue, S.E.  
Washington, D.C. 20020-6900;
160. Copy of Certificate of Liability Insurance with the District of Columbia DHCD added as a Certificate Holder:
  - District of Columbia Department of Housing and Community Development  
Portfolio Asset Management Division  
1800 Martin Luther King Jr. Avenue, S.E.  
Washington, D.C. 20020-6900;
161. Evidence of 2011 Real Estate Property Taxes paid for the 2<sup>nd</sup> Half and,
162. Evidence of 2012 Real Estate Property Taxes paid for the 1<sup>st</sup> Half.

If you have any questions or concerns please contact Tiphonie Jones at 202-442-7261. Requested documentation can be submitted via email to [portfoli\\_mgmt@dc.gov](mailto:portfoli_mgmt@dc.gov).

Sincerely,

*Georgette Benson*  
Georgette Benson  
Portfolio Asset Manager

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT



April 25, 2014

FIHANKRA PLACE INC  
2041 MARTIN LUTHER KING JR. AVB., SE  
WASHINGTON, DC 20020

Re: Submission of Asset Management Documentation  
Property Located at 3200 13TH STRBET. SE

The District of Columbia Department of Housing and Community Development ("DHCD") Portfolio Asset Management Division ("PAMD") is responsible for conducting asset management reviews for the portfolio of multifamily properties financed by the DHCD Development Finance Division.

For the property referenced above, please assist PAMD by providing following documents:

1. Copy of 2013 Final Audited Financial Statements;
2. Copy of 2013 Final Tax Return;
3. Copy of Evidence of Commercial Property Insurance with the District of Columbia DHCD added as an Additional Interest, Loss Payee:
  - District of Columbia Department of Housing and Community Development  
Portfolio Asset Management Division  
1800 Martin Luther King, Jr. Avenue, SE  
Washington, DC 20020-6900;
4. Copy of Certificate of Liability Insurance with the District of Columbia DHCD added as a Certificate Holder:
  - District of Columbia Department of Housing and Community Development  
Portfolio Asset Management Division  
1800 Martin Luther King, Jr. Avenue, SE  
Washington, DC 20020-6900;
5. Evidence of 2013 Real Estate Property Taxes paid for the 2<sup>nd</sup> Half;
6. Evidence of 2014 Real Estate Property Taxes paid for the 1<sup>st</sup> Half and,
7. Copy of Current Business License.

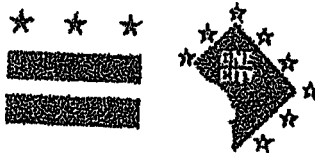
If clarification is needed, contact Tiphonie Jones at (202) 442-7261. Please submit the requested documentation via e-mail to [portfolio.mgmt@dc.gov](mailto:portfolio.mgmt@dc.gov) by Thursday, July 3, 2014.

Sincerely,

*Georgette Benson*

Georgette Benson  
Portfolio Asset Manager

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**



**Portfolio Asset Management Division**

**September 26, 2014**

**FIHANKRA PLACE INC  
2041 MARTIN LUTHER KING JR. AVE., SE  
WASHINGTON, DC 20020**

**Re: Notice of Event of Default**

**Property: 3200 13TH STREET, SE**

**Ladies and Gentlemen:**

The D. C. Department of Housing and Community Development ("DHCD") is the lender on the above Property made to FIHANKRA PLACE INC ("Borrower"). In accordance with the Loan Agreement and related loan documents, the following events of default have occurred and are continuing:

**Failure to Submit Annual Asset Management Documentation**

To address the event of default(s), one or more of the following items must be provided to the DHCD Portfolio and Asset Management Division to the attention of the signer within 30 days:

1. Copy of 2013 Final Audited Financial Statements;
2. Copy of 2013 Final Tax Return;
3. Copy of Evidence of Commercial Property Insurance with the District of Columbia DHCD added as an Additional Interest, Loss Payee:
  - District of Columbia Department of Housing and Community Development  
Portfolio Asset Management Division  
1800 Martin Luther King, Jr. Avenue, SE  
Washington, DC 20020-6900;
4. Copy of Certificate of Liability Insurance with the District of Columbia DHCD added as a Certificate Holder;

- District of Columbia Department of Housing and Community Development  
Portfolio Asset Management Division  
1800 Martin Luther King, Jr. Avenue, SE  
Washington, DC 20020-6900;
- 5. Evidence of 2013 Real Estate Property Taxes paid for the 2<sup>nd</sup> Half;
- 6. Evidence of 2014 Real Estate Property Taxes paid for the 1<sup>st</sup> Half and,
- 7. Copy of Current Business License

The failure of the Borrower to cure the event of default(s) within the specified time period is considered a default by the Borrower whereupon DHCD can exercise its rights set forth in the loan agreements, including declaring all indebtedness of the Borrower to DHCD immediately due and payable.

Any failure or delay by DHCD to insist upon the strict performance of any term or covenant of the Loan Agreement and related loan documents with respect to the Property shall not constitute a waiver of the term or covenant or preclude DHCD from exercising any of its rights at a later time.

If you have any questions or concerns regarding this Notice of Event of Default, please contact Tiphonie Jones at 202-442-7261. Requested documentation can be submitted via email to [portfolio.mgmt@dc.gov](mailto:portfolio.mgmt@dc.gov) or by certified mail.

