

Eric S. Rothermel
Attorney I.D. No. 307903
MAY HERR & GROSH LLP
49 N. Duke Street
Lancaster, PA 17602
Telephone: (717) 397-5500
Email: esr@mhglawfirm.com

ATTORNEYS FOR APPELLANT

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

MELODY INVESTMENTS LIMITED

v.

CITY OF LANCASTER, PENNSYLVANIA
BUILDING CODE BOARD OF APPEALS

No. CI-24-

24-00780

STATUTORY APPEAL

ENTERED AND FILED
2024 FEB -1 PM 12:37
PROthonARY'S OFFICE
LANCASTER, PA

NOTICE OF APPEAL

1. Appellant is Melody Investments Limited, a foreign entity with a mailing address of PO Box 40862, Denver, Colorado 80204.
2. The City of Lancaster, Pennsylvania Building Code Board of Appeals is the governing body which rendered the decision subject to this appeal, having an address of 120 N. Duke Street, Lancaster, PA 17602. The local agency was represented at the hearing by Melvin E. Newcomer, Esq.
3. Appellant is the record owner of the real estate, together with improvements thereon, located at 134 E. Chestnut Street, Lancaster, PA 17602 (the "Premises").
4. This is an appeal of an enforcement notice issued by John Lefever, Bureau Chief of Building Codes for the City of Lancaster with respect to the Premises. The chronology of the matter is as follows:

2/1/24 \$186. HTR check # 4388 R# 175723

(i) Mr. Lefever issued a written enforcement notice on November 21, 2023, a true and accurate copy of such notice is incorporated by reference herein and attached hereto as Exhibit “A”;

(ii) Appellant filed a timely Application for Building Code Appeal on November 30, 2023, a true and accurate copy of such appeal is incorporated by reference herein and attached hereto as Exhibit “B”.

(iii) There was one hearing held by the Building Code Board of Appeals on Thursday, December 28, 2023.

(iv) There was a written decision by the Building Code Board of Appeals dated as of January 3, 2024, but this written decision was never served upon the parties or their counsel according to law. Accordingly, under 43 Pa. Code 403.122 and 2 Pa.C.S.A. § 555, there was a deemed approval as of January 5, 2024 for the Building Code Board of Appeals’ failure to provide notice of its decision in accordance with law. To the extent that there is no deemed approval, then this appeal simultaneously preserves any appeal rights of the Appellant herein. A true and accurate copy of the written decision of the Board is incorporated by reference herein and attached hereto as Exhibit “C”.

5. A court reporter was present at the hearing, and Appellant hereby certifies that it has ordered a transcript of the proceedings and has made satisfactory arrangements with the court reporter for payment.

6. The purpose for which the appeal of the enforcement notice was taken is identified in the November 30, 2023 Application (i.e. Exhibit “A”), along with the reasons identified on the transcript.

7. Appellant is the legal record owner of the Premises, has a direct interest in such adjudication, and, therefore, has standing to pursue this appeal.

8. Due to the above-referenced legal and procedural errors with the written notice, Appellant believes that it is entitled to have it declared to have obtained a deemed approval for the Building Code Board of Appeals' failure to serve notice of its decision in accordance with law.

9. However, if Appellant does not possess a deemed approval, then it simultaneously preserves its appeal issues as there were significant legal and procedural issues in the proceedings otherwise warranting judicial relief.

10. Firstly, the existence of the Building Code Board of Appeals is authorized by Section 501 of the Pennsylvania Construction Code Act, 35 P.S. § 7210.501 and the implementing regulations in 34 Pa. Code § 403.121. Those laws establish the requirements for any board of appeals, including who is a qualified member of a board.

11. The general rule is that any member must be a resident of the municipality in which the board sits and possess certain qualifications with building codes. If the municipality cannot find qualified residents to fill the positions, then and only then may the municipality appoint members who do not reside in the municipality to the board.

