

MILLSIDE APARTMENTS

SPECIFICATIONS FOR REMODELING

March 18, 1960

Prepared by: EDWARD H. RICHARDSON ASSOCIATES, INC.
Consulting Engineers
Newark, Delaware

Comm: 1008

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(4)

SPECIFICATIONS FOR REMODELING OF THE MILLSIDE APARTMENTS

Section I INTENT OF SPECIFICATIONS:

The intent of these specifications is to control the remodeling of the Millside Apartments so as to comply with recommendations of the New Castle County Levy Court and Building Inspector.

Section II SCOPE OF SPECIFICATIONS:

The scope of these specifications is to include all of those buildings known as the MILLSIDE APARTMENTS and all items of work outlined in the section of the specifications headed "Items of Work to be Done."

Section III SCHEDULE OF PROCEDURE:

Two buildings of four apartments each are to be remodeled as soon as is possible, and they are to serve as a model of what is to be done on the buildings as a whole.

Upon completion of the two model units, a schedule for remodeling the balance of the apartments will be set up as mutually agreed upon by the Owner's Engineer and the Building Inspector.

All work is to be completed within the six-month period following March 28, 1960.

Section IV Quality of Work:

The nature of the work does not lend itself to detailed written specifications, as a variety of conditions and construction techniques may be revealed throughout the project. All work will be done in a craftsmanlike manner and is to correct the conditions which are the basis of the "Items of Work to be Done."

(5)

Section V ITEMS OF WORK TO BE DONE:

- (1) Maintain the chart (Exhibit "A") which is part of these specifications, so that there is a readily available list of corrective work done on each building.
- (2) Test load a twenty-foot segment of building with a simulated 30 p.s.f. snow load. Sand bags spaced as shown in EXHIBIT "B" will be used to test the structural integrity of the building.
- (3) Replace the coal-wood heaters and the individual apartment space heaters with furnace-room central heat.
- (4) Rework fire walls which divide apartments into groups of two. Party wall to be made to very nearly comply with Code for a one-hour fire rating by adding a 1/2" plasterboard to the side of the wall which now has only one layer of wallboard.
- (5) Fire walls between the ground and the floor to be made to comply with Code for a One-Hour Fire Rating. (2-1/2" gunite walls to be used; 4-1/2 Portland cement; 1 sawdust; 7 sand.) These fire walls are to underlie the fire walls which divide the apartments.
- (6) Under-building enclosure walls to be repaired in order to prevent the entry of children to the under-building area and to prevent the use of the area for storage. All access doors to this area are to be kept locked.
- (7) Attic fire walls to be made to conform to Code for a One-Hour Fire Rating. Mis-located walls are to be relocated so as to overlie the lower sections of fire wall.
- (8) Eave vent screens have rusted out in many places; and, where necessary, these eave openings shall be re-covered with copper screen or small mesh galvanized hardware cloth. Eave vent strips are to be closed for a distance of three feet each side of the fire walls.
- (9) Ceiling joists to be reinforced by tying them together down the center with two 2x10's. These are to be fastened to each joist with two 2-1/2" wood screws so as to help distribute stress concentrations over a series of joists.
- (10) Repair ceiling board joint cracks and paint the ceiling with one of the Fire Underwriters' approved Fire Retardant paints. This paint is to be applied as per the manufacturer's recommendations and the initial application is to be supervised and approved by the manufacturer's technical representative.
- (11) Complete replacement of wooden steps with concrete steps.
- (12) Clean up all wood-trash piles in the area.

6

Section V ITEMS OF WORK TO BE DONE: (continued)

- (13) All dry rot, broken walls, etc. to be repaired or replaced.
- (14) Plumbing Inspector to re-inspect for adequacy of plumbing.
- (15) Electrical work to be approved by Fire Underwriters.

MILLSIDE APARTMENTS
REMODELING CHECK LIST

EXHIBIT "A"

