

IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
CIVIL DIVISION

DISTRICT OF COLUMBIA	)	
	)	
<i>Petitioner/Plaintiff,</i>	)	2016 CA 000162 B
	)	Judge Anthony C. Epstein
v.	)	
	)	Next Court Date: Jan. 07, 2022 at 10:00am
1309 ALABAMA AVENUE, LLC, et al.	)	Next Event: Status Hearing
	)	
<i>Respondents/Defendants.</i>	)	
	)	

**THE DISTRICT’S CONSENT MOTION TO TERMINATE THE RECEIVERSHIP**

Plaintiff District of Columbia, by and through the Office of Attorney General for the District of Columbia, pursuant to D.C. Code § 42-3651.07(a)(1), hereby submits the instant Consent Motion to Terminate Receivership (the “Motion”). The District files this Motion for only one reason: the tenants have reached an agreement with Defendants Geoffrey Griffis, CityPartners LLC, and CityPartners 5914 LLC (the “CityPartners Defendants”) to transfer the property to a new purchaser. If (and when) that agreement results in a transfer of the property, the “grounds on which the appointment of the receiver was based [will] no longer exist.” D.C. Code § 42-3651.07(a)(1). Hence, the District requests that once the agreement is finalized through a transfer of the property to the tenants’ selected purchaser, that the Court terminate the receivership and administratively close the instant action.

The CityPartners Defendants are the only other impacted parties within the meaning of Super. Ct. Civ. R. 12-I, given that they are responsible for funding the Receivership, and they consent to this Motion.

In support of this Motion, the District relies upon the attached Memorandum of Points and Authorities.

Dated October 31, 2021

Respectfully Submitted,

KARL A. RACINE  
Attorney General for the District of Columbia

KATHLEEN M. KONOPKA  
Deputy Attorney General  
Public Advocacy Division

*/s/ Jimmy R. Rock*

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JIMMY R. ROCK (Bar #493521)  
Assistant Deputy Attorney General  
Public Advocacy Division

*/s/ Jennifer L. Berger*

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JENNIFER L. BERGER (Bar #490809)  
Chief, Social Justice Section

*/s/ Argatonia D. Weatherington*

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*Attorneys for the District of Columbia*

**Rule 12-I Certification**

I hereby certify that on October 30, 2021 the District contacted counsel for the Defendants, counsel for Defendants consent to the relief requested herein.

/s/ Argatonia Weatherington  
\_\_\_\_\_  
Argatonia Weatherington  
Assistant Attorney General

**Certificate of Service**

I hereby certify that on October 31, 2021 a copy of the foregoing was served via CaseFileXpress, upon all counsel of record

/s/ Argatonia Weatherington  
\_\_\_\_\_  
Argatonia Weatherington  
Assistant Attorney General

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**MEMORANDUM OF POINTS AND AUTHORITY IN SUPPORT OF THE DISTRICT  
OF COLUMBIA’S CONSENT MOTION TO TERMINATE THE RECEIVERSHIP**

The District of Columbia, by and through the Office of Attorney General for the District of Columbia (the “District”), pursuant to D.C. Code § 42-3651.07(a)(1), respectfully submits this Consent Motion to Terminate the Receivership (the “Motion). In support of its Motion, the District states as follows:

**INTRODUCTION**

This is a housing conditions enforcement case brought by the Attorney General to protect the tenants at the Congress Heights Apartments. The Congress Heights Apartments is a 47-unit housing complex in Southeast D.C. It comprises four buildings spread over three non-contiguous parcels of land surrounding the Congress Heights Metro Station. At the time the District filed this case, the three parcels and their appurtenant apartment buildings belonged to Defendant Carter Nowell and his related corporate entities: Defendants 1309 Alabama Ave, LLC, Alabama Ave, LLC, and 3210 13th Street, LLC (collectively “Sanford Defendants”). Based on the appalling living conditions at the Property, the District moved the Court to appoint a Receiver.

