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Columbus City Attorney Files Two Motions to Expedite Change in Ownership and Management of Colonial Village Apartments

Columbus Files Motion for Contempt Against Current Owners and Property Manager for Failing to Meet Requirements, and a Motion to Appoint Bob Weiler as Receiver of Colonial Village

COLUMBUS, OH—Today, Columbus City Attorney Zach Klein announced that the City of Columbus has taken two new, simultaneous legal actions to expedite the change in ownership at Colonial Village Apartment Complex.

The City of Columbus has been engaged with Colonial Village for several years in an effort to hold the property owners accountable for the criminal activity, violence, and countless code violations that have caused devastating living conditions for the residents. Earlier this month, the City Attorney's Office secured a court order to declare the property a public nuisance, with an agreement of enforceable orders and stipulations to bring the property into compliance with City Code, remediate all outstanding emergency violations of the code, as well as increased staff, maintenance, security, cameras, lighting, and more within thirty days of the order.

Hundreds of code violations were present at the Premises when Apex Colonial acquired the Premises in March 2020. Those violations included, among other things, bed bugs, rodent infestation, water damage, lack of utilities, prohibited occupancy, missing/inoperable smoke detectors, fire damage, broken windows, bare and rotted wood, detached and rotten door framing, damaged or missing rain carriers, missing downspouts, debris filled gutters, mortar voids and damaged concrete, potholes, loose/damaged siding, exposed wiring, broken/damaged light fixtures, and unsecured vacant units.

The current owners have had over a year to bring Colonial Village into compliance with the Columbus City Code, and nearly four months to bring the property into compliance since the City Attorney filed its lawsuit in the Environmental Court. However, as of July 30, 2021, there were still more than 200 code violations at the Premises.

Accordingly, the City of Columbus filed a motion for contempt against the Colonial Village property owner, Apex Colonial OH LLC, as well as the property management company, Aloft

Management LLC. The motion was based on the defendant's failure to comply with certain terms of the agreement made in court on August 3, 2021.

“We are all disappointed that the current owners and property managers did not bring this property into compliance like they agreed to,” said Assistant City Attorney Tiara Ross. “We are eager to see some real reprieve for the families living at Colonial Village, and are moving this process forward as swiftly as we can.”

Additionally, the City Attorney filed a joint motion with the mortgage holder, EFM Transfer Agent, LLC, in the Franklin County Common Pleas Court to move the Court to promptly appoint a receiver to operate, manage, and prepare the property for sale, which will benefit all interested parties, including community members and residents. The City and the lender argue an experienced and well-qualified receiver, like the one proposed in the motion, will increase, or at least preserve, the value of the property and facilitate the sale to a new and competent owner.

Bob Weiler is the proposed receiver based on a list of qualifications, including but not limited to the fact that he is an experienced real estate professional who has served as a receiver in numerous other matters, he is an Ohio resident who currently serves as Chairman of the Board of the Robert Weiler Company (formed under Ohio law), and has served as the Chairman of the Ohio Real Estate Appraiser Board, as well as President of the Ohio Chapter of Appraisal Institute and the Columbus Board of Realtors. Mr. Weiler has acknowledged that upon accepting the appointment as receiver, he will act in conformity with Ohio law and the Court's local rules, act in the best interests of the estate, and more. Mr. Weiler's proposed scope of work and duties are enumerated in the attached proposed order.

“With these motions, we are using every legal avenue available to expedite this process and get these apartments up to the standard that their residents deserve,” said City Attorney Zach Klein. “The level of dangerous crime and mismanagement of this property calls for this unprecedented action, and we are confident in Mr. Weiler's experience to get this property on the right track.”

In the motion, the City and the lender argued, *“The Premises is in danger of being lost, materially injured, diminished in value, or squandered by the mismanagement and code violations of the current owner, Defendant Apex Colonial OH LLC, which has also defaulted on its mortgage obligations to EFM Failure to pay lender in accordance with Promissory Note. And, to date, the owners have still failed to pay the real estate taxes for the property or cure any of their other defaults under the loan documents, or properly managing the property.”*

In the motion, the City and the lender also proposed that the Court should permit Mr. Weiler to hire Hayes Gibson Property Services, LLC (“Hayes Gibson”) as his property manager for the Premises. With over 65 years of experience, Hayes Gibson is a leading expert in the multifamily affordable housing industry. Hayes Gibson has expertise in property operations, financial management, regulatory compliance, facilities maintenance, value recovery, and resident and community relations. All of Hayes Gibson's necessary licenses are in good standing.

[The two motions are attached.](#)

[Motion 1](#)

[Motion 2](#)

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