BUILDING PERMIT # _____ DATED _____

BUILDING NO. _____ APTS. _____, _____, _____, _____, _____

BUILDING NO. _____ APTS. _____, _____, _____, _____, _____

BUILDING NO. _____ APTS. _____, _____, _____, _____, _____

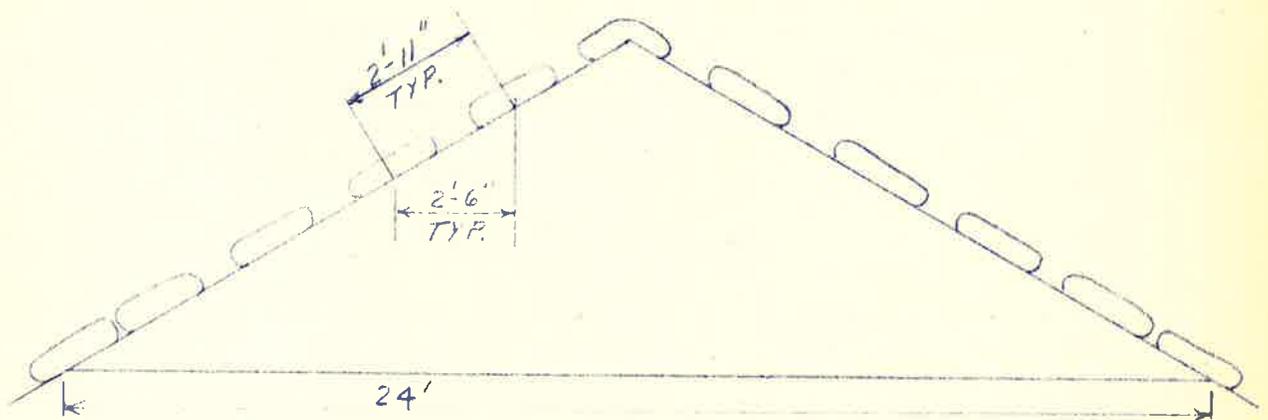
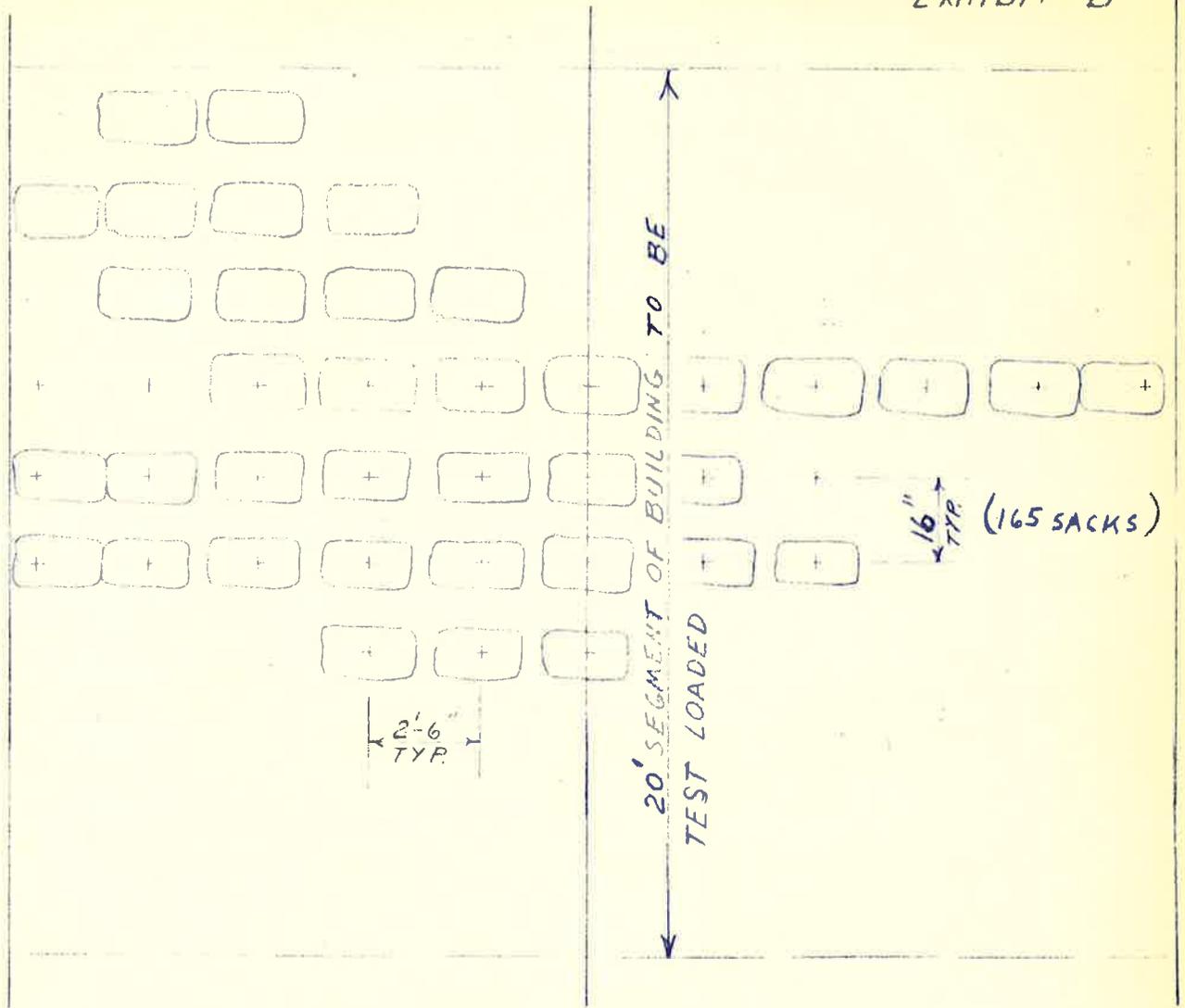
BUILDING NO. _____ APTS. _____, _____, _____, _____, _____

ITEMS OF WORK	APARTMENT # BUILDING NO.			
1. Replace coal-wood heater				
2. Floor Shield under gas heater				
3. Fire Wall: Floor to Ceiling				
4. Fire Wall: Ground to Floor				
5. Fire Wall: Attic				
6. Under building enclosure				
7. Eave vents and vent screens				
8. Ceiling joists reinforced				
9. Ceiling repaired				
10. Ceiling painted with fire ret. paint				
11. Steps repaired if necessary				
12. Trash pile removed and area clean				
13. Plumbing approved by Plbg. Inspector				
14. Elect. work approved by Fire Underwr.				
15.				
16.				
17. Ready for inspec. by Bldg. Inspector				

EDWARD H. RICHARDSON ASSOCIATES INC.
CONSULTING ENGINEERS
NEWARK, DEL.

SCALE _____

DATE _____ COMM No _____



100 # SAND BAG SPACING
FOR 30 p.s.f. SIMULATED SNOW
LOAD

EDWARD H. RICHARDSON ASSOCIATES INC.
CONSULTING ENGINEERS
NEWARK, DEL.

SCALE _____
DATE _____ COMM. No 1008

DRAWN BY _____ CHECKED BY _____

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

Januar D. Bove, Jr.
Attorney General of the
State of Delaware,

Plaintiff,

CIVIL ACTION NO. 1460

v.

A. D. 1961

Don A. Loftus,
Carl Budwesky,
Wallace M. V. Lynch,
James F. Lyons,
Jay Charley Lewis,
Hotel Traylor, a
Delaware Corporation,
Don E. Ryan,
Dorothy M. Ryan,
Daniel E. Farr,

Defendants.

COMPLAINT

1. Plaintiff brings this action in his capacity as Attorney General of the State of Delaware pursuant to Title 16, Section 8316 of the Delaware Code at the request of the Levy Court of New Castle County.
2. The several defendants are owners of portions of the development lying in New Castle Hundred, New Castle County, State of Delaware near the City of Wilmington known as "Millside".
3. The buildings located at Millside are rented by the owners to the public as housing units.
4. The buildings presently located in the development known as Millside were constructed by the Public Housing Administration during World War II as a temporary housing project. By Resolution adopted April 2, 1954 the Levy Court of New Castle County declared that the housing structures in the project known as "Millside" DEL-7035, which lie to the East of Rogers Road and

DuPont Highway are suitable on their present sites for long term housing use, provided, however, that within one year from the date the Public Housing Administration transfers title to the structures, "the purchaser bring all structures into compliance with the New Castle County Building Code and Plumbing Code", and that if this was not accomplished the housing would be deemed to be unfit and unsafe for human habitation and would be condemned.