12. The City of Lancaster established its Building Code Board of Appeals pursuant to Section 116-5 of its ordinances. Section 116-5 requires the Board to be comprised of 7 members and that 5 persons constitute a quorum, but that such members need only be residents of, or have their principal place of business, in Lancaster County. There is no requirement to be a resident of the municipality.

13. Moreover, the Ordinance requires that one of the members of the Board be the Chief of the City Fire Bureau. This person is not required to reside in Lancaster City. And,

indeed, the current Chief of the City Fire Bureau (who was not present at the December 28, 2023 hearing) does not reside in Lancaster City. Consequently, the Ordinance specifically contemplates members who patently violate the requirements of the State statute and regulations for board composition.

14. Indeed, out of the 4 members who were initially present, and the 5th member who arrived late to the December 28, 2023 adjudication (to be detailed more, *infra*), only one of the members is actually a resident of the City of Lancaster.

15. As such, the Board's very existence violates the law, it had no authority to act, and any purported action by it is null and void.

16. Second, there were aberrations with the meeting under the Sunshine Act. There was improper advertisement under the Sunshine Act as the Act required the Building Code Board of Appeals to publish notice, but it did not. Rather, the City (i.e. the adverse party in this action) instead published notice.

17. There was an additional violation of the Sunshine Act at the December 28, 2023 hearing as the hearing was scheduled to begin at 3:00. However, at 3:00, the Board did not possess a quorum to act, engaged in a vote without a quorum to delay the proceeding, and then delayed the proceeding until a quorum could be present. The Board intentionally engaged in official action without a quorum in violation of the Sunshine Act.

18. The violations of the Sunshine Act should result in a ruling in favor of Appellant, along with other penalties as authorized by the Sunshine Act.

19. Thirdly, the adjudication is in violation of the constitutional rights of the Appellant as he appealed a notice dated November 21, 2023, but the City and the Board relied on evidence of a prior constitutionally defective notice from November 10, 2023 to dismiss the appeal.

20. Moreover, the City introduced, and the Board relied upon, allegations that the Premises did not have valid permits for the Premises. However, there had never been any previous notice to Appellant, whether through a formal enforcement notice or otherwise, concerning the allegations that a portion of the Premises did not contain proper permits. The December 28th adjudication was solely to address what was identified in the City's November 21, 2023 enforcement notice. Making those findings without providing Appellant due process of law to combat the City's allegations and assert any affirmation defenses it may have with respect to such alleged violations violates Appellant's constitutional and other legal rights.

21. Fourthly, as mentioned above, the Board violated 2 Pa.C.S.A. § 555 by failing to provide proper notice of the written decision. In conjunction with 34 Pa. Code § 403.121, there is a deemed approval of Appellant's November 30, 2023 appeal.

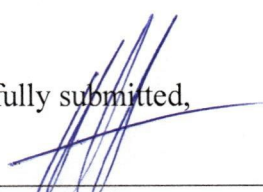
22. Fifthly, the findings of fact (# 5-8, 13, 15-18) of the Board are not supported by substantial evidence, thereby requiring a reversal of the January 3, 2024 decision.

23. Sixthly, that the Board committed errors of law in its interpretation and application of the Uniform Construction Code, International Residential Code, and other applicable laws, thereby requiring a reversal of the January 3, 2024 decision.

WHEREFORE, Appellant respectfully requests this Honorable Court to enter an Order confirming that: (i) Melody Investments Limited has a deemed approval of its November 30, 2023 appeal; (ii) that the City of Lancaster Building Code Board of Appeals is an entity that does not exist under the requirements of the Uniform Construction Code Act and had no authority to act, thereby resulting in a deemed approval of Appellant's November 30, 2023 appeal; (iii) that the violations of the Sunshine Act preclude the taking of official business, thereby rendering the adjudication void, and resulting in a deemed approval of Appellant's November 30, 2023 appeal;

(iv) that the constitutional rights of Appellant were violated justifying a reversal of the January 3, 2023 decision; (v) that the findings of fact of the Board were not supported by substantial evidence resulting in a reversal of the January 3, 2023 decision, and/or; (vi) that the Board committed errors of law in its interpretation and applicable of applicable laws justifying a reversal of the January 3, 2023 decision, together with any other relief this Court deems just and proper, including opening the record for supplementation of evidence, remanding back to the Board of Appeals, and every other remedy authorized by law and equity.

