# City's battle with homeowner back in court Joppich said some of the subdivision rules and the clty's laws tie together, so the cases have been comblined. The attorney said Monday no court date has been set to address the issue again before Andrews. Smolek said the association has tried to resolve issues with the Shahs, but a meeting with the family has not been set. Countegan said the Shahs were issued a tieket recently for blight and for having an abandoned vehicle on the property.

Farmington Hills and the Oxford Estates Homeowners Association battle with the Shah family appears to be back where it started. While the family has said in the past they are doing their best to complete the home in the upscale subdivision, neighbors want to know what it will take to know what it will take to know what it will take to finish the job, now approaching its fifth year of incompletion.

The matter was held up for the past five months after Ajny Shah filed for personal bankruptey. That matter was concluded in federal court recently, said Hills attorney Steven Joppieh.

Now the city is back in Oxland Country with Betty and Ajah Shah, who are suing the city for trespassing and nuisance violations.

The city was granted a

violations.

The city was granted a court order to allow the Building Department to examine the home's interior and exterior last week.

A list of 35 items needed to be completed was given to the council for review Monday. The list includes electrical, plumbing, heating and cooling and building issues.

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A court-ordered certificate of occupancy, which the family received several months ago to remain living in the unfinished home, has expired.

ago to remain living in the unfaished home, has expired.

A new occupancy permit could be issued if the 35 changes are made, but Joppich did not say if or when a deadline would be given to the family.

The list will be given to the court for review, said Dale Countegan, planning, and community development director.

Betty Slah said Tuesday the punch list was already done, but added she still believes the family is being unfairly treated by the city to the point of harassment. She said as long as progress is being made to the home, there is no state building code that states when a home must be completed.

Betty Shah said the city is

when a home must be completed.

Betty Shah said the city is kow-towing to appease homeowners association board members who want the family out.

She said the interior of the home has nothing to do with the bylaws of the homeowners association.

"Why are they interested in that?" she said.

At Monday's council study session, Councilman Jerry

cobseris

FLOWERS & GIFTS

Ellis said he was shocked by low long the list is.

This tells me they're living in the basement, he said, pointing out that only the home's basement kitchen appears to be complete.

Oxford Estates resident Rich Smolek said he wondered what happened to the city's intention to ask the judge to assign a receiver to finish the home and eviet the family.

finish the home and eviet the family.

In the may not be enough equity in the home to appoint a receiver who rould make a profit on the home to make a profit on the home of the home after he completed the work, Joppich said.

However, Ellis, an attorney, said Oakland County Circuit Court Judge Stephen Andrews afterady gave a verbal approval to appoint a receiver and that Joppich should pursue a written agreement.

"Any receiver worth his salt knows how to get paid," he said.

knows how to ger paid, asid.
"It seems to me they are squatters," said Councilwoman Vicki Barnett after reviewing the list.
Smolek said the homeown-recordabtion has its own

ers association has its own lawsuit against the Shahs and a claim of not meeting the association rules regard ing the home's exterior and landscape.

#### TRUCKING

\$32,000, revenues have increased, but the high of \$132,000 last year isn't typical. City Manager Steve Brock said fines depend on what's happening on the road, as well as how much time officers can allocate the contract of the property of owards enforcing motor carrie

much time officers can allocate towards enforcing motor carrier laws.

"Our net is break even at best; overall we're in the hole," he said. "Initially the thought was you'd make all this money. That doesn't bear fruit. It's about asfety of the motoring public and condition of the roads." The law has also changed so that libraries get a share of the fine revenues, he added.

Farmington Hills was among 29 metro-Detroit cities named in the suit filed by Bull Transport on behalf of four trucking companies in U.S. District Court. The City of Livonia's Law Department served as co-lead counsel with the Butzel Long legal firm.

Livonia, with heavy truck traffic on 1-275 and 1-96, stood to lose \$120,000 annually:
In addition to taking away the cities right to ticket trucks, the plaintiffs asked that all fines sollected since 1996 - believed to be several millions of follars - be refunded.

Judge Avern Cohn threw out abandoned vehicle on the property.

Mayor Nancy Bates put an end to the discussion after 40 minutes Monday, requesting the council discuss the case in closed session Dec. 16 since the city is a defendant in the lawsuit. The council's Christopher McRae told Oxford Estates residents the city han't determined its latest strategy in the case.

be refunded.

be refunded.
Judge Avern Cohn threw out
the suit once the U.S. Supreme
Court ruled in favor of local
municipalities in a similar case
involving a Columbus, Ohio,
towing company.
The higher court's ruling
"essentially gutted (the trucking
industry's) legal theory," said

Michael Fisher, Livonia's assis-

Michael Fisher, Livonia's assistant city attorney.
The latest court action was but one in a series of efforts by the truelding industry to streamline enforcement. Michigan has what is considered iliberal carrier weight limits, which are based on weight per acle as opposed to overall gross weight. By stopping municipalities from collecting fines, trucking companies figure cities will leave enforcement up to Michigan State Police, which only has two troopers to patrol all of Wayne County, Fisher said. Trucking asfety standards are not the issue, a Michigan Trucking Association polesman said. The industry wants consistency in how those regulations are enforced.

There has been a sense that

regulations are entorceo.
There has been a sense that there are certain communities -I'm not going to name them -that view trucks as a cash cow," said Walter Heinritzi, Michigan Trucking Association executive

Trucking Association executive director.

"We'd prefer the (state) Motor Carrier division do it because you would get more consistent enforcement."

Two years ago, cities successfully fought a lawsuit filed by the trucking industry that reached the state Supreme

Court.

The trucking industry sued, maintaining cities didn't have authority to collect commercial motor vehicle fines under state law. Local authorities eventually prevailed in the state appellate court. Staff writer Joni Hubred also con-tributed to this story.

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determined its inter state in the case.

"We'll look at all the options," he said.

Meanwhile, Betty Shah said Tuesday a lawsuit against the homeowners association and possibly individual neighbors is in the works.

the works.
"The truth will come out then," she said.

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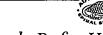




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