

March 11, 2009

Morella L. Lombardi, Freedom of Information Act Officer  
Dept. of Housing and Urban Development Los Angeles Field Office  
611 W. 6<sup>th</sup> Street, Suite 1100  
Los Angeles, CA 90017

**Via Certified Mail**

**Property:      Holiday Venice Apartments aka Breezes Del Mar Apartments  
                    ("New Venice Properties")**

Dear Ms. Lombardi:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 522 *et seq.*, I hereby request copies of a number of public documents related to the Holiday Venice Apartments, a.k.a. Breezes Del Mar Apartments ("New Venice Properties"). While I believe that the majority of these documents reside at this field office, in the event that any responsive documents reside solely at HUD offices in the District of Columbia, please forward this request to the appropriate personnel as consistent with your FOIA obligations.

I respectfully request copies of the following documents that are specifically referenced by Beverly J. Miller, Director of the Office of Asset Management, in her letter dated December 12, 2008 (see enclosure):

- 1) The most recent requests for approval to prepay the mortgages on the above-referenced properties. Ms. Miller's letter states that these prepayment requests were submitted by the owner in July 2008.
- 2) The new rental Use Agreement that Ms. Miller references in her letter and states that the owner has agreed to execute and record.
- 3) The Release, Assumption and Modification Agreements executed by the owner and HUD in 1998 and referenced in Ms. Miller's letter.
- 4) The owner's 1998 application for a Transfer of Physical Assets that is specifically referenced in Ms. Miller's letter.
- 5) The "legal documents" and "Mortgage Notes" that were reviewed following HUD's receipt of the owner's July 2008 prepayment request, as referenced to by Ms. Miller in her letter.
- 6) The letter from the owner's attorney to HUD stating that "it is the owner's intent to enter into 20-year HAP contract renewals if [owner is] allowed to prepay the mortgages." Ms. Miller specifically references this letter.
- 7) The documentation Ms. Miller is referring to when she writes that "the owner has provided documentation to support the rehab criteria."
- 8) Any document(s) indicating the Los Angeles Multifamily Hub Director's certification that the owner "provided documentation to support the rehab criteria." Ms. Miller explicitly references this certification in her correspondence.

In addition, I respectfully request copies of the following documents concerning the above-referenced properties that are generated or collected by HUD pursuant to Section 250 of the National Housing Act (codified at 12 U.S.C. Sec. 1715z-15) and according to the protocols established in HUD Notice H06-11 (“Prepayments Subject to Section 250(a) of the National Housing Act”):

- 9) The Prepayment Checklist created by HUD Asset Management staff following receipt of the owner’s most recent prepayment request. The Checklist is generated pursuant to the protocol established in HUD Notice H06-11.
- 10) All documents that the Los Angeles Multifamily Hub was required to gather and review in accordance with the Prepayment Checklist, and as specified in HUD Notice H06-11.
- 11) Any document that indicates a final decision by HUD on whether to grant or deny the owner’s most recent prepayment request.
- 12) A copy of the owner’s most recent “150-Day Notification Letter To Tenants”. Pursuant to Section 250(a)(2) of the National Housing Act, the owner was required to forward a copy of the Notification Letter to the HUD Los Angeles Field Office.
- 13) The certification signed by the owner or the owner’s representative that accompanied delivery of the most recent “150-Day Notification Letter To Tenants” to the Los Angeles Field Office. Pursuant to Section 250(a)(2) of the National Housing Act, the owner was required to attach this certification to delivery of the Notification Letter to the local field office.
- 14) All HUD-93104 Forms (“Monthly Report of Excess Income”) relating to the above-referenced properties, generated between 1997 and the present.

In addition, I respectfully request copies of the following documents, regarding the above-referenced properties:

- 15) Any written correspondence between HUD and the owner, or any agents thereof, regarding the owner’s most recent prepayment request.
- 16) Any documents pertaining to the owner’s most recent request to alter the existing rental rate structure for the above properties, as well as any documents indicating HUD’s approval or denial of such requests.
- 17) Any documents listing Ezri Namvar or the Namco Capital Group as possessing an ownership interest in the properties and any documents reflecting a material alteration to any such interest.

In that none of the statutory exemptions to the mandatory disclosure provisions of the Freedom of Information Act apply to the above, you are required to respond to this Request within twenty (20) working days pursuant to 5 U.S.C. § 552(a)(6)(A). In unusual circumstances or in the unlikely event that access to any portion of the requested records is denied, you are required to state the reasons for doing so. With respect to any such denial, please state in writing the specific statutory basis relied upon and your reasons for believing that such basis is applicable to this Request. Please also separately state your reasons for not exercising your discretion to release such materials in the public interest, in the event you decline to do so.

While paper copies are certainly acceptable, you may alternatively send electronic copies of any responsive documents via e-mail to [XXXXXX@XXXX.com](mailto:XXXXXX@XXXX.com).

I anticipate that all of the above will be made available within the statutory period. However, the failure to do so may result in the assessment of court costs and attorney's fees against you pursuant to 5 U.S.C. § 552(a)(4)(E).

If you have any questions please call me at XXX-XXX-XXXX or email me at XXXXXXXX. Thank you for your assistance.

Sincerely,

[Law Firm Attorney]

**Enclosure:** Letter from Ms. Beverly J. Miller, Director of the Office of Asset Management to [Law Firm Attorney], dated December 12, 2008.