Respectfully submitted,

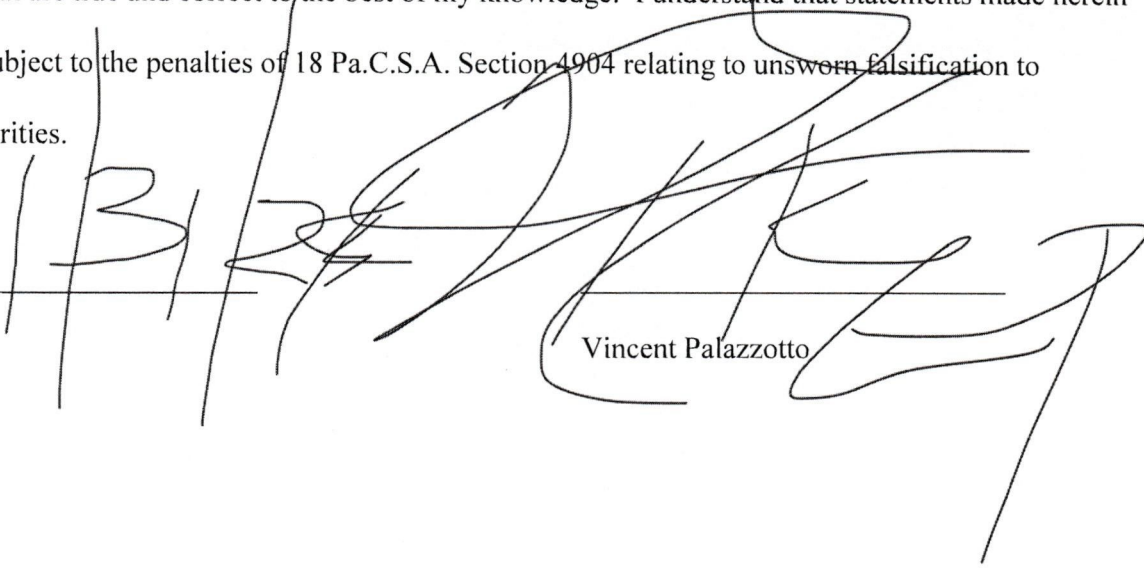


Eric S. Rothermel
May Herr & Grosh, LLP
49 N. Duke Street
Lancaster, PA 17602
Attorney ID No. 307903
(717) 765-7880
esr@mhglawfirm.com

VERIFICATION

I verify that I am authorized to make this Verification on behalf of Melody Investments Limited as its principal and owner. I verify that the statements made in the foregoing Notice of Appeal are true and correct to the best of my knowledge. I understand that statements made herein are subject to the penalties of 18 Pa.C.S.A. Section 4904 relating to unsworn falsification to authorities.

Date: _____



Vincent Palazzotto

EXHIBIT “A”



CITY OF LANCASTER

DEPARTMENT OF COMMUNITY PLANNING & ECONOMIC DEVELOPMENT

Bureau of Building Code Administration

120 North Duke St.

P.O. Box 1599

Lancaster, PA 17608

Phone: (717) 291-4724

November 21, 2023

Sent Via First Class Mail, Certified Mail, and Email

Melody Investments Limited

P.O. Box 40862

Denver, CO 80204

vincent@melodyinvestments.com

NOTICE OF UNSAFE BUILDING AND ORDER TO VACATE

Property Location: *Rear Building, First Floor Dwelling Unit*, 134 East Chestnut Street, Lancaster, PA 17602 (Parcel ID #332-67123-0-0000)

CODE REFERENCE:

- LANCASTER CITY CODE, Chapter 116
- PA UNIFORM CONSTRUCTION CODE
- 2018 INTERNATIONAL RESIDENTIAL CODE

Notice of Unsafe Building:

The sleeping areas for the 1st floor dwelling unit do not have the required *Emergency Escape and Rescue Opening* required by the International Residential Code. *Emergency Escape and Rescue Openings* must be located on the exterior of the building so that rescue can be performed from the exterior and so that occupants may escape through that opening to the exterior of the building without having to travel through the building itself. Failure to provide the *Emergency Escape and Rescue Opening within the sleeping areas* created an unsafe condition as well as danger to human life in the event of a fire. *34 Pa. Code § 403.84(a) & IRC 2018 R310.1.*

Order to Vacate:

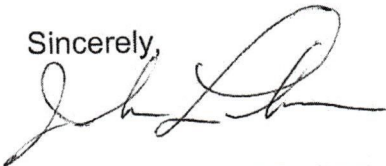
The 1st floor dwelling unit located within the rear building located at 134 East Chestnut Street is hereby ordered to be vacated due to the unsafe condition indicated above. *34 Pa. Code § 403.84(b).*

Method of Abatement:

1. Submit construction documents accompanied with a completed City of Lancaster residential building permit application to the City of Lancaster's Bureau of Building Code Administration for review and approval for the *Emergency Escape and Rescue Opening* located in the rear building on the 1st floor.
2. Receive permit approval from the City of Lancaster's Bureau of Building Code Administration.
3. Perform work in accordance with the permit and applicable codes.
4. As required by the permit(s) and/or codes, have work inspected and approved by the City of Lancaster's Bureau of Building Code Administration.
5. Obtain a Certificate of Occupancy issued by the City of Lancaster's Bureau of Building Code Administration.

You have the right to file an appeal with the UCC Board of Appeals for the City of Lancaster, PA regarding the UCC violations indicated above. There is a \$300.00 fee to file. You have 10 business days from the date of this Notice to file an appeal. The fee and a request in letter form shall be addressed to the City of Lancaster's Chief Building Code Official, 120 North Duke Street, PO Box 1599, Lancaster, PA 17608-1599 (UCC Ref: 403.122).

Sincerely,



John Lefever, BCO, MCP
Bureau Chief of Building Codes
717-735-0292
jlefever@cityoflanasterpa.gov

cc: Via Certified Mail, First Class Mail and Electronic Mail
Adrian Tehuitzill, Registered Agent
133 E. Marion Street
Lancaster, PA 17602
Adriansedanoperez@gmail.com

EXHIBIT “B”



NOV 30 2023 10:25

CITY OF LANCASTER

APPLICATION FOR BUILDING CODE APPEAL

2023 10:25

To: The Building Code Board of Appeals of the City of Lancaster:

I/We, Eric S. Rothermel the undersigned, hereby make appeal to the Building Code Board of Appeals, this 30th day of November concerning a variance or extension of time or regarding a decision of the code official regarding my project at:

Real Building, First Floor Dwelling Unit, 134 East Chestnut
Street, Lancaster, PA 17602 (Parcel ID # 332-67123-0-0000)

§403.122 Application for Appeal. Any person directly affected by a decision of the code official, or a notice or order issued under the UCC or adopted city ordinance regarding construction codes shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed with the Building Code Official. An application for appeal shall be based on (§501(c)(2) of the act) a claim that:

- ☐ I am requesting that the Board grant an extension of time to complete this project or correct noted deficiencies. The permit No. is: _____.
- ☒ The true intent of the Act or regulations, the provisions of the act have been incorrectly interpreted.
- ☒ The Provisions of the Act Do Not Fully Apply.
- ☐ An equivalent form of construction is to be used.
- ☐ A variance to a code requirement is requested.

Please Note: Applicant shall submit at time of application, a detailed narrative for the basis of appeal accompanied with construction documents, drawings, and applicable manufacture equipment specifications and installation requirements.

