

IN THE 7TH JUDICIAL DISTRICT FOR
ANDERSON COUNTY, TENNESSEE – CIRCUIT DIVISION

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CITY OF OAK RIDGE

2014 NOV 13 A 10:59

Plaintiff

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NOTICE OF ENTRY
REQUESTED

Joseph J. Levitt, Jr., Owner
Applewood Apartments

Defendant

Filed this 26 day of
Nov 2014 at
4:25 o'clock PM
William T. Jones
Circuit Court Clerk
By: [Signature] D.C.

AMENDED FINAL ORDER AND JUDGMENT

This Cause was called for a Non-Jury Trial on the 20th day of October 2014 before the Honorable Donald R. Elledge, Judge of the Circuit Court of Anderson County, Tennessee from an appeal filed by Joseph J. Levitt, Jr., Defendant, Owner of Applewood Apartments, acting as his own attorney from an Oak Ridge City Court Final Order and Interim Orders said Appeal to Circuit Court being filed on or about the 25th day of February 2011. The Parties announced to the Court they were ready for Trial, the Plaintiff (City) announced to the Court that it would limit its proof to the City Property Maintenance Code violations set out in the Corum Engineering & Design Report (Corum Report) dated November 1, 2012 and the Corum Report dated October 12, 2014 which Reports are filed as Exhibits in the Court Record.

The Trial then proceeded to a full hearing on the merits from the Final Order and Interim Orders entered by the City Court of Oak Ridge on or about February 16, 2011, which originally found the Defendant guilty of numerous violations of the City of Oak Ridge Property Maintenance Code as set out in said Order and Interim Orders and whereupon Donald R. Elledge, Judge of the Circuit Court, heard testimony from the witnesses called by the Plaintiff/City of Oak Ridge along with Exhibits filed by the Plaintiff including, but not limited to, a Motion to Amend to name Joseph J. Levitt, Jr., as Defendant/Owner of Applewood Apartments, said Motion filed on February 17, 2012 by the Plaintiff, City of Oak Ridge pursuant to TRCP 15, which Motion the Court granted and named Joseph J. Levitt, Jr. as Defendant in this cause. The Court's ruling on the Motion to Amend is attached as Exhibit B to this Order and incorporated by reference herein. Further, the Court also heard testimony from the witnesses called by Joseph J. Levitt, Jr., Defendant, acting as attorney for himself as the Defendant/Owner of Applewood Apartments. The Court, upon completion of the testimony

of the witnesses for the Plaintiff and Defendant and introduction of all exhibits, proceeded to announce its Findings and Conclusions from the Bench which Findings and Conclusions were based on the sworn testimony introduced at the Trial with Exhibits as set out in the record and referenced in the Court's Opinion which is attached to this Order and incorporated by reference herein and;

FURTHER, the Court, after announcing its Findings and Conclusions, proceeded to enter its Judgment in this cause in favor of the Plaintiff/City of Oak Ridge and against the Defendant/Owner of Applewood Apartments, Joseph J. Levitt, Jr., for twenty-five (25) violations of the City of Oak Ridge Property Maintenance Code at \$25.00 per day per violation for 650 days for a Judgment in the total amount of \$406,250.00 for said violations of the City of Oak Ridge Property Maintenance Code as set out in the Opinion of the Court, plus the costs of this cause.

WHEREFORE, IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Plaintiff/ City of Oak Ridge have and recover from the Defendant Joseph J. Levitt, Jr. the sum of \$406,250.00 for violations of the City of Oak Ridge Property Maintenance Code plus the costs of this cause for all of which execution may issue if necessary. A transcript of the Opinion and Order of the Court is attached to this Final Order and Judgment and incorporated by reference into this Final Order as Exhibit A.

THE PURPOSE OF THIS AMENDED FINAL ORDER AND JUDGMENT IS TO CORRECT THE MONTH FROM OCTOBER TO NOVEMBER ON PAGE TWO OF THE FINAL ORDER AND JUDGMENT ENTERED BY THE CIRCUIT COURT CLERK ON THE 5TH OF NOVEMBER 2014.

Enter this 26 day of Nov 2014.


Donald R. Elledge, Judge

APPROVED:

CITY OF OAK RIDGE, TENNESSEE

By: 
Kenneth R. Krushenski
Attorney for Plaintiff

By: _____
Joseph J. Levitt, Jr.
Attorney for Joseph J. Levitt/Defendant/Owner of the Applewood Apartments

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of this AMENDED FINAL ORDER AND JUDGMENT with the Trial Court's Opinion has been served upon the following by mailing the same to him at his last known address:

Joseph Levitt, Esquire (Attorney for Defendant Joseph J. Levitt/Owner of Applewood Apartments)
Attorney at Law
825 N. Central Street
Knoxville, Tennessee 37917

This the 13th day of November 2014.

Levitt
Krushenski

CITY OF OAK RIDGE, TENNESSEE

By: *Kenneth R. Krushenski*
Kenneth R. Krushenski
Attorney for Plaintiff/Appellee
City of Oak Ridge
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P. O. Box 1
Oak Ridge, Tennessee 37830
BPR: 004733