



OFFICE OF  
NEIGHBORHOOD SERVICES  
CODE ENFORCEMENT  
808 W. SPOKANE FALLS BLVD.  
SPOKANE, WASHINGTON 99201-3343  
509.625.6083  
FAX 509.625.6802  
spokaneneighborhoods.org

April 17, 2018

**ORDER OF BUILDING OFFICIAL  
CERTIFIED MAIL**

Daniel J Degenstein  
2719 N Bessie Rd  
Spokane WA 99212

Occupant  
1428 E Olympic  
Spokane WA 99207

MTGLQ Investors LP  
200 West Street  
New York NY 10282

Shellpoint Mortgage Servicing  
55 Beattie Place, Suite 500, MS-501  
Greenville SC 29601

**RE: BUILDING OFFICIAL'S HEARING ON COMPLAINT OF A SUBSTANDARD AND  
ABANDONED HOUSE AND GARAGE AT 1428 E OLYMPIC, SPOKANE, WASHINGTON  
PARCEL NO: 36333.3420  
LEGAL DESCRIPTION: LIDGERWOOD PK 2 L7 B22  
E1800326BLDG**

On April 10, 2018, a hearing was held before me as Building Official for the City of Spokane, regarding the substandard and abandoned house and garage at 1428 E Olympic, City of Spokane, County of Spokane, State of Washington. The hearing was held in accordance with Section 17F.070.440 of the Spokane Municipal Code.

At the hearing, evidence of ownership and condition of this property was presented by the Spokane Code Enforcement Department.

After careful review and deliberation on the above I concluded as follows:

**REPORT SUMMARY**

At the April 10, 2018 hearing, staff reported that on February 27 and 28, 2018, as well as March 1, 2018, while attempting to coordinate an enforcement of the Building Official's Do Not Occupy orders, staff was in contact with representatives of Mortgage Contracting Services, the property preservation company. MCS provided photos showing a crew securing the house and Bob Peeler with SNAP provided additional information from his site visit for outreach, that the house was secure. Peeler stated that the garage remained open but was not being used for shelter. Staff provided an update to MCS that the garage remained open and confirmed conditions of the property with a re-inspection on March 28, 2018. MCS responded and stated that they were advised by the bank that they were no longer going to be conducting preservation work at this time due to the loan being made current. The property remains registered as a foreclosure and there has been no contact from the listed owner to date.

Staff reported that on April 4, 2018, staff conducted a site visit of the property. The house remained secure. There is a large amount of signage and notices posted to the front door. Siding and trim is weathered on the house and one section of soffit is separating. Multiple house windows are boarded. The garage has heavily weathered siding and trim and the garage vehicle door is open. There remains to be no evidence of occupancy in the garage, but the structure has still not been secured by property preservation, who stated that they would not be conducting any preservation activity at the property.

The meter is capped and has a red tag so power is off. Water is off; there are no active permits on file. No property representatives attended the April 10, 2018 hearing or provided testimony regarding the property.

### FINDINGS

In conclusion the building is found to be substandard as defined by Section 17F.070.400 of the Spokane Municipal Code, due to:

- A. Dilapidation: exterior decay, water damage. Findings: There is a section of broken and hanging soffit on the house and the garage is heavily weathered.
- C. Unsanitary conditions: waste accumulation, health hazards. Findings: Code Enforcement reports that there is solid waste, debris, carts, and tires throughout the lot.
- D. Defective/inoperable plumbing. Findings: Water has been off since April 14, 2016; therefore there is no water for sanitation.
- E. Inadequate weatherproofing: siding, roofing, glazing. Code Enforcement photos show peeling paint and weathered siding on the garage. Trim on the house is weathered and there are broken, boarded, and open windows. All of this allows weather to penetrate the structure.
- F. No activated utility service for one year. Findings: Water has been off since April 14, 2016.
- G. Inoperable or inadequate heating system. Code Enforcement reports that the power is off and that the meter is missing; therefore there is no power to operate a heating system. Complainant states that smoke was seen coming from the garage chimney indicating that there may be warming fires in the garage.
- L. Defects increasing the hazards of fire, accident or other calamity. Findings: The house and garage appear to be abandoned due to the noted conditions. The house is registered as a foreclosure with the City of Spokane Foreclosure Registry. Complainant states that the house has been vacant for around 7 years and that the house and garage are being occupied by unauthorized occupants. Code Enforcement reports that the house has open windows, that the house is unsecure and that there is evidence of trespassing. A follow up re-inspection on February 28, 2018 found that the house had been secured but the garage vehicle door remained open. The property does not have active power or water. All these defects increase the hazards of fire, accident or other calamity in the house and garage.