Please be advised of the following ordinance language:

§ 116 of the City Code, Section K

The fee for filing an Appeal is \$300.00 and must accompany this written Appeal Form. Other costs such as a court reporter attorney fees etc...are subject to being paid by the appellant if the Board rules in favor of the city.

Article IV, Chapter 36 of the City Code – Claims, Municipal. §36-10 Award of attorney Fees and court cost to City.

In any proceeding by the City to enforce any of its ordinances, whether before a Magisterial District Judge, in a Court of Common Pleas, or in any other court or body of competent jurisdiction, including appeals boards and bodies of arbitration, upon a conviction of the defendant, upon a guilty plea, or upon finding in favor of the City of Lancaster, the court or other adjudicatory body shall award the City its reasonable attorney fees and court costs actually occurred in pursuing or prosecuting the matter.

Appellant Signature:  agent for Melody Investments Limited

Address: May, Herr, and Grosh, LLP, 49 N Duke St, Lancaster, PA 17602

Phone number: (717) 765-7880 (direct)

E-mail address: esr@mhylawfirm.com

Pursuant to 34 Pa Code § 403.122(h), a hearing is requested on this appeal.

SEE ADDITIONAL INFO ATTACHED

CITY OF LANCASTER
APPLICATION FOR BUILDING CODE APPEAL
APPEAL OF MELODY INVESTMENTS LIMITED
134 E. CHESTNUT STREET, LANCASTER, PA

The basis for the appeal is identified on the check boxes on the form: The true intent of the Act or regulations, the provisions of the act have been incorrectly interpreted and/or The Provisions of the Act Do Not Fully Apply.

By way of further explanation, the November 21, 2023 Notice of Unsafe Building, the document clearly states that the alleged violation pertains to “[t]he sleeping areas for the 1st floor dwelling unit do not have the required Emergency Escape and Rescue Openings...” The Notice cites 34 Pa. Code § 403.84(a) and International Residential Code 2018 R310.1 as the basis for the violation.

IRC R310.1 does not use the term “sleeping area”. In fact, no provision of the IRC uses the term “sleeping area”. Appellant challenges how the City can find that his “sleeping areas” were unsafe and cite to a specific provision of the IRC, when that term does not actually appear in that Section, let alone at all in the Act or the 2018 IRC. The failure to notify the owner of the actual reason of the alleged violation results in the Notice being constitutionally and/or legally defective. It deprives the Appellant of his due process rights to have adequate notice of what is being alleged against him. Independently, it also demonstrates how the true intent of the Act or regulations and/or the act has been incorrectly interpreted since the City cannot even seem to determine what the actual violation is under the IRC or any applicable law.

Moreover, this notice is dated November 21, 2023. The City first attempted to post a Notice on Veteran’s Day, November 10, 2023. That November 10, 2023 Notice failed to correctly identify the agency or department that was allegedly taking the action pursuant to the Notice, failed to identify any violations under any law or code, failed to indicate a right to appeal, failed to indicate what was requested to abate, etc. In every aspect the notice was legally and constitutionally defective.

There is nothing in the November 21, 2023 notice to suggest that the alleged violation of the “sleeping areas” existed at or near the time of the Notice. Rather, after the undersigned notified the City of its previous unconstitutional attempt to post notice for this structure on November 10, 2023, the City did nothing for over a week. And in between the original constitutionally defective notice of November 10, 2023, and this notice, the City did nothing to see if any alleged violations of “sleeping areas” still existed. It did not contact the property owner for an inspection, it did not contact its counsel. Nothing.

Rather, the City chose to post another notice in retaliation of the owner exercising his rights and notifying the City that it did not intend to abide by its constitutionally defective November 10th notice, and two days prior to Thanksgiving evicted a family from their home pursuant to a standard that doesn’t exist in the Code they allege to have been violated.