Sincerely,

*Georgette Benson*

Georgette Benson  
Portfolio Asset Manager

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**



**Portfolio Asset Management Division**

**December 19, 2013**

**Fihankra Place, Inc.  
2041 Martin Luther King Jr. Avenue  
Washington, DC 20020**

**Re: Notice of Event of Default**

**Property: 3200 13th Street SE**

**Ladies and Gentlemen:**

The D. C. Department of Housing and Community Development ("DHCD") is the lender on the above Property made to Fihankra Place, Inc. ("Borrower"). In accordance with the Loan Agreement and related loan documents, the following events of default have occurred and are continuing:

**Failure to Submit Annual Asset Management Documentation**

To address the event of default(s), the following information must be provided to the DHCD Portfolio and Asset Management Division to the attention of the signer within 30 days:

- 1. Copy of 2012 Final Audited Financial Statements;**
- 2. Copy of 2012 Final Tax Return;**
- 3. Copy of Evidence of Commercial Property Insurance with the District of Columbia DHCD added as an Additional Interest, Loss Payee:**
  - District of Columbia Department of Housing and Community Development  
Portfolio Asset Management Division  
1800 Martin Luther King, Jr. Avenue, SE  
Washington, DC 20020-6900;**

4. Copy of Certificate of Liability Insurance with the District of Columbia DHCD added as a Certificate Holder:

- District of Columbia Department of Housing and Community Development  
Portfolio Asset Management Division  
1800 Martin Luther King, Jr. Avenue, SE  
Washington, DC 20020-6900;

5. Evidence of 2012 Real Estate Property Taxes paid for the 2<sup>nd</sup> Half;  
6. Evidence of 2013 Real Estate Property Taxes paid for the 1<sup>st</sup> Half and,  
7. Copy of Current Business License

The failure of the Borrower to cure the event of default(s) within the specified time period is considered a default by the Borrower whereupon DHCD can exercise its rights set forth in the loan agreements, including declaring all indebtedness of the Borrower to DHCD immediately due and payable.

Any failure or delay by DHCD to insist upon the strict performance of any term or covenant of the Loan Agreement and related loan documents with respect to the Property shall not constitute a waiver of the term or covenant or preclude DHCD from exercising any of its rights at a later time.

If you have any questions or concerns regarding this Notice of Event of Default, please contact Tiphonie Jones at 202-442-7261. Requested documentation can be submitted via email to [portfolio.mgmt@dc.gov](mailto:portfolio.mgmt@dc.gov) or by certified mail.

Sincerely,

*Georgette Benson*

Georgette Benson  
Portfolio Asset Manager

ACCOUNT MASTER FILE INFORMATION

PROJECT 1217

ACCOUNT

CLIENT INFO

CLIENT : WASHINGTON DC, DHCD  
 PROJECT : MF CDBG - AMORTIZED  
 1800 MARTIN LUTHER KING, JR. AVE SE  
 ROOM #230  
 CITY : Washington  
 STATE : DC ZIP CODE : 20020-  
 TAX ID : -  
 MAIN / SUB ACCOUNT  
 TOTAL PAYMENT AMOUNT 3,845.00

BORROWER INFO

FIRST :  
 MIDDLE :  
 LAST : FIHANKRA PLACE INC  
 CO - BORROWER :  
 ADDRESS : 3041 MARTIN LUTHER KING JR AVE  
 SUITE 205  
 CITY : WASHINGTON  
 STATE : DC ZIP CODE 20020-  
 PHONE : 202-678-1104  
 TAX ID : XXXX-XX-9657,  
 CO - BORR. TAX ID

CONTRACT FIELDS

DATE OPENED	04/29/2009	PAYMENT AMOUNT	3,845.00	LATE CHARGE A/U	U
ORIGINAL BALANCE	920,100.00	ESCROW AMOUNT	0.00	LATE CHARGE DAYS	15
INTEREST RATE	4.000	CLIENT FUND	0.00	LOAN TYPE	PRIN & INT
INTEREST START DATE	07/01/2010	AGENCY FEE	0.00	PRINT COUPON ?	N
30 DAY INT ?	Y	BORROWER FEE	0.00	COUPONS PRINTED ?	
INTEREST ONLY ?	N	FULL PAYMENT AMOUNT	3,845.00	LOAN NOTE DATE	07/31/2008
LENGTH OF LOAN	36	PAYMENT DUE DATE	08/01/2010	ACH PARTC.	N
MATURITY DATE	07/01/2011	PAYMENT FREQUENCY	MONTHLY	INSURANCE MONITORING	N
COLL. STATUS	PNOD			TAX MONITORING	N

PROPERTY INFORMATION

3200 13TH STREET SE, C/O FIHANKRA  
 PLACE INC. CITY : WASHINGTON  
 STATE : DC ZIP CODE : 20019-

BALANCE INFORMATION

ACCOUNT STATUS	OPEN	DELINQUENCY STATUS	Over 90 Days	NUMBER OF PAYMENTS :	53
LATE CHARGE BALANCE	0.00	DATE LAST PAYMENT			
RESERVE BALANCE	0.00	PRINCIPAL LAST PAYMENT			
ESCROW BAL	0.00	INTEREST LAST PAYMENT			
TRUST BALANCE	0.00	DATE INTEREST PAID TO	07/01/2010		
CHECKING BALANCE	0.00	YTD PRINCIPAL	0.00		
UNAPPLIED BALANCE	0.00	YTD INTEREST	0.00		
PRINCIPAL BALANCE	920,100.00	REFERENCE	2008-47		
ACCRUED INTEREST	0.00	FIRST PAYMENT RECEIVED			
FIRST PAYMENT DUE	08/01/2010				

