



445 Marsac Avenue, P.O. Box 1480, Park City, UT 84060  
Tel 435.615.5100 fax 435.615.4900 [www.parkcity.org](http://www.parkcity.org)

August 25, 2011

Michael C Posner  
PO Box 682707  
Park City, UT 84068

**ENTRY NO. 00929250**

08/29/2011 10:50:26 AM B: 2093 P: 0972

Notice PAGE 1/6

ALAN SPRIGGS, SUMMIT COUNTY RECORDER

FEE 0.00 BY PARK CITY MUNICIPAL CORP



BD-04-09720, BD-11-16040, BD-11-16041

Dear Mr. Posner:

Park City has yet to receive a response to the previous letter dated July 19, 2011 regarding the property at 345 Deer Valley Drive, units #5 and 6. As a result, an additional letter was sent on August 22, 2011 as a notification that the water service was to be disconnected on the property. Unfortunately, when the City visited the site to disconnect the water, it was identified that the culinary water to the home also serviced the fire suppression system. In light of these findings the City will not be disconnecting the water at that time.

However, there are still three outstanding building permits (listed above) that must be closed in order to obtain a certificate of occupancy for the structure. Until that time, the structure is not approved for occupancy.

Due to the incomplete construction referenced on the inspection reports listed above, the history of water damage as a result of an apparent lack of monitoring and maintenance of the site and the lack of response to previous correspondence is a significant concern. The Building Department is concerned that a significant property or life safety violations are continuing to remain unresolved.

As a result, the enclosed notice and order has been recorder on the property and the City shall complete an abatement action by completing landscaping and necessary repairs and referring all costs incurred (including but not limited to actual labor and materials in addition to the City's administrative and operational costs incurred) to the County Treasurer for inclusion in the tax notice in accordance with Park City Municipal Code Title 6, Chapter 1 (partial copy enclosed). Please refer to [www.parkcity.org](http://www.parkcity.org) for a complete copy of the Park City Municipal Code.

Please contact me at (435)615-5100 for additional information regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to be 'Chad Root', written in a cursive style.

Chad Root  
Park City Building Official

cc: Michael C Posner, 919 Foxpoint Circle, Delray Beach, Florida 33445  
Alterna Mortgage Income Fund, 6600 N Andrews Ave, Ste 282, Fort Lauderdale,  
Florida 33309  
File- CE-11-00234



**NOTICE AND ORDER TO REPAIR AND VACATE BUILDING**

**TO:** Michael C Posner  
PO Box 682707  
Park City, UT 84068

**FROM:** Chad Root, Park City Building Official

**SUBJECT PROPERTY:**

Street Address: 345 Deer Valley Drive, #5 and 6  
Tax Serial Number: DVDC-5 and DVDC-6

**Legal Description:** UNIT 5 DVD CONDOMINIUMS; ACCORDING TO THE OFFICIAL PLAT ON FILE IN THE SUMMIT COUNTY RECORDERS OFFICE CONT 7046 SQ FT TOGETHER WITH AN UND 1/6 INT IN THE COMMON AREA 1541-1263 1782-968 1863-991-994 1881-1267 1918-841-842 (2028-31-33) 2028-32

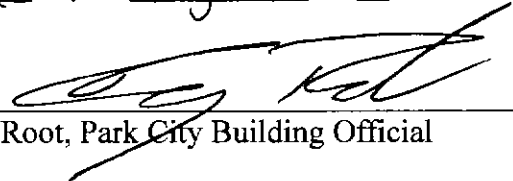
1. Please be advised that the undersigned building official of Park City, Utah, has found the building or structure located on the above described property to be dangerous as defined in Section 302 of the Uniform Code for the Abatement of Dangerous Buildings, due to the following conditions:

As per Section 202 of the 1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings, I find the above building as per Section 302, Items 4, 8, 15 and 16 of the attached Definition of Unsafe Buildings.

2. You are hereby required as a result of the above condition to take the following action:
  1. Repair and secure the building against improper entering and protection from water damage within ten (10) days of receipt of this Notice. The building must have a building permit for repair within sixty (60) days of receipt of this Notice.

2. Vacate the building or structure immediately.
  
3. This Notice and Order requires that no occupancy be permitted and the building has been posted.
  
4. Any person having any record title or legal interest in this subject building or structure may appeal from this Notice and Order or any action of the undersigned building official to the Board of Appeals, provided the appeal is made in writing as provided in the Uniform Code for Abatement of Dangerous Buildings and files with the Building Official within thirty (30) days from the date of service of this Notice and Order. Failure to appeal will constitute a waiver of all rights to an administrative hearing and determination of the matter.

Dated this 25 day of August, 2011.

  
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Chad Root, Park City Building Official

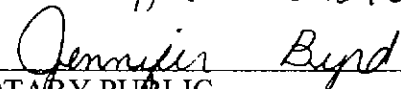
STATE OF Utah

COUNTY OF Summit

Subscribed and sworn to me this 25<sup>th</sup> day of August, 2011, in the County of Summit, State of Utah.

My Commission Expires: 01/06/2013

Residing at: 445 MARSAC Ave., PARK City, UT 84098

  
\_\_\_\_\_  
NOTARY PUBLIC



## Chapter 3 DEFINITIONS

### SECTION 301 — GENERAL

For the purpose of this code, certain terms, phrases, words and their derivatives shall be construed as specified in either this chapter or as specified in the Building Code or the Housing Code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. *Webster's Third New International Dictionary of the English Language, Unabridged*, copyright 1986, shall be construed as providing ordinary accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

**BUILDING CODE** is the *Uniform Building Code* promulgated by the International Conference of Building Officials, as adopted by this jurisdiction.

**DANGEROUS BUILDING** is any building or structure deemed to be dangerous under the provisions of Section 302 of this code.

**HOUSING CODE** is the *Uniform Housing Code* promulgated by the International Conference of Building Officials, as adopted by this jurisdiction.

### SECTION 302 — DANGEROUS BUILDING

For the purpose of this code, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered.

1. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.

2. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.

3. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one half times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.

4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.

5. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

6. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for such buildings.

7. Whenever any portion thereof has cracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

8. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.

9. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

10. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.

11. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.

12. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

13. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code or Housing Code, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.

14. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

15. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

16. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.

17. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity for its purpose.

18. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.