5. All of the buildings and structures in the aforesaid development known as ~~Millside~~, with the exception of two pilot units, fail to meet the specifications and requirements of the Building Code and Plumbing Code of New Castle County and exist in violation of said Building Code and Plumbing Code.

6. The use and occupancy of said buildings and structures, and each of them, is detrimental to the general safety and welfare of the public as defined in Section 106.0 of said Building Code.

7. Notwithstanding due notice given to defendants of the foregoing, defendants have failed to comply with said Building Code and Plumbing Code.

8. Plaintiff is without adequate remedy at law.

WHEREFORE, plaintiff demands that this Court permanently enjoin the use and occupancy of the aforementioned buildings, and each of them, and that this Court order and direct the owners of said buildings to demolish and remove said buildings without delay.


Attorney General of the State of
Delaware

Attorney for Plaintiff and Chief
Attorney for the Levy Court of
New Castle County

ATTORNEY GENERAL MAY 12 1961

Fully

IN THE COURT OF CHANCERY
OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

Januar D. Bove, Jr.
Attorney General of the
State of Delaware,

Plaintiff

v.

Don A. Loftus,
Carl Budwesky,
Wallace M. V. Lynch,
James F. Lyons,
Jay Charley Lewis,
Hotel Traylor, a
Delaware Corporation,
Don E. Ryan,
Dorothy M. Ryan,
Daniel E. Farr,

Defendants.

COMPLAINT

LEVY COURT OF NEW CASTLE
COUNTY

3. The owner or owners of the several sections of Millside, as shown on Exhibit "A" attached hereto, are hereby directed to reconstruct and remodel the buildings and structures located on the respective sections of Millside in strict compliance with the plans and specifications attached hereto as Exhibit "B" and made a part hereof, said remodeling and reconstruction to be commenced within fifteen (15) days from the date of this Order and to be fully completed in strict compliance with this Order within one hundred and twenty (120) working days from the date of the commencement of work as aforesaid.

4. None of the aforementioned buildings or structures shall be used or occupied unless or until the aforementioned reconstruction and remodeling shall have been completed and approved by the Levy Court of New Castle County, except that the present tenants thereof may be permitted to continue to occupy the respective housing units therein pending said remodeling and reconstruction; and hereby we exhibit "C" and make a part hereof and

5. All remodeling and reconstruction shall be subject to approval by the Levy Court of New Castle County, provided that any dispute concerning compliance with the terms of this Order and the plans and specifications attached hereto may be referred to the Court for determination; and

6. In the event that the owner or owners of any section of Millside shall fail to comply with the terms of this Order in any respect or shall fail to reconstruct or remodel any building or structure according to the terms of this Order, said owner or owners who shall have failed to comply with the terms of this Order or shall have failed to reconstruct or remodel any building or structure according to the terms of this Order shall cause each building and structure in said section to be demolished and

removed.

7. The Court reserves jurisdiction to make such further Order as it may deem appropriate.

Chancellor

Each of the parties named in the caption of this Order does hereby consent, stipulate and agree to the substance and form of this Order and to the entry thereof.

Attorney General of the State of
Delaware

Attorney for Defendants

File

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

Januar D. Rowe, Jr.,
Attorney General of the
State of Delaware,

Plaintiff,

v.

Don A. Loftus, Carl Budwesky,
Hotel Tynlor, Inc., a Delaware
corporation, Wallace M. V. Lynch,
James F. Lyons, Don E. Ryan,
Dorothy M. Ryan, Daniel E. Parr
and Jay Charley Lewis,

Defendants.

CIVIL ACTION NO. _____

JOINT ANSWER OF DEFENDANTS

- (1) Admitted.
- (2) Admitted.
- (3) Admitted.
- (4) Admitted.
- (5) Admitted.
- (6) These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 6 of the Complaint.

(7) These defendants admit that they have failed to comply with said Building Code and Plumbing Code as construed by the present Building Inspector, but did comply with the requirements of his predecessor in office, and for further answer, these defendants allege that they and each of them are ready and willing to comply with said Building Code and

Plumbing Code as required by the present Building Inspector for New Castle County, all in accordance with the two pilot units mentioned in numbered paragraph 5 of the Complaint, which is in compliance with the plans and specifications submitted to the Court by the plaintiff herein.

(8) Admitted.

A handwritten signature in cursive script, appearing to read "Clair John Killoran", is written over a horizontal line.

Clair John Killoran, Esq.
Bank of Delaware Building
Wilmington, Delaware
Attorney for Defendants

ATTORNEY GENERAL APR -4 1961

File

LAW OFFICES
KILLORAN & VAN BRUNT

NORTH AMERICAN BUILDING
WILMINGTON 1, DELAWARE

CLAIR JOHN KILLORAN
JOHN VAN BRUNT, JR.
WALTER P. McEVILLY
JOHN E. LEWIS
CLYDE M. ENGLAND, JR.
DAVID SNELLENBURG, II
COURTNEY H. CUMMINGS, JR.
E. DICKINSON GRIFFENBERG, JR.

April 3, 1961

Clarence W. Taylor, Esq.
Chief Attorney
Levy Court of New Castle County
Public Building
Wilmington, Delaware

Re: Bove v. Loftus, et. al.

Dear Clarence:

The defendants in the above case should be Don A. Loftus, Carl Budwesky, Hotel Traylor, Inc., a Delaware corporation (which purchased the Chrysler interest), Wallace M. V. Lynch, James F. Lyons, Don E. Ryan, Dorothy M. Ryan, Daniel E. Farr and Jay Charley Lewis.