# Payment History with Memos

For Acct: [REDACTED]  
Run Date: 12/15/2014

Memo Date	Code	Memo	Copy	Instructions
5/5/2014	189	PERIODIC STATEMENT MAILED		PERIODIC STATEMENT SENT
6/4/2014	189	PERIODIC STATEMENT MAILED		PERIODIC STATEMENT SENT
1/31/2014	189	PERIODIC STATEMENT MAILED		PERIODIC STATEMENT SENT
5/1/2012	5	MISCELLANEOUS ACCT CHANGES/ADD'L ACCT INFORMATION		NOTICE OF DEFAULT SENT PER GEORGETTE PERSON, COPY FORWARDED TO HER ATTENTION.
5/1/2013	246	NOTICE OF DEFAULT TO FORECLOSE		DUE DAYS MEMO INSERTED
5/1/2013	246	NOTICE OF DEFAULT TO FORECLOSE		DUE DAYS MEMO INSERTED
7/7/2013	603	WDC 90 DAY LETTER		DUE DAYS MEMO INSERTED
7/24/2013	1	BORROWERS INCOMING/OUTGOING CALL/CRSP		PERSON CALLED AND WANTED TO KNOW WHAT THE COUPON BOOK WAS FOR AND FOR WHICH LOCATION. I GAVE PROPERTY ADDRESS AND NOW UNDERSTAND WHAT THIS LOAN IS ABOUT.
1/2/2013	695	WDC 90 DAY LETTER		DUE DAYS MEMO INSERTED
12/1/2012	695	WDC 90 DAY LETTER		DUE DAYS MEMO INSERTED
11/9/2012	695	WDC 90 DAY LETTER		DUE DAYS MEMO INSERTED
10/19/2012	695	WDC 90 DAY LETTER		DUE DAYS MEMO INSERTED
8/5/2012	695	WDC 90 DAY LETTER		DUE DAYS MEMO INSERTED
6/11/2012	203	LEFT MESSAGE FOR BORROWER		UNIC BALT OFFICE
6/5/2012	695	WDC 90 DAY LETTER		DUE DAYS MEMO INSERTED
5/8/2012	234	90 DAY & OVER LATE LETTER		DUE DAYS MEMO INSERTED
4/6/2012	695	WDC 90 DAY LETTER		DUE DAYS MEMO INSERTED
2/1/2012	695	WDC 90 DAY LETTER		DUE DAYS MEMO INSERTED
12/1/2011	695	WDC 90 DAY LETTER		DUE DAYS MEMO INSERTED
11/1/2011	695	WDC 90 DAY LETTER		DUE DAYS MEMO INSERTED
10/13/2011	213	COLLECTION CALL GENERATED - NO ANSWER		SPK WITH MR ELMO AFTER GETTING UPDATED ADDRESS AND PHONER MR ELMO STATED HE WILL CONTACT DCH FOR THIS LOAN WHICH WAS SUPPOSED TO BE PAID OFF DUE TO HIS FUNDS
10/5/2011	695	WDC 90 DAY LETTER		DUE DAYS MEMO INSERTED
9/26/2011	695	WDC 90 DAY LETTER		DUE DAYS MEMO INSERTED
8/18/2011	216	MAIL RETURNED - UNKNOWN - UNABLE TO FORWARD		45 DAY LATE LTR - ADDRESS VISIBLE AND SAME AS AIBUS
8/18/2011	216	MAIL RETURNED - UNKNOWN - UNABLE TO FORWARD		30 DAY LATE LTR - ADDRESS VISIBLE AND SAME AS AIBUS
8/1/2011	695	WDC 90 DAY LETTER		DUE DAYS MEMO INSERTED
7/1/2011	695	WDC 90 DAY LETTER		DUE DAYS MEMO INSERTED
5/31/2011	695	WDC 90 DAY LETTER		DUE DAYS MEMO INSERTED
5/7/2011	83	CORRESPONDENCE MAILED TO BORROWER		DLR COMPLETED/SENT BAWW PAYOFF QUOTE AND REMINDER LTR
4/14/2011	695	WDC 90 DAY LETTER		DUE DAYS MEMO INSERTED
3/12/2011	695	WDC 90 DAY LETTER		DUE DAYS MEMO INSERTED







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Active Real Property Payments

SSL:5914 0007

Table with columns: Source ID, Transaction ID, Tax Year, Deposit Date, Tax Collected, Interest Collected, Penalty Collected, Total. Includes handwritten annotations like '64' and '3'.

\*Only payments received on or after January 14, 2005 are displayed on this page. \*\*Payments where Transaction ID and Source ID differ indicate that one payment paid off multiple years of liability.

- View Tax Information View Payments View Current Tax Bill View Tax Notices

Grid of links for District News, Information Centers, Community, DC Government, and Contact Us.

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## Property Detail - 3200 13TH ST SE SSL:5914 0007

[Click here to pay property tax](#)

- Account Summary
- Real Property Tax Pilot Fee
- Special Assessment
- Water & Sewer

Click on a folder tab above to view tax information.

Tax	Amount Balance	As of Date
<b>Real Property</b>	\$73,330.17	01/17/2015
<b>Special Assessment</b>	\$1,156.00	01/15/2015
<b>Water &amp; Sewer Authority (WASA)</b>	\$2,737.38	01/08/2015

\*The outstanding amounts displayed here may not include updated penalty and interest.

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## Property Detail - 3200 13TH ST SE

**SSL:5914 0007**

- [Account Summary](#)
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Below is the most current billing information for the Real Property Tax/Pilot Fee on this property.

Description	Tax Amount*	Penalty Amount	Interest Amount**	Fees Amount***	Total Original Du
2014 SECOND HALF	\$16,992.50	\$1,699.25	\$764.66	\$0.00	\$19,456.4
2014 FIRST HALF	\$16,992.50	\$1,699.25	\$2,293.90	\$1,657.25	\$22,642.9
2013 TAX YEAR	\$5,679.70	\$567.98	\$1,490.92	\$567.97	\$8,306.5
2012 TAX YEAR	\$5,679.70	\$567.98	\$2,555.87	\$0.00	\$8,803.5
2011 TAX YEAR	\$5,679.70	\$567.98	\$3,578.21	\$767.97	\$10,593.8
2010 EXPIRED TAX SALE	\$5,156.94	\$0.00	\$0.00	\$5,148.25	\$10,305.1
2009 TAX YEAR	\$3,421.24	\$342.12	\$556.63	\$0.00	\$4,319.9
2008 TAX YEAR	\$9,830.34	\$942.11	\$3,402.68	\$0.00	\$14,175.1
2007 TAX YEAR	\$12,859.00	\$1,285.90	\$2,121.74	\$0.00	\$16,266.6
2006 TAX YEAR	\$9,938.50	\$693.86	\$3,428.79	\$0.00	\$14,061.1
2005 EXPIRED TAX SALE	\$19,091.44	\$0.00	\$0.00	\$0.00	\$19,091.4
2004 TAX YEAR AND PRIOR	\$9,372.15	\$0.00	\$802.44	\$326.50	\$10,501.0

**Current Balance** **\$73,330.17**

The outstanding amounts displayed here reflect payments and credits which have been applied to this account as well as some Homestead Audit charges; how for billing information contact OTR Customer Service at (202) 727-4TAX.  
 \* Tax Amount includes Pilot Fee, if applicable.  
 \*\* Interest Amount for tax year 2003 and prior, computed as of 1/31/05.  
 \*\*\* Fees Amount include the Income & Expense Non-Filer Fee, if applicable.  
 \*\*\*\* Credits are the result of adjustments made to real property tax accounts, credits from receiving a benefit, or overpayments in a prior period.