The building is also found to be abandoned as defined by Section 17F.070.030 of the Spokane Municipal Code due to:

- Giving indications that no one is presently in possession, such as by disconnection of utilities, disrepair and other circumstances.

### BUILDING OFFICIAL'S ORDER

1. **Order to provide a written rehabilitation plan:** You are hereby ordered to submit a rehabilitation plan for the house to address all substandard conditions known and unknown as well as any other condition that will be required to make the house habitable again. The plan must include a detailed plan for re-securing the house when needed, addressing graffiti and illegal dumping, and removing transients when necessary. The rehabilitation plan must provide a time line, costs, and estimates from professional tradesmen or contractors and indicate your financial ability to carry out the program. Demolition is an alternative rehabilitation plan when accompanied with a signed contract and time line. You must acquire all necessary permits for the rehabilitation including structural, electrical, mechanical, and plumbing. A standard rehabilitation plan is enclosed for your information.
2. **Order to assess annual hearing process fee:** The annual hearing processing fee of \$1,500.00 is being assessed per authority of Spokane Municipal Code 8.02.067. This fee is assessed to the land owner where the substandard or unfit building is located for all costs and expenses incurred by the City in administration of and enforcement of this code. A new fee will be assessed at the beginning of each twelve month period that the building remains substandard, unfit or abandoned as determined by the Building Official. The annual hearing process fee is a lien under SMC 17F.070.500 and filed with the Spokane County Treasurer.

Up to five hundred dollars of the annual fee may be refunded if the property is repaired and removed from the building official process within one year from the first hearing. The building official or his designee is authorized to officially remove a property from the building official process and authorize the refund, or release of a lien, of a portion of the fee.

3. **Do Not Assess annual monitoring fee:** This property has been registered as in foreclosure and the registration fee paid. Therefore the Building Official monitoring fee will not be assessed.
4. **Order to keep secure:** You are hereby ordered to keep the building secure when not undergoing rehabilitation or investigation. The property owner or their contractor may enter to make repairs.
5. **Do not occupy:** Order is in effect until substandard conditions have been alleviated.
6. **Further instructions:** Staff is directed to secure the open garage. Obtain permits where required prior to beginning such work and call for inspections. We will monitor your progress. This matter will be reviewed on **October 9, 2018 at 1:30 p.m., in the Council Briefing Center, Lower Level, Spokane City Hall, 808 W. Spokane Falls Blvd., Spokane, WA.**  
Note: the City has implemented new security procedures. You must enter the building on the Post Street side and stop at the front desk for a temporary ID badge.

**ASBESTOS** *An asbestos inspection is required, per State Law, before authorizing or allowing any construction, renovation, remodeling, maintenance, repair or demolition. The inspection results are required to be documented by written report, maintained on file and made available upon request to the Director, Washington State, Department of Labor and Industries (WAC 296-62-07721). For detailed information contact Spokane Regional Clean Air Agency at (509) 477-4727.*

#### NOTICE OF RIGHT TO APPEAL

You have the right to appeal the decision of the Building Official to the City Hearing Examiner within 30 days from the date of this letter. Appeal forms are available by contacting the Office of Neighborhood Services and Code Enforcement Department @ 625-6083. Pursuant to Spokane Municipal Code 08.02.087 an appeal fee of \$ 250 must accompany a completed appeal form. THE DATE OF THE LAST DAY TO APPEAL IS MAY 17<sup>th</sup> 2018 AT 4:30 pm.

If you have any questions please call Jason Ruffing at (509) 625-6529.

SO ORDERED



Dermott Murphy, Deputy Building Official

DM:JR:mh\ **CERTIFIED**  
Daniel J Degenstein 91 7199 9991 7038 2856 0083  
Occupant 91 7199 9991 7038 2856 0076  
MTGLQ Investors LP 91 7199 9991 7038 2856 0069  
Shellpoint Mortgage Servicing 91 7199 9991 7038 2856 0052

Enclosure: Rehabilitation Plan  
PC: D. Murphy, Deputy Building Official  
EMAIL: [Jordyn.Le@mcs360.com](mailto:Jordyn.Le@mcs360.com)  
[propertypreservation@shellpointmtg.com](mailto:propertypreservation@shellpointmtg.com)