Lastly, even if the vague language in the November 21, 2023 Notice is not constitutionally or legally defective, then the actual term used in the IRC R310.1 (i.e. a “sleeping room”) does not apply to the alleged “sleeping area” in question. And all actual sleeping rooms located in the dwelling unit have Emergency Escape and Rescue Openings which comply with all applicable requirements of the IRC, and all other applicable codes or laws.

MAY, HERR & GROSH, LLP
49 NORTH DUKE STREET
LANCASTER, PENNSYLVANIA 17602

FULTON BANK, NA
60-142/313

4159

PAY

TO THE

ORDER

OF:

City of Lancaster, PA
39 W Chestnut St
PO Box 1020
Lancaster PA 17608-1020

DATE

11/30/2023

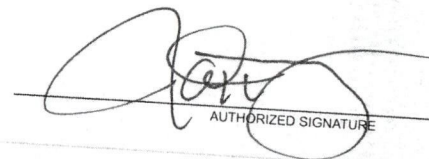
CHECK

4159

AMOUNT

****\$300.00

*** THREE HUNDRED & 00/100 DOLLARS



AUTHORIZED SIGNATURE

⑈004159⑈ ⑆031301422⑆ 0095068236⑈

EXHIBIT “C”

IN RE: Appeal of Melody Investments Limited for
property located at 134 East Chestnut Street in
Lancaster City

I. FINDINGS OF FACT

7. As a result of the inspection, the Subject Property was determined to be uninhabitable, and a placard was posted on the main door of the Subject Property to identify that fact on November 10, 2023. (City Exhibit No. 4)

8. Following email communications between Eric Rothermel, Esquire, counsel for Appellant, and Sheila O'Rourke, Esquire, counsel for the City of Lancaster, the placard was removed and a new placard was posted on November 21, 2023. (City Exhibit No. 8)

9. The City of Lancaster issued a Notice of Unsafe Building and Order to Vacate on November 21, 2023. (City Exhibit No. 7)

10. Appellant filed a timely Notice of Appeal from the Notice of Unsafe Building and Order to Vacate, and a hearing on the appeal was properly advertised and held before this Board on December 28, 2023.

11. Appellant was represented at the hearing by Eric Rothermel, Esquire, and the City of Lancaster was represented at the hearing by Sheila O'Rourke, Esquire.

12. At the hearing, Attorney Rothermel posed objections to the form of the notice for the hearing, the composition of this Board, the fact that the starting time for the hearing was delayed for approximately 15 minutes because one member of the Board was late in arriving due to traffic, and the validity of the search warrant used by the City of Lancaster.

13. The Subject Property contains a kitchen, living area, two bedrooms and a bathroom; however, no permits had ever been issued for the creation of the dwelling unit.

14. Mr. Nixon testified that he did not observe a window in either of the bedroom units.

15. Appellant presented the testimony of Adrian Tehuitzill, the registered agent for the property at 134 East Chestnut Street, who testified that he resided in the first-floor unit in the rear building since approximately July, 2023, and that there is a window in one of the bedroom units. Appellant presented photographs indicating the presence of the window and the fact that he used it for a window air conditioning unit in the summer of 2023. Mr. Tehuitzill estimated the dimensions of the window at 32 inches by 60 inches but did not provide any other specifics of the window.

16. Mr. Tehuitzill and counsel for Appellant conceded that there was no window in the other room being used for a sleeping area.

17. The City presented photographs of the first-floor dwelling unit in which two bedrooms, each with a bed and other items, were shown (City Exhibit No. 4), and Mr. Tehuitzill testified that he did have a roommate for a period of time who used the second bedroom.

18. John Lefever, Bureau Chief for Building Codes in the City of Lancaster, testified that the dwelling unit was non-compliant because no permits had been issued for its creation and that the building was unsafe because of the failure to have the required emergency openings to the exterior in the bedrooms.

19. Since the issuance of the Notice on November 21, 2023, Mr. Lefever testified that there has been no contact with Appellant and no permits have been obtained to correct any violations.