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## Property Detail - 3200 13TH ST SE

**SSL:5914 0007**

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Below is the most current billing information for the Special Assessment Tax on this property.

Levy Date	Tax Assessment	Control Number	Amount Balance
01/28/2013	SPECIAL ASSESSMENT	131740125	\$1,156.00

\*The outstanding amounts displayed here may not include updated penalty and interest.  
 \*For billing information contact DCRA Special Assessments at (202) 442-4475.

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## Property Detail - 3200 13TH ST SE

**SSL:5914 0007**

- [Account Summary](#)
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Below is the most current billing information for the Water & Sewer Authority Tax on this property.

Address	Amount Balance	Lien Date
3200 13th St SE	\$2,737.38	12/28/2010

\*The outstanding amounts displayed here may not include updated penalty and interest.  
 \*For billing information contact WASA Collections Office at (202) 354-3750.

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%%KEYLINE  
3200 THIRTEENTH ST, LLC  
Attn: UNIT 205  
2041 MARTIN LUTHER KING JR AVE  
WASHINGTON DC 20020-7024

*Below are instructions for individuals with limited English proficiency who need assistance.  
All others please turn to the next page for important information from the Office of Tax and Revenue.*



Language  
Assistance

Si necesita ayuda en Español, por favor llame al (202) 727-4829 para proporcionarle un intérprete de manera gratuita.

Nếu quý vị cần giúp đỡ về tiếng Việt, xin gọi (202) 727-4829 để chúng tôi thu xếp có thông dịch viên đến giúp quý vị miễn phí.

Si vous avez besoin d'aide en Français appelez-le (202) 727-4829 et l'assistance d'un interprète vous sera fournie gratuitement.

በአማርኛ አርዳታ ከረለጉ በ (202) 727-4829 ያደውሉ። የነፃ አስተርጓሚ ያመደብልዎታል።

한국어로 언어 지원이 필요하신 경우 (202) 727-4829 로 연락을 주시면 무료로 통역이 제공됩니다.

如果您需要用(中文)接受幫助，請電洽 (202) 727-4829 將免費向您提供口譯員服務。

Office of the Chief Financial Officer  
Office of Tax & Revenue  
Customer Service Administration  
1101 4th Street, SW Suite W210  
Washington, DC 20024





Government of the District of Columbia  
 Office of the Chief Financial Officer  
 Office of Tax and Revenue

1101 4th Street, SW  
 Washington, D.C. 20024

Notice Number: 5154255140923

Tax Year 2014 is October 1, 2013 thru September 30, 2014 Class 003

**REAL PROPERTY TAX BILL**

Square	Suffix	Lot	Property Address	Mrtg. No.	Assessment	Tax Rate/\$100	Annual Tax
5914		0007	3200 13TH ST SE		\$679,700	5.00	\$33,985.00
DESCRIPTION			TAX	PENALTY	INTEREST	PAYMENT	TOTAL
2014 Second Half			\$16,992.50				\$16,992.50
2014 First Half			\$16,992.50	\$1,699.25	\$2,039.10		\$20,730.85
Other Fees							\$1,657.25
2013			\$5,679.70	\$1,135.95	\$1,320.53		\$8,136.18
2012			\$5,679.70	\$567.98	\$2,385.47		\$8,633.15
2011			\$5,679.70	\$1,335.95	\$3,407.82		\$10,423.47
2010 Tax Sale			\$5,156.94	\$5,148.25		\$6,778.40	\$3,526.79
<b>Total</b>							<b>\$70,100.19</b>

**Additional Information** Taxpayer's Record See reverse side for important information

- To pay your tax in person, you must pay your tax bill at any Wells Fargo bank in Washington, D.C.
- 10.5% of your Tax Year 2014 Real Property Tax is used to pay the General Obligation Bonds debt service requirement.

If paid by: Oct 23, 2014	Amount due: \$70,100.19
If paid by: Nov 22, 2014	Amount due: \$73,074.58
If paid by: Dec 22, 2014	Amount due: \$73,839.95

If paid by: Jan 21, 2015	Amount due: \$74,605.31
If paid by: Feb 20, 2015	Amount due: \$75,370.66
If paid by: Mar 22, 2015	Amount due: \$75,626.26

PLEASE DETACH HERE AND RETURN THIS PORTION WITH YOUR PAYMENT

Square	Suffix	Lot	Property Address	Mrtg No.	Assessment	Tax Rate/\$100	Annual Tax
5914		0007	3200 13TH ST SE		\$679,700	5.00	\$33,985.00
3200 THIRTEENTH ST, LLC							

Notice Number: 5154255140923  
 Notice Date: September 23, 2014

DCN # 1 4 2 3 8 8 4 0 0

Amount Enclosed: \$

For Official Use Only:

OFFICE OF TAX AND REVENUE  
 REAL PROPERTY TAX ADMINISTRATION  
 P.O. BOX 98095  
 WASHINGTON, DC 20090-8095

<b>PAYMENT DUE BY:</b>	<b>Oct 23, 2014</b>
<b>AMOUNT DUE:</b>	<b>\$70,100.19</b>

8 5914 0007 142388400 0007010019



## TAX BILL INFORMATION

### PAYMENTS:

You must pay your real property tax bill by March 31 for the first half payment and by September 15 for the second half payment. If the due date is on a weekend or holiday, it is due the next business day.