I enclose herewith a proposed answer to the complaint, which complaint I feel is satisfactory, together with a revision of paragraph 3 of the order. You will recall that I mentioned to you that the contractor will obtain a permit for all of the units and be working on them at the same time. He said it would be more practical to have the order provide that he would commence work within 15 days after the date of the order and complete all of the units within 120 working days thereafter. I hope this is satisfactory to you and Jan.

I also enclose herewith several copies of Exhibit "A", showing the owners of the respective units, and Exhibit "B". If everything is now satisfactory, I would assume that it is in order for you to get your complaint together with the exhibits, and when you get it ready, I will file my answer, and then you, Jan and I can meet with the Chancellor insofar as the consent is concerned.

Very truly yours,

Clair John Killoran

Clair John Killoran

CJK:rvd
Enclosures
cc-Hon. Januar D. Bove, Jr.

G
O
P
Y

REVISION OF PARAGRAPH 3 OF ORDER

The owner or owners of the several sections of Millside, as shown on Exhibit "A" hereto, are hereby directed to reconstruct and remodel the buildings and structures located on the respective sections of Millside in strict compliance with the plans and specifications attached hereto as Exhibit "B" and made a part hereof, said remodeling and reconstruction to be commenced within fifteen (15) days from the date of this Order and to be fully completed in strict compliance with this Order within one hundred and twenty (120) working days from the date of the commencement of work as aforesaid.

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

Januar D. Bove, Jr.,
Attorney General of the
State of Delaware,

Plaintiff,

v.

Don A. Loftus, Carl Budwesky,
Hotel Traylor, Inc., a Delaware
corporation, Wallace M. V. Lynch,
James F. Lyons, Don E. Ryan,
Dorothy M. Ryan, Daniel E. Farr
and Jay Charley Lewis,
Defendants.

CIVIL ACTION NO. _____

JOINT ANSWER OF DEFENDANTS

- (1) Admitted.
- (2) Admitted.
- (3) Admitted.
- (4) Admitted.
- (5) Admitted.

(6) These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 6 of the Complaint.

(7) These defendants admit that they have failed to comply with said Building Code and Plumbing Code as construed by the present Building Inspector, but did comply with the requirements of his predecessor in office, and for further answer, these defendants allege that they and each of them are ready and willing to comply with said Building Code and

Plumbing Code as required by the present Building Inspector for New Castle County, all in accordance with the two pilot units mentioned in numbered paragraph 5 of the Complaint, which is in compliance with the plans and specifications submitted to the Court by the plaintiff herein.

(8) Admitted.

**Clair John Killoran, Esq.
Bank of Delaware Building
Wilmington, Delaware
Attorney for Defendants**

ATTORNEY GENERAL

C. J. Killoran, Esquire
Bank of Delaware Building
9th & Market Streets
Wilmington, Delaware

Dear Clair:

After considerable delay whill
cations from the Building Inspector, I
with a draft of the Complaint and Order
matter. Both of these items embody the
discussed in conference in the Attorney

I am enclosing also a copy of
which have been furnished to me by the
dated March 18, 1960.

Exhibit "A" referred to in th
a plot of Millside showing the location
and the parcels owned by the several de
my understanding that you will furnish

Exhibit "C" is a schedule of
work. I assume you will prepare a draft
Exhibit "G" also contemplates a schedul
commencement on the work of the various

You will recall that it was c
all work would be completed within four
nencement.

Please let me have your comm

Sincerely

ATTORNEY GENERAL
DEC 16 1960

File

THEOPHILUS R. NIX
ATTORNEY AT LAW
104 E. 7TH STREET
WILMINGTON 1, DELAWARE
OLYMPIA 8.5194

December 15, 1960

Honorable Januar D. Bove
Attorney General
State of Delaware
Public Building
Wilmington, Delaware

Dear Mr. Bove:

I spoke with you today regarding the status of the Millside situation wherein the Levy Court is trying to get the owners to either tear down or fix up the development. It is my understanding from you that you have met with the owners of the Millside development, and that they have agreed to a consent decree to either fix up and repair the entire development and that they will be brought up to the standard set by the building code. To that extent, you further indicated that Clarence Taylor, Esquire, attorney for the Levy Court, is and has been preparing the consent decree for your signature.

During your busy schedule will you kindly check with Mr. Taylor and see what progress the consent decree is at because this eye-sore should certainly be initiated toward completion one way or the other. At any event the ministers of the Dunleith--Millside area, whom I represent, would certainly be interested in receiving some word.

Kindly let me hear from you.

Very truly yours,
Theophilus R. Nix
Theophilus R. Nix

TRN/jh

DuPont Highway are suitable on their present sites for long term housing use, provided, however, that within one year from the date the Public Housing Administration transfers title to the structures, the purchaser bring all structures into compliance with the New Castle County Building Code and Plumbing Code", and that if this was not accomplished the housing would be deemed to be unfit and unsafe for human habitation and would be condemned.

5. All of the buildings and structures in the afore-said development known as Millside, with the exception of two pilot units, fail to meet the specifications and requirements of the Building Code and Plumbing Code of New Castle County and exist in violation of said Building Code and Plumbing Code.

6. The use and occupancy of said buildings and structures, and each of them, is detrimental to the general safety and welfare of the public as defined in Section 106.0 of said Building Code.

7. Notwithstanding due notice given to defendants of the foregoing, defendants have failed to comply with said Building Code and Plumbing Code.

8. Plaintiff is without adequate remedy at law.

WHEREFORE, plaintiff demands that this Court permanently enjoin the use and occupancy of the aforementioned buildings, and each of them, and that this Court order and direct the owners of said buildings to demolish and remove said buildings without delay.

Attorney General of the State
of Delaware

Attorney for Plaintiff and
Chief Attorney for the Levy Court
of New Castle County

IN THE COURT OF CHANCERY OF THE
STATE OF DELAWARE IN AND FOR
NEW CASTLE COUNTY

Januar D. Bove, Jr.
Attorney General of the
State of Delaware,

Plaintiff,

v.