II. CONCLUSIONS OF LAW

1. Appellant's appeal was timely filed, advertised and a public hearing held on December 28, 2023.

2. The City of Lancaster properly provided a Notice of Unsafe Building and Order to Vacate, dated November 21, 2023, citing Chapter 116 of the Lancaster City Code, the PA Uniform Construction Code and the 2018 International Residential Code, detailing that the Subject Property was unsafe because sleeping areas for the first-floor dwelling unit did not have the required emergency escape and rescue openings.

3. The Board concludes that while there may be a window for one of the bedroom units in the dwelling, although the specifics of that window were not conclusively established, there clearly is no emergency opening for the second bedroom; therefore, the building is unsafe, as outlined in the Notice.

4. In its appeal form, Appellant alleged that the true intent of the Act or regulations have been incorrectly interpreted or that the provisions of the Act do not fully apply; however, there is no dispute that the unit was never permitted; is non-compliant; and does not contain the necessary emergency opening required by applicable regulations.

5. The Board concludes that there is no question that, at a minimum, one of the bedrooms did not have the required emergency openings; therefore, the Notice of Unsafe Building and Order to Vacate was proper, and Appellant's appeal must be denied.

III. DECISION

Based on the testimony presented at the hearing held on December 28, 2023, the Board hereby dismisses the appeal of Melody Investments Limited to the Notice of Unsafe Building and Order to Vacate dated November 21, 2023, for the portion of property identified as the rear building, first floor dwelling unit, 134 East Chestnut Street, Lancaster, Pennsylvania 17602.

This written Decision has been issued this third day of January, 2024, and confirms the oral decision rendered by the Board on December 28, 2023.

**CITY OF LANCASTER BUILDING CODE
BOARD OF APPEALS**



Theodore L. Vedock, AIA, Chairman

PROOF OF SERVICE

I certify that I have served a copy of the foregoing Notice of Appeal upon the following persons via first class mail, postage prepaid, and via email addressed as follows:

Melvin E. Newcomer, Esq.
Solicitor for the City of Lancaster
Building Code Board of Appeals
2221 Dutch Gold Drive
Lancaster, PA 17601
melvinn@epix.net

Sheila V. O'Rourke, Esq.
Special Counsel for the City of Lancaster
c/o Gibbel Kraybill & Hess LLP
2933 Lititz Pike
PO Box 5349
Lancaster, PA 17606
SOrouke@gkh.com

Dated: _____

2/1/2024



Eric S. Rothermel
May Herr & Grosh, LLP
49 N. Duke Street
Lancaster, PA 17602
Attorney ID No. 307903
(717) 765-7880
esr@mhglawfirm.com

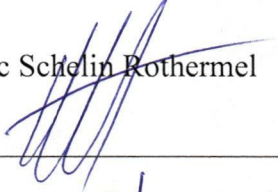
CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by:

Eric Schelin Rothermel

Signature:



Date:

2/11/2024

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA
**PROTHONOTARY
CIVIL COVER SHEET**

PLEASE LIST NAMES AND ADDRESSES OF ADDITIONAL PARTIES ON A SEPARATE SHEET.

ALL PARTY INFORMATION IS REQUIRED INCLUDING ZIP CODES. ALL PARTY INFORMATION MUST MATCH THE PLEADING. PLEASE DO NOT STAPLE THE COVER SHEET TO THE PLEADING. IF AN EVENT NEEDS TO BE SCHEDULED, A CAO SCHEDULING COVER SHEET MUST ALSO BE ATTACHED.