Payments may be made in the following manner:

1. Pay online using our eCheck system at [www.taxpayerservicecenter.com](http://www.taxpayerservicecenter.com)
  - Click on the Real Property Tab and then click Online Bill Payment
  - You will need information from the front of this bill to make your payment
2. Pay by check payable to the "DC Treasurer"
  - To ensure your payment is recorded accurately, you must write your Square, Suffix and Lot number on your check or money order
  - Mail your check with the coupon at the bottom of this notice to Office of Tax and Revenue, P.O. Box 98095, Washington, DC 20090-8095
  - If paying for more than one property, you must include separate checks for each payment voucher
  - Please note that in addition to any fees charged by your bank, there is a \$65 penalty if your check is dishonored by your bank
3. Pay in person at any DC branch of the Wells Fargo Bank
  - Be sure to include the coupon at the bottom of this notice to ensure timely credit for your payment

### PENALTY AND INTEREST CHARGES:

If your real property tax is not paid in full by the due date, the DC law requires that the Office of Tax and Revenue impose a penalty equal to 10% of the delinquent tax as well as interest on the delinquent tax at the rate of 1.5% per month or any part thereof until the balance is paid in full.

### TAX SALE:

Properties delinquent in the payment of real property tax, BID tax, special or nuisance assessment, water bill or public space rental charge for one year may be subject to being sold at the tax sale in July of the year following the date of this bill. If your property becomes subject to tax sale, in addition to being advertised in the newspapers, you will be notified of the possibility of tax sale in a special notice. The notice will give you instructions on procedures to prevent the sale of your property.

### BILL QUESTIONS:

If you believe that your tax bill is incorrect:

- Verify that your property was assigned the proper class. For example, Class 1 is occupied-residential
- Verify that you are receiving the appropriate Homestead or Senior/Disabled Property Owner tax relief
- If you continue to believe your bill is incorrect, please send a detailed explanation of why you believe the bill is incorrect to the Office of Tax and Revenue, Real Property Tax Administration, P.O. Box 176, Washington, DC 20044
- NOTE: sending an explanation of the reason you believe a bill is incorrect DOES NOT extend the due date of your payment.

### APPLY FOR OR REPORT CHANGE IN HOMESTEAD, SENIOR/DISABLED TAX RELIEF

If you are not currently receiving but believe you are eligible for Homestead, Senior/Disabled tax relief, you may apply online following the instructions below. If you are currently receiving the Homestead and/or Senior/Disabled tax relief, but you are no longer domiciled in the District, or the property is no longer your principal place of residence, or if receiving Senior/Disabled tax relief and the total of your household's gross income exceeds \$125,000, you must notify us within 30 days of the change to cancel your tax relief. You can apply or report a change in the following manner:

- Visit our web site at [www.taxpayerservicecenter.com](http://www.taxpayerservicecenter.com)
- Click on the *Real Property* tab, click on the *Homestead Deduction* to select the applicable form

### ADDRESS CHANGE

Notify us of any change of your mailing address to continue receiving real property assessments, bills or other notices. You can change your address in the following manner:

- Obtain a change of address form online at [www.taxpayerservicecenter.com](http://www.taxpayerservicecenter.com)
  - Click on the *Tax Forms and Publications* tab, click on *Real Property Tax Forms and Publications*, and click on *Address Change*
  - Complete the form and mail to the address on the form or fax to the number indicated on the form
- While we do take steps to find better addresses if mail is returned, it is your responsibility to be sure we have your correct mailing address.

### MORTGAGE COMPANY INFORMATION

If there is a mortgage company message printed on the front of this bill, your mortgage company has requested to receive your tax bill. If you did not authorize your mortgage company to pay your tax bill or have other payment questions, contact your mortgage company.

### QUESTIONS?

Please contact our Customer Service Center at 202-727-4829



2014060271-1

Customer Service 202-354-3750

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY | 810 FIRST STREET, NE | FIRST FLOOR | WASHINGTON, DC 20002

**REHABILITATION OF CONVERTED REAL PROPERTY TAX LIEN FOR DELINQUENT WATER AND SEWER BILLS**

D.C. WATER AND SEWER AUTHORITY

vs.

3200 Thirteenth, LLC  
320 - 13th Street, SE  
Washington, DC 20032

Date: June 30, 2014  
Account No.: 0226073-5  
Service Address: 3200 - 13th Street, SE  
Square: 5914 Suffix: Lot: 0007

Et.  
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Re: **Converted Document No: 2013032474**  
Date: **Converted Date: March 19, 2013**

This Rehabilitation of Converted Real Property Tax Lien for Delinquent Water & Sewer Charges filed under the authority of and pursuant to Title 34, Chapter 24 of the District of Columbia Code, 2001 edition, as amended. The purpose of this rehabilitation is to give public notice that the conversion of the tax lien is withdrawn and the lien recorded on 1/19/11 as Document No. 2011007645 is reinstated and valid.

Accordingly, the Recorder of Deeds of the District of Columbia may record this Rehabilitated Converted Real Property Tax Lien.

Recommended By:

Manager of Collections  
Department of Customer Service,  
District of Columbia Water & Sewer Authority

Approved By:

Director  
Department of Customer Service,  
District of Columbia Water & Sewer Authority

Acknowledge By:

\_\_\_\_\_

Recorder of Deeds,  
Government of the District of Columbia

Doc #: 2014060271 Fees: \$0.00  
07/07/2014 11:26 AM Pages: 1  
Filed and Recorded in Official Records of  
WASH DC RECORDER OF DEEDS IDA WILLIAMS





Customer Service 202 354-3750

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY | 810 FIRST STREET, NE | SUITE 1100 | WASHINGTON, DC 20002

**CONVERTED REAL PROPERTY TAX LIEN FOR DELINQUENT WATER AND SEWER BILLS**

**D.C. WATER AND SEWER AUTHORITY**

vs.