Don. A. Loftus,
Carl Budwesky,
Edith Chrysler Carr And
Hanover Bank, Co-Executors
of the Estate of Jack F.
Chrysler, deceased,
Wallace M. V. Lynch,
James F. Lyons,
Don E. Ryan, c

Defendants,

COMPLAINT

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

Januar D. Bove, Jr. §
Attorney General of the §
State of Delaware, §

Plaintiff § CIVIL ACTION NO. _____

§

v. §

Don A. Loftus, §
Carl Budwasky, §
Edith Chrysler Carr And §
Hanover Bank, Co-Executors §
of the Estate of Jack F. §
Chrysler, deceased, §
Wallace M. V. Lynch, §
James F. Lyons, §
Don E. Ryan, §

Defendants, §

 O R D E R

AND NOW, TO-WIT, THIS day of

A. D. 1960, the Complaint and Answer having been filed and considered and upon the consent of Plaintiff and Defendants to the entry of this Order, It is

ORDERED, ADJUDGED AND DECREED THAT:

1. The buildings or structures in the development lying in New Castle Hundred, New Castle County, State of Delaware near the City of Wilmington known as "Millside" as shown on the drawing attached hereto and marked Exhibit "A" be and they are found to be in violation of the Building Code and Plumbing Code of New Castle County; and

2. Defendants and each of them be and they are permanently enjoined from using or occupying, or permitting the use or occupancy of, any of the aforementioned buildings or structures, except as hereinafter provided; and

3. The owner or owners of the several sections of Millside, as shown on Exhibit "A" are hereby directed to reconstruct and remodel buildings and structures located on the respective sections of Millside in strict compliance with the plans and specifications attached hereto as Exhibit "B" and made a part hereof, said remodeling and reconstruction to be completed in accordance with the schedule attached hereto as Exhibit "C" and made a part hereof, said schedule to be complied with without modification or exception; and

4. None of the aforementioned buildings or structures shall be used or occupied unless or until the aforementioned reconstruction and remodeling shall have been completed and approved by the Levy Court of New Castle County, except that the present tenants thereof may be permitted to continue to occupy the respective housing units therein until the dates set forth in the schedule attached hereto as Exhibit "C" and made a part hereof; and

5. All remodeling and reconstruction shall be subject to approval by the Levy Court of New Castle County, provided that any dispute concerning compliance with the terms of this Order and the plans and specifications attached hereto may be referred to the Court for determination; and

6. In the event that the owner or owners of any section of Millside shall fail to comply with the terms of this Order in any respect or shall fail to reconstruct or remodel any building or structure according to the terms of this Order, said owner or owners who shall have failed to comply with the terms of this Order or shall have failed to reconstruct or remodel any building or structure according to the terms of this Order shall cause each building and structure in said section to be demolished and

removed.

7. The Court reserves jurisdiction to make such further Order ~~as it~~ may deem appropriate.

Chancellor

Each of the parties named in the caption of this Order does hereby consent, stipulate and agree to the substance and form of this Order and to the entry thereof.

Attorney General of the State
of Delaware

Attorney for Defendants

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

Januar D. Bove, Jr.
Attorney General of the
State of Delaware,

Plaintiff,

vs.

Don A. Loftus,
Carl Budwesky,
Jack F. Chryslar,
Edward J. Egan,
Clair John Killoran,
Wallace M. V. Lynch,
James F. Lyons,
Don E. Ryan, etal

Civil Action

Complaint

Defendants.

COMPLAINT

1. Plaintiff brings this action in his capacity as Attorney General of the State of Delaware pursuant to Title 16, Section 8316 of the Delaware Code, *at the request of the Levy Court of New Castle County.*
2. The several defendants are owners of portions of the development lying in New Castle Hundred, New Castle County, State of Delaware near the City of Wilmington known as "Millside".
3. The buildings located at Millside are rented by the owners to the public as housing units.
4. The buildings presently located in the development known as Millside were constructed by the Public Housing Administration during World War II as a temporary housing project. By Resolution adopted April 2, 1954 the Levy Court of New Castle County declared that the housing structures in the project known as Millside DRL-7035, which lie to the East of Rogers Road and

DuPont Highway are suitable on their present sites for long term housing use, provided, however, that within one year from the date the Public Housing Administration ^{over building} ~~structures~~ ^{structures} ~~to be~~ ^{summarize the status in the} structures, the ~~purchase~~ ^{over building} all structures into compliance with the New Castle County Building Code and Plumbing Code, and that if this was not accomplished the housing would be deemed to be unfit and unsafe for human habitation and would be condemned.

5. During the year 1954, and after the aforementioned resolution, the buildings in the development known as Millside were transferred to private purchasers and have thereafter been transferred and conveyed to defendants.

6. In October 1956 the then President of the Levy Court of New Castle County notified defendant Don A. Loftus, who acted as agent for the owners of said development that the Millside project did not comply with the Building and Plumbing Codes of New Castle County and directed that the Building Inspector take appropriate action in the event the units were not brought into compliance with the Codes.

7. Notwithstanding the aforementioned notice, the buildings were not brought into compliance with the Codes.

8. By Resolution adopted February 25, 1960 the Levy Court of New Castle County declared that the Millside project failed to meet the requirements of the Building Code of New Castle County and directed that the owners file with the Levy Court a statement showing their intention to reconstruct or remodel the buildings to meet the strict requirements of the Building Code of New Castle County and to give proper assurance for the performance of said work, all work to be completed within six months from the date of submission of plans and specifications to the Building Inspector and that in the event of failure of the owners

to comply with the provisions of said resolution, the buildings would be deemed in violation of the Building Code of New Castle County and condemned and their occupancy prohibited.

9. Defendants were duly notified of said resolution on February 26, 1960.

10. On March 9, 1960 defendants, through their attorney Clair John Killoran, Esquire, notified the Levy Court of New Castle County that "It is their intention to remodel the buildings and structures at said site in accordance with the requirements of the mentioned resolution and to otherwise comply with the conditions therein."

11. Thereafter, representatives of defendants met with the New Castle County Building Inspector for the purpose of specifying the remodeling and reconstruction to take place and it was agreed that a pilot unit would be remodeled and reconstructed first which would be subjected to strength tests.