TYPE OF ACTION: Civil

For Prothonotary Use Only:

DOCKET No: Cl-

24-00780

PARTY INFORMATION

PLAINTIFF'S NAME: Melody Investments Limited

ADDRESS: PO Box 40862
If confidential,
use 2nd sheet Denver, CO 80204

DEFENDANT'S NAME: City of Lancaster, Pennsylvania
Building Code Board of Appeals

ADDRESS: 120 N. Duke Street
Lancaster, PA 17602

MUNICIPALITY: _____

MUNICIPALITY: Lancaster City

TWP/BOROUGH: _____

TWP/BOROUGH: _____

DOB: _____ TELEPHONE #: _____
(mm/dd/yyyy) (#####)

DOB: _____ TELEPHONE #: _____
(mm/dd/yyyy) (#####)

FILING ATTORNEY / FILING PARTY INFORMATION

FIRM/OFFICE: May Herr & Grosh LLP

FILING ATTORNEY/PARTY: Eric S. Rothermel, Esquire

AOPC: (Attorney ID) #: 307903

ADDRESS: 49 N. Duke St. CITY: Lancaster STATE: PA ZIP CODE: 17602

TELEPHONE #: 717-765-7888 EMAIL: esr@mhglawfirm.com
(#####)

TAX LIEN INFORMATION

MUNICIPALITY: _____ MAP REFERENCE: _____

DEED BOOK: _____ DEED PAGE: _____ DEED DATE: _____

SALE PRICE: _____ TAX YEAR: _____ TAX LIEN AMOUNT: _____

PROPERTY DESCRIPTION: _____

PFA/SVPO/PFI INFORMATION

HEARING DATE: _____ SOCIAL SECURITY #: (Defendant – Last 4 digits) _____

POLICE DEPARTMENT: _____

PREVIOUS PETITIONS: YES ☐ NO ☐ If 'YES', File Date: _____

Supreme Court of Pennsylvania

Court of Common Pleas Civil Cover Sheet

LANCASTER

County

For Prothonotary Use Only:

Docket No:

24-00780

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

SECTION A

Commencement of Action:

- ☒ Complaint ☐ Writ of Summons ☐ Petition
☐ Transfer from Another Jurisdiction ☐ Declaration of Taking

Lead Plaintiff's Name:

Melody Investments Limited

Lead Defendant's Name: City of Lancaster,
Pennsylvania Building Code Board of Appeals

Are money damages requested? ☐ Yes ☒ No

Dollar Amount Requested: ☐ within arbitration limits
(check one) ☐ outside arbitration limits

Is this a Class Action Suit? ☐ Yes ☒ No

Is this an MDJ Appeal? ☐ Yes ☒ No

Name of Plaintiff/Appellant's Attorney: Eric S. Rothermel, Esquire

☐ Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

SECTION B

Nature of the Case: Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

TORT (do not include Mass Tort)

- ☐ Intentional
☐ Malicious Prosecution
☐ Motor Vehicle
☐ Nuisance
☐ Premises Liability
☐ Product Liability (does not include mass tort)
☐ Slander/Libel/ Defamation
☐ Other:

MASS TORT

- ☐ Asbestos
☐ Tobacco
☐ Toxic Tort - DES
☐ Toxic Tort - Implant
☐ Toxic Waste
☐ Other:

PROFESSIONAL LIABILITY

- ☐ Dental
☐ Legal
☐ Medical
☐ Other Professional:

CONTRACT (do not include Judgments)

- ☐ Buyer Plaintiff
☐ Debt Collection: Credit Card
☐ Debt Collection: Other

☐ Employment Dispute:
Discrimination
☐ Employment Dispute: Other

☐ Other:

REAL PROPERTY

- ☐ Ejectment
☐ Eminent Domain/Condemnation
☐ Ground Rent
☐ Landlord/Tenant Dispute
☐ Mortgage Foreclosure: Residential
☐ Mortgage Foreclosure: Commercial
☐ Partition
☐ Quiet Title
☐ Other:

CIVIL APPEALS

- Administrative Agencies
☐ Board of Assessment
☐ Board of Elections
☐ Dept. of Transportation
☒ Statutory Appeal: Other
City of Lancaster, Pennsylvania
Building Code Board of Appeals
☐ Zoning Board
☐ Other:

MISCELLANEOUS

- ☐ Common Law/Statutory Arbitration
☐ Declaratory Judgment
☐ Mandamus
☐ Non-Domestic Relations
Restraining Order
☐ Quo Warranto
☐ Replevin
☐ Other:

