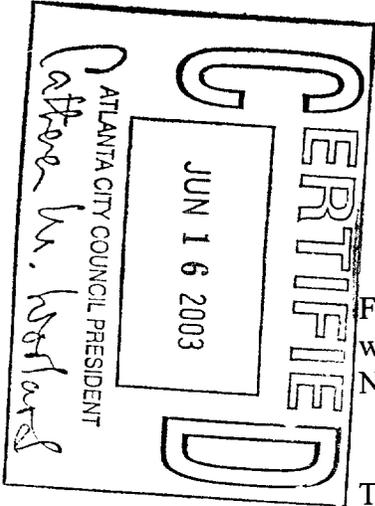


Entered - 07/12/01 - sb  
CL01L0443 - DIANNE C. MITCHELL

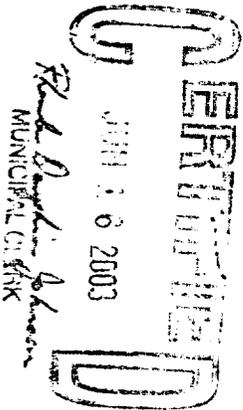
03-R-0883

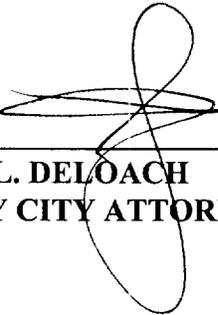
CLAIM OF: VESTA HOLDINGS I, LLC, as agent for  
Heartwood II, Inc.,  
through its attorney,  
Robert J. Proctor  
Suite 245  
8010 Roswell Road  
Atlanta, Georgia 30350



For damages alleged to have been sustained as a result of the wrongful demolition of structures located at 691 South Evelyn Place, NW on October 30, 2000.

THIS ADVERSED REPORT IS APPROVED



BY:   
JERRY L. DELOACH  
DEPUTY CITY ATTORNEY

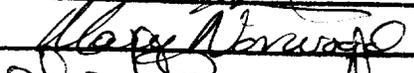
ADVERSED BY  
COUNCIL JUN, 16 2003

**ADVERSE REPORT**

COMM: 6/10/03

DATE: \_\_\_\_\_

CHAIR: 







C. Ti. Ward

\_\_\_\_\_

\_\_\_\_\_



CITY OF ATLANTA  
OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

June 27, 2003

Robert J. Proctor  
Attorney at Law  
8010 Roswell Road  
Suite 245  
Atlanta, GA 30350

03-R-0883

RE: Vesta Holdings I, LLC, as agent for  
Heartwood II, Inc.

Dear Attorney Proctor:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on June 16, 2003. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0443

Date: May 27, 2003

Claimant /Victim VESTA HOLDINGS I, LLC, as agent for Heartwood 11, Inc.

BY: (Atty) Robert J. Proctor

Address: Suite 245, 8010 Roswell Road, Atlanta, Georgia 30350

Subrogation: Claim for Property damage \$ 25,000.00 + Bodily Injury \$

Date of Notice: 07/01/01 Method: Written, proper X Improper     

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 10/30/00 Place: 691 South Evelyn Place

Department Planning, Development and Neighborhood Conservation Division: Housing Demolition

Employee involved      Disciplinary Action:     

NATURE OF CLAIM: The claimant alleges that it paid the tax liens on the property located at 691 South Evelyn Place and that the City demolished its property without prior notice. The investigation determined that the City complied with all procedures prior to demolition of the property. All known parties of interest were notified prior to the demolition.

INVESTIGATION:

Statements: City employee      Claimant      Others      Written      Oral     

Pictures      Diagrams      Reports: Police      Dept Report      Other     

Traffic citations issued: City Driver      Claimant Driver     

Citation disposition: City Driver      Claimant Driver     

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial     

Improper Notice      More than Six Months      Other X Damages reasonable     

City not involved      Offer rejected      Compromise settlement     

Repair/replacement by Ins. Co.      Repair/replacement by City Forces     

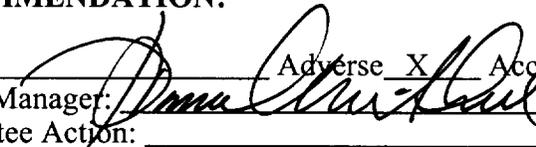
Claimant Negligent      City Negligent      Joint      Claim Abandoned     

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$      Adverse X Account charged: 1A01      2J01      2H01      2P01     

Claims Manager:  Concur/date 05-27-03

Committee Action:      Council Action







		6/16/03 Full Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 03-O-0906	34. 03-R-0855	45. 03-R-0866
2. 03-O-0911	35. 03-R-0856	46. 03-R-0867
3. 03-O-0905	36. 03-R-0857	47. 03-R-0868
4. 03-O-0764	37. 03-R-0858	48. 03-R-0869
5. 03-O-0914	38. 03-R-0859	49. 03-R-0870
6. 03-O-0667	39. 03-R-0860	50. 03-R-0871
7. 03-O-0671	40. 03-R-0861	51. 03-R-0872
8. 03-O-0839	41. 03-R-0862	52. 03-R-0873
9. 03-O-0908	42. 03-R-0863	53. 03-R-0874
10. 03-O-0910	43. 03-R-0864	54. 03-R-0875
11. 03-O-0912	44. 03-R-0865	55. 03-R-0876
12. 03-R-0851		56. 03-R-0877
13. 03-R-0853		57. 03-R-0878
14. 03-R-0854		58. 03-R-0879
15. 03-R-0922		59. 03-R-0880
16. 03-R-0927		60. 03-R-0881
17. 03-R-0928		61. 03-R-0882
18. 03-R-0891		62. 03-R-0883
19. 03-R-0894		63. 03-R-0884
20. 03-R-0921		64. 03-R-0885
21. 03-R-0890		65. 03-R-0886
22. 03-R-0893		66. 03-R-0887
23. 03-R-0895		67. 03-R-0888
24. 03-R-0903		
25. 03-R-0938		
26. 03-R-0848		
27. 03-R-0849		
28. 03-R-0892		
29. 03-R-0918		
30. 03-R-0919		
31. 03-R-0923		
32. 03-R-0924		
33. 03-R-0897		

Consent I Vote: 10Yeas; 0Nays: (See RCS #4836)

Items Removed from the Consent Agenda: 03-O-0913; 03-O-0693; 03-O-0668; 03-O-0669; 03-O-0929