In September 2017, this Court, with consent of the Sanford Defendants, appointed a Receiver. In response to the Receiver's appointment, Defendant Nowell asked the Court to stay implementation of the Receiver's plan to rehabilitate the Property. In early November 2017, this Court issued an Order staying implementation of the Receiver's Plan and ordering the Sanford Defendants to negotiate *exclusively* with the tenants for a 60-day period regarding a sale of the Property. Despite being fully aware of this Court's Order, on December 27, 2017, without informing the Court, Defendant Nowell transferred ownership of the Property to Defendant CityPartners 5914 LLC.<sup>1</sup>

After months of litigation, the Court ruled that the CityPartners Defendants were required to fund the Receiver's Plan. After a fire damaged parts of 1331 Alabama Ave SE, the tenants were relocated to temporary housing and the Court limited the scope of Receiver's Plan to 1309 Alabama Ave and 3210 13th Street SE. Thereafter, the Court limited the scope of the Receiver's Plan to just 3210 13th Street SE. Since then, the tenants have reached an agreement with the CityPartners Defendants that will resolve both this and the related litigation. *See* Ct. Dkt. 2018 CA 003477 B at 10/19/2021. As part of that agreement, a new purchaser will redevelop the Property and subsidize the tenants' rents at their temporary apartments until the new development is complete. Once the redevelopment is complete, the tenants have the right to return at their current rent levels.

Therefore, the District respectfully requests that this Court terminate the Receivership pursuant to D.C. Code § 42-3651.07(a)(1), if (and when) the tenants and the Defendants finalize their agreement and ownership of the Property is transferred to the tenants' selected purchaser. At

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<sup>1</sup> The ownership of the Property was contested in the instant action by the Plaintiff as well as by the tenants in a collateral action, *1309 Alabama Avenue Congress Heights Tenants Assoc. v. 1309 Alabama Avenue LLC, et al.*, 2018 CA 003477 B.

such time, the Receivership will no longer be necessary, and the tenants will be safe and secure in their future housing.

### **ARGUMENT**

Once the tenants and the CityPartners Defendants finalize their agreement and the Property is transferred to a new purchaser, the grounds on which the District moved for receivership will no longer be applicable. Hence, the District is moving the Court to terminate the Receivership at such time as the tenants' and the CityPartners Defendants' agreement to transfer title of the Property takes place. According to D.C. Code § 42-3651.07(a)(1), the Court must make three determinations prior to terminating the Receivership: 1. that the grounds for the Receivership are no longer necessary; 2. that the Receiver has received compensation for all services rendered; and 3. that the District has been reimbursed for all expenses related to appointment of the Receiver.

The District does not dispute that all three of the conditions for terminating the receivership will be met if the agreement between the tenants and the CityPartners Defendants results in the transfer of the property to the new purchaser selected by the tenants. The CityPartners Defendants, by that time, would have remitted payment in full to E&G Group for the cost of the Receivership. At such time, of which the District will notify the Court, the Court can terminate the Receivership. If that agreement does not come to fruition, the District will notify the Court of its withdrawal of this motion and the requested continuation of the receivership.

### **CONCLUSION**

The District requests that the Court terminate the receivership when the agreement between the tenants and the CityPartners Defendants results in a transfer of the Property.

Dated October 31, 2021

Respectfully Submitted,

KARL A. RACINE  
Attorney General for the District of Columbia

KATHLEEN M. KONOPKA  
Deputy Attorney General  
Public Advocacy Division

*/s/ Jimmy R. Rock*

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_____	)	

**ORDER**

Upon consideration of the Consent Motion to Terminate Receivership, and the record in this case, it is this \_\_\_\_ day of November, 2021 hereby

**ORDERED**, that the District of Columbia’s Consent Motion to Terminate Receivership is **GRANTED**; and it is

**FURTHER ORDERED**, that the Receivership shall terminate at the closing of the transfer of the property from the CityPartners Defendants pursuant to their agreement with the tenants as at such time: (i) the Receivership will no longer be necessary; (ii) the Receiver would have received proper compensation for the services provided, and (iii) the District of Columbia has been reimbursed for all expenses related to the appointment of the receiver; and it is

**FURTHER ORDERED**, that to the extent the property is not transferred from the CityPartners Defendants, this Order shall be considered withdrawn; and it is

**FURTHER ORDERED**, that the District shall file a praecipe into the docket alerting the Court that the transfer of the property has taken place.

\_\_\_\_\_  
Hon. Anthony Epstein, Associate Judge  
Superior Court of the District of Columbia



Electronic Copies to: All Counsel of Record via CaseFileXpress