3200 Thirteenth, LLC  
3200 - 13th Street, SE  
Washington, DC 20032

Date: March 18, 2013  
Square: 5914 Suffix: Lot: 0007  
Account No.: 0226073-5  
Service Address: 3200 - 13th Street, SE

This Certificate is filed under the authority of and pursuant to Title 34, Chapter 24, Section 34-2407.02 of the D.C. Code, 2001 Edition, as amended. The District of Columbia shall have a continuing lien for taxes against the property for unpaid water and sanitary sewer service charges, penalties, interest and administrative cost.

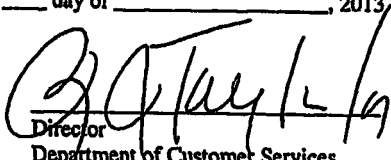
This Certificate, from the date of its filing, has the force and effect, as against the aforesaid delinquent party or parties, of a lien created by a judgment granted by the Superior Court of the District of Columbia. This lien, now being released to the Office of Tax and Revenue for the purpose of Tax Sale, remains in force and effect until all charges set forth below, together with penalties and interest thereon, shall be paid.

ROD Lien No.: 2011007645

Amount Due: \$1,273.44

This is to certify that the foregoing lien was filed with the Recorder of Deeds of the District of Columbia on the \_\_\_ day of \_\_\_\_\_, 2013.

By:

  
Director  
Department of Customer Services,  
DC Water & Sewer Authority



Doc# 2013032474 Fees:\$0.00  
03/19/2013 9:55AM Pages 1  
Filed & Recorded in Official Records of  
WASH DC RECORDER OF DEEDS IDA WILLIAMS

By:

\_\_\_\_\_  
Recorder of Deeds,  
Government of the District of Columbia

Placement Instrument No.

dcwater.com



DISTRICT OF COLUMBIA.



When Recorded Please Return to:

Donnette Cooper  
Assistant Attorney General  
Office of the Attorney General  
for the District of Columbia  
801 North Capitol Street, N.E., 7th Floor  
Washington, D.C. 20002

Federal Title & Escrow Company  
8335 Wisconsin Ave., N.W., #700  
Washington, D.C. 20015

080191

**DECLARATION OF COVENANTS  
AND RENT REGULATORY AGREEMENT**

This Declaration of Covenants and Rent Regulatory Agreement ("Declaration") is made this 31 day of July 2008, by 3200 Thirteenth Street, L.L.C., a District of Columbia limited liability company (the "Borrower" or "Declarant"), and the District of Columbia (the "District"), a municipal corporation acting by and through the D.C. Department of Housing and Community Development (the "Lender," "DHCD" or "Department").

**WITNESSETH:**

WHEREAS, the Department is administering and operating a Community Development Block Grant ("CDBG") Loan Program in accordance with 24 CFR Part 570 ("CDBG Regulations");

WHEREAS, the Department has agreed to loan NINE THUNDRED TWENTY THOUSAND ONE HUNDRED DOLLARS (\$920,100.00) (the "Loan") in CDBG funds ("Funds") to Declarant to be used to defray the costs of acquiring a 12 unit building located at 3200 13<sup>th</sup> Street, S.E., Washington, D.C. ("the "Property") as further described in Exhibit A attached hereto and made a part of this Agreement; and

WHEREAS, pursuant to the CDBG Regulations, Declarant hereby covenants to maintain the Project solely as a CDBG eligible activity that provides supervised independent living housing to foster adolescents and young adults who are wards of the District of Columbia a term of forty (40) years commencing on the date of issuance of the Certificate of Completion of Construction, or as long as the loan shall remain unpaid, whichever occurs later (the "Compliance Period"), regardless of transfer of ownership of the Property to Declarant's successors and assigns.

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**NOW THEREFORE, for and in consideration of the financial assistance provided by Department, and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Declarant covenants and agrees that:**

- 1. The aforementioned recitals are incorporated herein by reference and made a part hereof.**
- 2. During the Compliance Period the Property shall remain 100% affordable to extremely low income foster adolescents and young adults who are wards of the District of Columbia with incomes at 30% or less than the Area Median Income ("AMI") for the Washington Metropolitan Statistical Area as set forth in the periodic calculation provided by the United States Department of Housing and Urban Development. Throughout the term of the Compliance Period, Declarant shall comply fully with the following affordability requirements:**
  - (a) A total of Twelve (12) units in the Property shall be Reserved Units that shall be affordable to and rented exclusively to foster adolescents and young adults who are wards of the District of Columbia (extremely low income household) with incomes not exceeding Thirty Percent 30% of AMI. Units will be marketed to both male and female wards of the District of Columbia.**
  - (b) Not later than thirty (30) days after each anniversary of the commencement of the Compliance Period for the Project, Declarant shall certify in writing to the Beneficiary that, for the prior year, the Reserved Units have been rented exclusively as required in this Covenant.**
  - (c) The maximum allowable monthly rent for a Reserved Unit, including utilities, shall be thirty percent (30%) of one-twelfth (1/12<sup>th</sup>) of the annual top income limit for households not making in excess of Thirty Percent (30%) of the AMI. The Reserved Unit shall remain continuously affordable throughout the Affordability Period. This Covenant of continuous affordability shall be applicable to all owners of the Project or Reserved Units. For purposes of this Declaration, the term rent shall include all carrying charges paid according to any occupancy agreement entered into with members of the Borrower.**
- 3. The covenants contained herein shall run with the land, regardless of the term of any mortgage or the transfer of ownership of the Property.**
- 4. The covenants contained herein shall apply to Declarant and its successors and assigns, except for any purchaser or nominee at foreclosure or in the instance of a deed in lieu of foreclosure, given by the Declarant.**