12. Plans and specifications were submitted to the Building Inspector pursuant to the aforementioned resolution of April 25, 1960 on March 28, 1960, said date being the date from which the six-month term provided in said resolution for the completion of the remodeling and reconstruction was computed.

13. On May 13, 1960 and again on June 20, 1960 the New Castle County Building Inspector notified the attorney for defendants of the requirement that an underwriter department certificate be obtained with respect to the two pilot units in order that final approval of the pilot units could be given and the similar work on the remaining buildings of Millside could be completed within the time specified in the said resolution of the Levy Court.

14. Defendants failed to obtain said certificate and hence the Building Inspector's approval of the two pilot units until August 1960.

15. On August defendants made application to the New Castle County Building Inspector for permits for the remodeling and reconstruction of all of the remaining buildings in Millside.

16. In response to said application, defendants were informed that the permits would be granted but that the Levy Court would require adherence to the time limit fixed in its resolution of February 25, 1960 and hence the work must be completed by September 28, 1960.

17. Pursuant to a request made by Clair J. Killoran, Esquire, attorney for defendants on September 26, 1960, the Levy Court specified certain conditions under which any request for extension of time must meet and require that those conditions be complied with by October 4, 1960.

18. Clair J. Killoran, Esquire, attorney for defendants submitted certain documents to the Levy Court on October 4, 1960 which documents did not comply with the terms specified in the aforementioned letter of the Levy Court dated September 27, 1960.

19. The Levy Court therefore refused the request for an extension of time and directed that the buildings at Millside to be vacated and demolished on the ground that they failed to meet the standards of the Building Code of New Castle County and are detrimental to the general safety and welfare of the public.

20. All of the buildings and structures in the aforesaid development known as Millside, with the exception of the aforementioned two pilot units, failed to meet the specifications and requirements of the Building Code of New Castle County and exist in violation of said Building Code.

21. The use and occupancy of said buildings and structures, and each of them, is detrimental to the general

3. The owner or owners of the several sections of Millside, as shown on Exhibit "A" are hereby directed to reconstruct and remodel buildings and structures located on the respective sections of Millside in strict compliance with the plans and specifications attached hereto as Exhibit "B" and made a part hereof, said remodeling and reconstruction to be completed in accordance with the schedule attached hereto as Exhibit "C" and made a part hereof, said schedule to be complied with without modification or exception; and

4. None of the aforementioned buildings or structures shall be used or occupied unless or until the aforementioned reconstruction and remodeling shall have been completed and approved by the New Castle County Building Inspector, except that the present tenants thereof may be permitted to continue to occupy the respective housing units therein until the dates set forth in the schedule attached hereto as Exhibit "C" and made a part hereof; and

5. All remodeling and reconstruction shall be subject to approval by the New Castle County Building Inspector, provided that any dispute concerning compliance with the terms of this Order and the plans and specifications attached hereto may be referred to the Court for determination; and

6. In the event that the owner or owners of any section of Millside shall fail to comply with the terms of this Order in any respect or shall fail to reconstruct or remodel any building or structure according to the terms of this Order, said owner or owners who shall have failed to comply with the terms of this Order or shall have failed to reconstruct or remodel any building or structure according to the terms of this Order shall cause each building and structure in said section to be demolished and

removed.

7. The Court reserves the right to make further Order as may be appropriate.

Chancellor

Each of the parties named in the caption of this Order does hereby consent, stipulate and agree to the substance and form of this Order and to the entry thereof.

Attorney General of the State
of Delaware

Attorney for Defendants

"L"

November 3, 1960

Clarence Taylor, Esquire
Levy Court of New Castle County
Public Building
Wilmington, Delaware

Dear Clarence:

Re: Millside Development

By letter of November 2, 1960, Jack Killoran acknowledges receipt of my November 1 letter and states that the procedure suggested is satisfactory to all of the owners, and I am writing this letter as attorney for all of the owners of Millside Development.

Jack suggests that you prepare the complaint, answer and proposed decree and review it with him so that the two of you may arrange to present it to the Chancellor. If you need my help, please call me. Meanwhile, you are carrying the ball.

Yours very truly,

Januar D. Bove, Jr.

JDB:mp

cc: C. J. Killoran, Esquire
Joseph F. Dayton
G. Lester Cleaver
Harry H. Lambert

ATTORNEY GENERAL NOV 3 1960

LAW OFFICES
KILLORAN & VAN BRUNT

CLAIR JOHN KILLORAN
JOHN VAN BRUNT, JR.
WALTER P. McEVILLY
CLYDE M. ENGLAND, JR.
DAVID SNELLENBURG, II
COURTNEY H. CUMMINGS, JR.
E. DICKINSON GRIFFENBERG, JR.
MARVIN D. FORMAN

BANK OF DELAWARE BUILDING
WILMINGTON 1, DELAWARE
OLYMPIA 5-9641

November 2, 1960

Hon. Januar D. Bove, Jr.
Attorney General
Public Building
Wilmington, Delaware

Re: Millside Development

Dear Jan:

This will acknowledge your letter of November 1, in which you outline the agreement entered into between you, the Levy Court and its attorneys. The procedure suggested is satisfactory to all of the owners, and I am writing this letter as attorney for all of the owners of Millside Development.

As soon as the draft of the complaint is received from the attorneys for the Levy Court, I would appreciate receiving a copy of the same for review.

I am sure that we will have no difficulty in working out the consent decree in conformity with your understanding with the Levy Court.

Very truly yours,


Clair John Killoran

CJK:rvd



STATE OF DELAWARE

OFFICE OF THE ATTORNEY GENERAL

~~WILMINGTON, DELAWARE~~
WILMINGTON, DELAWARE

JANUAR D. BOVE, JR.
ATTORNEY GENERAL
CLEMENT C. WOOD
CHIEF DEPUTY ATTORNEY GENERAL

CHARLES L. PARUSZEWSKI
JOSEPH J. LONGOBARDI, JR.
MAX BELL, JR.
GEORGE R. WRIGHT
FREDERICK P. WHITNEY
PAUL R. REED
MURRAY M. SCHWARTZ
DEPUTY ATTORNEYS GENERAL

C. J. Killoran, Esquire
Killoran and Van Buren
Bank of Delaware Building
Wilmington, Delaware

Dear Jack:

Re: Millside Development

As you know, the Levy Court has requested my office to take action, under 16 Del. C. §516, against the Millside Development. You also know that I have conferred at length with you and the Levy Court's attorneys concerning the matter. This morning I met with the Levy Court and its attorneys and we have agreed as follows:

- (1) The Levy Court desires a decree from the Court of Chancery, whether by litigation or by consent, compelling the owners of the Millside Development to repair and reconstruct all of the units as the owners have previously repaired and reconstructed certain pilot units as required by the Levy Court and its Building Inspector.
- (2) The owners have represented to the Levy Court that this can be done within a three-month period, so that the Levy Court desires this time limit specified in the decree.
- (3) As an alternative, the Levy Court desires that the decree compel the owners to tear the buildings down.
- (4) The Levy Court has asked me to ask you whether or not you will consent to the entry of such a decree. Since my discussion with the Levy Court was within the general ambit of my conversations with you, I have decided to accede to this request. I would like, as instructed by the Levy Court, a statement from you by Friday, November 4, that the owners are in agreement with the foregoing in principle.

(5) Also, as requested by the Levy Court, I would like a written commitment from you on or before November 15 that you will consent to the entry of such a decree if the Court sees fit.

C. J. Killoran, Register
Killoran and Van Buren

November 1, 1950

(6) Nevertheless, as requested by the Levy Court, if the owners agree, such decree should be entered within two or four weeks from today.

(7) In the intervening period, the Levy Court's attorneys are preparing a complaint for filing in the Court of Chancery so that, if the owners do not agree, litigation may be instituted at once.

I might suggest that the requirements of the Levy Court, with respect to the pilot writs, be incorporated into the decree, if the owners consent to such decree, so that further misunderstandings will be avoided.

I look for your telephone call on Friday and also for a written comment from you. If you have any question of any kind, please call me at once.

Sincerely,


Frank D. Evers, Sr.

JTB:mp

LEVY COURT
NEW CASTLE COUNTY
WILMINGTON 1, DELAWARE

JOSEPH F. DAYTON, PRESIDENT
HARRY H. LAMBERT, COMMISSIONER
G. LESTER CLEAVER, COMMISSIONER

Honorable Januar D. Bove, Jr.
Attorney General for the
State of Delaware
Public Building
10th & King Streets
Wilmington, Delaware

Dear Jan:

Thank you for your letter of October 17, 1960.

As you know the Levy Court has determined a course of action to be taken in this matter and feel that this course should be followed without delay. I shall be glad to work with your office in preparing the papers, however since the matter is one to be prosecuted by your office, I do feel that any formal action by the Levy Court should conform to the wishes of your office.

Will you please arrange for a preliminary study of this matter in the very near future. If you then have any recommendations concerning the course of action I shall appreciate receiving them and conveying them to the Levy Court.

Very truly yours,

Clarence

Clarence W. Taylor
Chief Attorney for the
Levy Court of New Castle County

CWT:am

1. Timin factors in CT. + possible result
2. Rule per. 18 liability
3. Commitment by owner
4. 112 - remainder to state

*See agreement in
pencil by Fair.
2 notes for another commitment
October 24, 1960
3 notes for consent Cleaver
- probably toward re
revenue + remainder
of public funds.
3 months the tax limit
in lower*

October 17, 1960

Clarence W. Taylor, Chief Attorney
Levy Court of New Castle County
Public Building
Wilmington, Delaware

Re: Millside Development

Dear Clarence:

Receipt is acknowledged of your letter of October 13, 1960 concerning the above mentioned matter. I understand that C. J. Killoran, Esquire, is the attorney for Millside. I would like an opportunity to consider your letter and perhaps arrange a meeting with you and Mr. Killoran so that I can hear both sides of the story. I will be in touch with you shortly about it.

As you undoubtedly are aware as a former deputy in this office, our work load is nothing short of fantastic and I am unable to promise prompt action. I will, however, communicate with you as soon as possible.

Sincerely,

Janner D. Bove, Jr.

JDBjr/am

LEVY COURT

NEW CASTLE COUNTY
WILMINGTON 1, DELAWARE

ATTORNEY GENERAL OCT 13 1960

JOSEPH F. DAYTON, PRESIDENT
HARRY H. LAMBERT, COMMISSIONER
G. LESTER CLEAVER, COMMISSIONER

October 13, 1960

Januar D. Bove, Jr., Esquire
Attorney General for the
State of Delaware
Public Building
10th & King Streets
Wilmington, Delaware

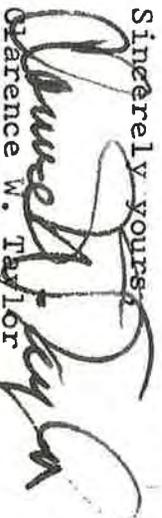
Dear Jan:

The Building Inspector in New Castle County and the Levy Court have been endeavoring to ~~compel~~ the owners of the Millside development to renovate the buildings so that they will comply with the requirements of the New Castle County Building Code or in the alternative demolish the buildings. It now becomes apparent the matter cannot satisfactorily be resolved with the owners, and the Levy Court has directed that action be taken to ~~compel~~ the demolition of the buildings.

Any action to be taken must be based upon Title 16, Chapter 83, Delaware Code and the Building Code of New Castle County. 16 Delaware Code, Section 8316 provides that enforcement proceedings shall be instituted by the Attorney General. The Building Code Section 104.22 provides similarly.

I should like to go over this matter with someone from your office. Will you please designate your deputy who will be responsible for this action in order that I can meet with him.

Sincerely yours,



Clarence W. Taylor
Chief Attorney
Levy Court of New Castle County

CWT:am

ATTORNEY GENERAL NOV 21 1960

November 21, 1960

Clair J. Killoran, Esquire
Bank of Delaware Building
Wilmington, Delaware

Dear Mr. Killoran:

It is my understanding that you have agreed on behalf of all the owners of Millside to the entry of a Consent Decree providing for the remodeling of the Millside buildings to conform to the pilot units, and that the work is to be accomplished within three months from the date of the decree.

I have prepared a complaint, of which is enclosed. An answer to this complaint to be prepared by you. I shall have a draft of the Consent Decree in your hands very shortly.

Very truly yours,

Clarence W. Taylor
Chief Attorney
Levy Court of New Castle County

CWT/g

cc: January D. Bove, Jr.,
Attorney of the State
of Delaware

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

Januar D. Bove, Jr.
Attorney General of the
State of Delaware,

Plaintiff,

Civil Action

vs.

Complaint

Don A. Loftus,
Carl Budwesky,
Jack F. Chryslar,
Edward J. Egan,
Clair John Killoran,
Wallace W. V. Lynch,
James F. Lyons,
Don E. Ryan, etal

Defendants.

COMPLAINT

1. Plaintiff brings this action in his capacity as Attorney General of the State of Delaware pursuant to Title 16, Section 8316 of the Delaware Code.
2. The several defendants are owners of portions of the development lying in New Castle Hundred, New Castle County, State of Delaware near the City of Wilmington known as "Millside".
3. The buildings located at Millside are rented by the owners to the public as housing units.
4. The buildings presently located in the development known as Millside were constructed by the Public Housing Administration during World War II as a temporary housing project. By Resolution adopted April 2, 1954 the Levy Court of New Castle County declared that the housing structures in the project known as "Millside DEL-7035, which lie to the East of Rogers Road and

DuPont Highway are suitable on their present sites for long term housing use, provided, however, that within one year from the date the Public Housing Administration transfers title to the structures, the purchaser bring all structures into compliance with the New Castle County Building Code and Plumbing Code", and that if this was not accomplished the housing would be deemed to be unfit and unsafe for human habitation and would be condemned.

5. During the year 1954, and after the aforementioned resolution, the buildings in the development known as Millside were transferred to private purchasers and have thereafter been transferred and conveyed to defendants.

6. In October 1956 the then President of the Levy Court of New Castle County notified defendant Don A. Loftus, who acted as agent for the owners of said development that the Millside project did not comply with the Building and Plumbing Codes of New Castle County and directed that the Building Inspector take appropriate action in the event the units were not brought into compliance with the Codes.

7. Notwithstanding the aforementioned notice, the buildings were not brought into compliance with the Codes.

8. By Resolution adopted February 25, 1960 the Levy Court of New Castle County declared that the Millside project failed to meet the requirements of the Building Code of New Castle County and directed that the owners file with the Levy Court a statement showing their intention to reconstruct or remodel the buildings to meet the strict requirements of the Building Code of New Castle County and to give proper assurance for the performance of said work, all work to be completed within six months from the date of submission of plans and specifications to the Building Inspector and that in the event of failure of the owners

to comply with the provisions of said resolution, the buildings would be deemed in violation of the Building Code of New Castle County and condemned and their occupancy prohibited.

9. Defendants were duly notified of said resolution on February 26, 1960.

10. On March 9, 1960 defendants, through their attorney Clair John Killoran, Esquire, notified the Levy Court of New Castle County that "it is their intention to remodel the buildings and structures at said site in accordance with the requirements of the mentioned resolution and to otherwise comply with the conditions therein."

11. Thereafter, representatives of defendants met with the New Castle County Building Inspector for the purpose of specifying the remodeling and reconstruction to take place and it was agreed that a pilot unit would be remodeled and reconstructed first which would be subjected to strength tests.

12. Plans and specifications were submitted to the Building Inspector pursuant to the aforementioned resolution of April 25, 1960 on March 28, 1960, said date being the date from which the six-month term provided in said resolution for the completion of the remodeling and reconstruction was computed.

13. On May 13, 1960 and again on June 20, 1960 the New Castle County Building Inspector notified the attorney for defendants of the requirement that an underwriter department certificate be obtained with respect to the two pilot units in order that final approval of the pilot units could be given and the similar work on the remaining buildings of Willside could be completed within the time specified in the said resolution of the Levy Court.

14. Defendants failed to obtain said certificate and hence the Building Inspector's approval of the two pilot units until August 1960.

15. On August defendants made application to the New Castle County Building Inspector for permits for the remodeling and reconstruction of all of the remaining buildings in Millside.

16. In response to said application, defendants were informed that the permits would be granted but that the Levy Court would require adherence to the time limit fixed in its resolution of February 25, 1960 and hence the work must be completed by September 28, 1960.

17. Pursuant to a request made by Clair J. Killoran, Esquire, attorney for defendants on September 26, 1960, the Levy Court specified certain conditions under which any request for extension of time must meet and require that those conditions be complied with by October 4, 1960.

18. Clair J. Killoran, Esquire, attorney for defendants submitted certain documents to the Levy Court on October 4, 1960 which documents did not comply with the terms specified in the aforementioned letter of the Levy Court dated September 27, 1960.

19. The Levy Court therefore refused the request for an extension of time and directed that the buildings at Millside to be vacated and demolished on the ground that they failed to meet the standards of the Building Code of New Castle County and are detrimental to the general safety and welfare of the public.

20. All of the buildings and structures in the aforementioned development known as Millside, with the exception of the aforementioned two pilot units, failed to meet the specifications and requirements of the Building Code of New Castle County and exist in violation of said Building Code.

21. The use and occupancy of said buildings and structures, and each of them, is detrimental to the general

safety and welfare of the public as defined in Section 106.0 of said Building Code.

22. Plaintiff is without adequate remedy at law.

WHEREFORE, plaintiff demands that this Court permanently enjoin the use and occupancy of the aforementioned buildings, and each of them, and that this Court order and direct the owners of said buildings to demolish and remove said buildings without delay.

Attorney General of the State of Delaware

Attorney for Plaintiff and
Chief Attorney for the Levy Court
of New Castle County