

**LAS VEGAS METROPOLITAN
POLICE DEPARTMENT**

DOUGLAS C. GILLESPIE, Sheriff

Partners with the Community

NOTICE AND DECLARATION OF CHRONIC NUISANCE

August 10th, 2010

S P Fremont LLC
Silver Point Capital LP
320 Decker Ct. #109
Irving, TX 75062-8162

PLEASE TAKE NOTICE, From July 1st, 2010 to July 31st, 2010 there were 42 calls for service / problems on the property of 1300 E. Fremont, Fremont Plaza Apartments. As a result of these calls 7 arrests were made, 1 citation was issued and 4 crime reports were taken.

This conduct constitutes a Chronic Nuisance as defined by Las Vegas Municipal Code 9.04.010. Pursuant to Las Vegas Municipal Code 9.040.020, every person **who causes or maintains a public nuisance or chronic nuisance, or who wilfully omits or refuses to perform any legal duty relating to the abatement of such a nuisance.**

(1) Shall be guilty of a misdemeanor; or

(2) Shall be liable civilly to the City and, upon such finding based upon substantial evidence, shall be responsible to pay civil penalties of not more than five hundred dollars per day for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation.

(B) Each day that a violation of this Section continues, whether pursued criminally or civilly, constitutes a separate violation for purposes of criminal prosecution or civil proceedings.





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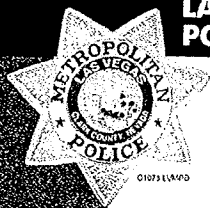
Partners with the Community

In prior letters we have outlined specific stipulations we requested you meet to abate the problems you are having on your property. Deadlines were given for each of the stipulations. By 7/22/10 you were to have security on property 24 hours a day 7 days a week. To our knowledge no change has been made to the current 4 hours a security officer spends on property each night. By 7/22/10 you were to have implemented a strict visitors policy and be enforcing it on the property. An acceptable visitors policy has been put into place, however, due to not having sufficient security on property we do not believe that it is being strictly enforced. By 7/15/10 you were to be conducting thorough background checks on all prospective tenants. We believe that the background checks you are doing do not meet the standard we have set. We advised you of this when we met on 7/8/10 and in subsequent meetings, however, you have not made an effort to change services.

The following are the stipulations we set. They have not changed nor have the deadlines.

- Implementation of LVMPD approved visitor policy (See attached policy). The policy will be explained to and signed by all new tenants moving on to the property. A copy of the policy will also be conspicuously posted outside the office and at all points of entry to the property. By 7/22/2010 the policy will be fully implemented by management.
- By 7/15/2010 management must be conducting thorough background checks on all prospective tenants. Management must also have specific parameters in place as to who they will rent to after the background check has been completed.
- By 7/22/2010 there must be security on property 24 hours a day, 7 days a week. Security will be active and will contact every person coming onto the property who is not a resident. Security will maintain an active resident list and adhere to the property's visitor policy. They will formally trespass every person in violation of the property's visitor policy. If a person who has been trespassed from the property returns, security will cite or arrest with no further warnings given. Security will maintain a log of who has been trespassed from the property. By 9/22/2010 all security officers on property will be trained on the Summons in Lieu of Arrest program. Security will contact the LVMPD with any problems that they are unable to handle themselves.
- Any onsite manager needs to be actively enforcing visitors policy during business hours and have the proper experience and be qualified to manage an apartment complex.





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REQUEST FOR ABATEMENT

YOU ARE HEREBY requested to take any and all steps necessary to abate the above nuisance **IMMEDIATELY**. You have until 09-22-10 to correct and abate this nuisance. I can assist you with suggestions and alternatives that may help in abating this nuisance. Please contact me upon receipt of this notice so that the appropriate corrective actions can begin. Failure to abate this nuisance will result in the implementation of any and all remedial measures available to the City of Las Vegas under Title 9 of the Las Vegas Municipal Code, including civil fines and criminal prosecution. If you wish to appeal this notice, see Las Vegas Municipal Code 9.04.070, attached hereto.

Officer Daniel Perry P#9031
DTAC COP / Chronic Nuisance
400 E. Stewart
Las Vegas, NV 89101
(702) 439-9213
d9031p@lvmpd.com

cc Councilman Ricki Barlow
City Attorney

9.04.070 Appeal procedures.

Within ten days after service of the notice of violation, the owner or responsible party may appeal to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk. Within fifteen days after the appeal has been filed, the appellant shall be given written notice of the procedure and time frame for the hearing of the appeal. The appeal shall be heard by the City Council or by the Council's designee, with a right of final appeal to the Council. The decision of the City Council or the Council's designee, in cases where a designee hears an appeal and no further appeal is taken, shall be final and conclusive. Any owner or responsible party failing to appeal as provided in this Section shall be deemed to have waived any and all objections to the existence of a public nuisance and the abatement of such nuisance.