5. The Declarant shall comply with the requirements of the CDBG program regulations as applicable to the Loan.
6. 3200 Thirteenth Street, L.L.C. appoints Zed A. Smith, attorney-in-fact for 3200 Thirteenth Street, L.L.C., for Declarant and in Declarant's name to execute, acknowledge and deliver this Declaration as Declarant's act and deed.
7. This Declaration of Covenants shall terminate at the end of forty (40) years, or as long as the loan shall remain unpaid, whichever occurs later, or in the event of foreclosure or a transfer of title by deed in lieu of foreclosure.
8. The covenants contained herein shall apply to the Declarant its successors, heirs, executors, administrators and assigns.
9. The District of Columbia has the right to specifically enforce the covenants contained herein.
10. The indebtedness evidenced by this Declaration of Covenants is secured by the Note, Financing Statement and the Deed of Trust, and reference is made thereto for rights as to acceleration of the indebtedness evidenced by the Deed of Trust. This Declaration of Covenants shall be governed by the laws of the District of Columbia, and if any provision of this Declaration of Covenants shall be held invalid, such invalidity shall not affect any other provision of this Loan.

[Remainder of page is left blank intentionally.]

IN WITNESS WHEREOF, 3200 Thirteenth Street, L.L.C., has on the day and year first hereinbefore written does hereby appoint Zed A. Smith, to be its attorney-in-fact, the same to acknowledge and deliver these presents as its act and deed by and on behalf of such limited liability company, in his capacity as the President of Urban Asset Management, Inc., Managing Member for Borrower.


WITNESS/ATTEST:

DECLARANT:

3200 Thirteenth Street, L.L.C., a District of Columbia limited liability company

By: 

By: Urban Asset Management, Inc., a Maryland corporation, and Managing Member

By:   
Zed A. Smith  
President

I HEREBY CERTIFY THAT the foregoing Declaration was executed and delivered pursuant to, and in strict conformity with the Operating Agreement, Articles of Organization and Borrowing Consent of 3200 Thirteenth Street, L.L.C.

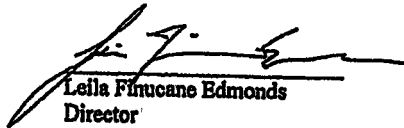
  
Name:  
Title:

**IN WITNESS WHEREOF**, the District of Columbia, acting by and through the Department of Housing and Community Development, does hereby appoint Leila Finucane Edmonds, Director, as its true and lawful attorney-in-fact to execute, acknowledge and deliver this Declaration of Covenants as the act and deed of said District of Columbia.

**WITNESS/ATTEST:**

**DISTRICT OF COLUMBIA, a  
municipal corporation, acting by and  
through the D.C. Department of  
Housing and Community  
Development**

  
Name:

  
Leila Finucane Edmonds  
Director



ACKNOWLEDGEMENT

District of Columbia, ss:

I, Helen H. Do, a Notary Public in and for the above jurisdiction, hereby certify that Zed A. Smith, attorney-in-fact for 3200 Thirteenth Street, L.L.C., in its capacity as the President of the Managing Member of 3200 Thirteenth Street, L.L.C. in the foregoing Declaration of Covenants bearing date the 21 day of July, 2008 personally appeared before me in said jurisdiction, and as said attorney-in-fact, acknowledged and delivered said Declaration of Covenants to be the act and deed of the Declarant.

Witness my hand and official seal this 21 day of July, 2008.

  
\_\_\_\_\_  
Notary Public

My Commission Expires

[Notarial Seal]

Helen H. Do  
Notary Public, District of Columbia  
My Commission Expires 8-14-2009



ACKNOWLEDGEMENT

District of Columbia, ss:

I, Shirley V. Hilliard, a Notary Public in and for the above jurisdiction, hereby certify that Leila Finucane Edmonds, Director, of the Department of Housing and Community Development in the foregoing Declaration of Covenants bearing date the 21<sup>st</sup> day of July 2008 personally appeared before me in said jurisdiction and, being personally well known to me as the person named as the Attorney-in-Fact for the said Department of Housing and Community Development, acknowledged said Declaration of Covenants to be the act and deed of the District of Columbia, and that he delivered the same as such.

Witness my hand and official seal this 21<sup>st</sup> day of July 2008.

[SEAL]



My Commission Expires - 6/30/2009

[Notarial Seal]

Shirley V. Hilliard  
Notary Public

**Exhibit "A"**

**Legal Description**

**Lot numbered 7 in Square numbered 5914 in the subdivision made by Francis D. Deremer of part of the tract of land called 'RIDGE' as per plat recorded in the Office of the Surveyor for the District of Columbia in Liber 134 at Folio 61.**

**Doc# 200805132 Fee:\$88.50  
08/09/2008 8:45AM Page 8  
Filed & Recorded in Official Records of  
WASH DC RECORDER OF DEEDS LARRY TODD**

<b>RECORDING</b>	<b>\$</b>	<b>82.00</b>
<b>SURCHARGE</b>	<b>\$</b>	<b>6.50</b>

Federal Title & Finance Company  
 5305 Wisconsin Ave., N.W., #700  
 Washington, D.C. 20015

080191

**UCC FINANCING STATEMENT**

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

A. NAME & PHONE OF CONTACT AT FILER (optional)  
 Donnette A. Cooper, Esq.

B. SEND ACKNOWLEDGMENT TO: (Name and Address)

Office of the Attorney General  
 For the District of Columbia  
 801 N. Capitol Street, N.E., 7th Floor  
 Washington, D.C. 20002



THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

**1. DEBTOR'S EXACT FULL LEGAL NAME** - insert only one debtor name (1a or 1b) - do not abbreviate or combine names

1a. ORGANIZATION'S NAME  
 3200 Thirteenth Street, L.L.C.

OR 1b. INDIVIDUAL'S LAST NAME FIRST NAME MIDDLE NAME SUFFIX

1c. MAILING ADDRESS CITY STATE POSTAL CODE COUNTRY  
 4645 Nannie Helen Burroughs, N.E. Washington DC 20019 USA

1d. TAX ID #: SSN OR EIN ADDL INFO OR ORGANIZATION IDENTIF. 1e. TYPE OF ORGANIZATION 1f. JURISDICTION OF ORGANIZATION 1g. ORGANIZATIONAL ID #, if any  
 25-0659657 ORGANIZATION IDENTIF. LLC District of Columbia N/A  NONE

**2. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME** - insert only one debtor name (2a or 2b) - do not abbreviate or combine names

2a. ORGANIZATION'S NAME

OR 2b. INDIVIDUAL'S LAST NAME FIRST NAME MIDDLE NAME SUFFIX

2c. MAILING ADDRESS CITY STATE POSTAL CODE COUNTRY

2d. TAX ID #: SSN OR EIN ADDL INFO OR ORGANIZATION IDENTIF. 2e. TYPE OF ORGANIZATION 2f. JURISDICTION OF ORGANIZATION 2g. ORGANIZATIONAL ID #, if any  
 NONE

**3. SECURED PARTY'S NAME** (or NAME OF TOTAL ASSIGNOR or ASSIGNOR SP) - insert only one secured party name (3a or 3b)

3a. ORGANIZATION'S NAME  
 D.C. Department of Housing and Community Development

OR 3b. INDIVIDUAL'S LAST NAME FIRST NAME MIDDLE NAME SUFFIX

3c. MAILING ADDRESS CITY STATE POSTAL CODE COUNTRY  
 801 North Capitol Street, N.E. Washington DC 20002 USA

4. This FINANCING STATEMENT covers the following collateral:

See Attachment A



5. ALTERNATIVE DESIGNATION (if applicable):  LESSOR/LESSOR  COBLENDEE/COBLENDEE  SALES/SALOR  SELLER/BUYER  AG. LIEN  NON-UCC FILING  
 6.  This FINANCING STATEMENT is also used for record (for recording in the PUBLIC RECORDS)  Check to REQUIRE SEARCH REPORT (15 on Debtor(s))  
 7. OPTIONAL FILER REFERENCE DATA:  ALL Debtors  Debtor 1  Debtor 2

FILING OFFICE COPY - NATIONAL UCC FINANCING STATEMENT (FORM UCC1) (REV. 07/28/88)

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**Attachment A**

**This Financing Statement Covers:**

- (a) All of the Debtor's right, title, interest, estate, claim and demand, either at law or in equity, in and to all equipment, machinery, building materials, furniture, fixtures, architectural and engineering plans and articles of personal property of every kind and nature whatsoever as are now or hereafter located in or upon, contained in or upon, attached to or used or usable in connection with any present or future operation on that certain parcel of land (and any and all improvements thereon, whether now existing or hereafter constructed) located in the District of Columbia, and described in that certain deed of Trust of even date herewith from Debtor to Dena C. Reed, Trustee, with such parcel of land being more particularly described in Exhibit A attached hereto and made a part hereof by reference ("Premises"); and
- (b) All earnings, revenues, rents, issues, profits and other income of and from the Premises and the aforesaid collateral, including, but not limited to, all accounts receivable in respect of any and all leases or contracts of sale executed by the Debtor for the Premises, or any part or parcel thereof, whether said accounts receivable are currently in existence or are hereafter created, together with all of the proceeds thereof

**Exhibit A**

**Legal Description**

**BEING KNOWN AND DESIGNATED as Lot No. 7, in Square 5914 in a subdivision made by Francis D. Deremer of part of the tract of land called "Ridge", as per plat recorded in the Office of the Surveyor for the District of Columbia in Liber 134 at folio 61. The improvements thereon being known as 3200 13<sup>th</sup> Street South East.**

**Doc# 2000005133 Fees:\$33.50  
08/08/2008 8:45AM Pages 3  
Filed & Recorded in Official Records of  
WASH DC RECORDER OF DEEDS LARRY TODD**

<b>RECORDING</b>	<b>\$</b>	<b>27.00</b>
<b>SURCHARGE</b>	<b>\$</b>	<b>6.50</b>



LT1-5-2008085130-1



LT2-0-0-1

Mail To:  
Federal Title & Escrow Company  
5335 Wisconsin Ave., NW, #700  
Washington, DC 20015

080191

**DEED**

THIS DEED is made on the 31<sup>st</sup> day of July, 2008, by and between Kelvin Elmore, Sole owner, party of the first part, and 3200 Thirteenth Street, LLC, party of the second part:

WITNESSETH, that in consideration of Ten and no/100 Dollars (\$10.00) and other good and valuable consideration, the said party of the first part does hereby grant and convey unto 3200 Thirteenth Street, LLC, party of the second part, his heirs, successors and assigns, in fee simple as all that piece or parcel of land situate, lying and being in the District of Columbia described as follows to wit:

Lot numbered 7 in Square numbered 5914 in the subdivision made by Francis D. Deremer of part of the tract of land called 'RIDGE' as per plat recorded in the Office of the Surveyor for the District of Columbia in Liber 134 at Folio 61.

AND the said party of the first part covenants that he will *warrant specially* the property hereby conveyed; and that he will execute such further assurances of said land as may be requisite.

WITNESS his hand and seal the day and year hereinbefore written.

Kelvin J. Elmore

Doc# 2008085130 Fees: \$28125.48  
08/08/2008 8:45AM Page 1  
Filed & Recorded in Official Records of  
WASH DC RECORDER OF DEEDS LARRY TODD

DISTRICT OF COLUMBIA, ss:

I, the undersigned, a Notary Public in and for the jurisdiction aforesaid, do hereby certify that Kelvin J. Elmore, known to me as the person(s) who executed the foregoing Deed bearing date on the 31 day of July, 2008, personally appeared before me in said jurisdiction and acknowledged the same to be his act and deed.

Given under my hand and seal this 31 day of July, 2008

Notary Public

My Commission Expires:                       
Helen H. Do  
Notary Public, District of Columbia  
My Commission Expires 8-14-2009

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RECORDING SURCHARGE  
RECORDATION TAX FEE  
TRANSFER TAX FEE  
20.00  
8.50  
13,048.88  
13,048.88