

# NOTICE OF MEETING



*CITY OF BRANSON*

## **BOARD OF APPEALS**

*Regular Meeting – Friday, November 22, 2013 – 9:00 a.m.*  
Council Chambers – Branson City Hall – 110 W. Maddux St.

*Where Values are the Difference*

**NOVEMBER: INTEGRITY**

Doing the right thing, even when no one is looking

**CITY OF BRANSON  
BOARD OF APPEALS AGENDA**

November 22, 2013  
9:00 A.M.  
Council Chambers

**BOARD BUSINESS**

1. **Roll Call**
2. **Approve Agenda**
  - A. **November 22, 2013**
3. **Approve Minutes**
  - A. **November 7, 2013**
4. **Approve Finding of Facts – November 7, 2013**
  - A. **Project No. 13-30.1**  
**Applicant: Inn-2, LLC**

**ADJOURNMENT**

*Where Values are the Difference*

**NOVEMBER: INTEGRITY**

Doing the right thing, even when no one is looking

**CITY OF BRANSON  
BOARD OF APPEALS  
MINUTES  
November 7, 2013**

**CALL TO ORDER:** Chairperson Oney called the City of Branson’s Board of Appeals meeting to order at 1:00 pm in the City Hall Council Chambers, 110 W. Maddux Street, Branson, Missouri.

**BOARD BUSINESS**

**1. Roll Call.**

Board Members Present: Scott Beanland, Larry Houge, Allen Johnson, Jeff Michel, and Chairperson Gerald Oney  
Board Members Absent: None  
Staff Present: Joel Hornickel, Interim Director of Planning and Development  
Summer Peterson, Office Assistant II  
Tara Norback, Planning Assistant  
William Duston, City Attorney  
Stephenie Schultz, Office Specialist  
Keith Crawford, Code Enforcement Supervisor  
Randy Fogle, Fire Department – Division Chief of Technical Services  
Dennis Brunner, Fire Marshal

**2. Approve Agenda.**

**A. November 7, 2013**

**MOTION:**

Motion by Board Member Houge and seconded by Board Member Michel to approve the format of the November 7, 2013 agenda.

AYES: Board Members Beanland, Houge, Johnson, Michel, and Chairperson Oney  
NOES: None  
ABSTAIN: None  
ABSENT: None

Motion to approve the November 7, 2013 agenda carried with a 5-0 vote.

**3. Approve Minutes.**

**A. May 23, 2012**

**MOTION:**

Motion by Board Member Houge and seconded by Board Member Beanland to approve the minutes of the May 23, 2012 meeting.

AYES: Board Members Beanland, Houge, Johnson, Michel, and Chairperson Oney  
NOES: None  
ABSTAIN: None  
ABSENT: None

Motion to approve the minutes of the May 23, 2012 meeting carried with a 5-0 vote.

#### **4. Election of Chairperson and Vice-Chairperson.**

##### **NOMINATION:**

Nomination by Board Member Houge to elect Board Member Oney as Chairperson.

AYES: Board Members Beanland, Houge, Johnson, Michel, and Chairperson Oney  
NOES: None  
ABSTAIN: None  
ABSENT: None

Election of Board Member Oney as Chairperson carried with a 5-0 vote.

##### **NOMINATION:**

Nomination by Board Member Beanland to elect Board Member Johnson as Vice-Chairperson.

AYES: Board Members Beanland, Houge, Michel, and Chairperson Oney  
NOES: None  
ABSTAIN: Board Member Johnson  
ABSENT: None

Election of Board Member Johnson as Vice-Chairperson carried with a 4-0 vote and an abstention by Board Member Johnson.

#### **5. Request for an appeal of the Order of Abatement issued to Inn-2, LLC for the Property Located at 1944 W. State Highway 76, Branson, Missouri.**

**Project No. 13-30.1**

**Applicant: Inn-2, LLC**

Speakers: Mr. Bob Paulson and Mr. Hornickel.

##### **MOTION:**

Motion by Board Member Houge and seconded by Board Member Beanland to affirm the Issuance of an Order of Abatement to Inn-2, LLC for the property located at 1944 W. State Highway 76, Branson, Missouri.

AYES: Board Members Beanland, Houge, Johnson, Michel, and Chairperson Oney  
NOES: None  
ABSTAIN: None  
ABSENT: None

Motion to affirm the Issuance of an Order of Abatement for the property located at 1944 W. State Highway

76, Branson, Missouri, carried with a 5-0 vote.

**MOTION:**

Motion by Board Member Beanland and seconded by Board Member Michel to direct the City Attorney to prepare the final Findings of Facts and Conclusions of Law consistent with the decision made by the Board of Appeals for the property located at 1944 W. State Highway 76, Branson, Missouri.

AYES: Board Members Beanland, Houge, Johnson, Michel, and Chairperson Oney  
NOES: None  
ABSTAIN: None  
ABSENT: None

Motion to direct the City Attorney to prepare the final Findings of Facts and Conclusions of Law consistent with the decision made by the Board of Appeals for the property located at 1944 W. State Highway 76, Branson, Missouri, carried with a 5-0 vote.

<b>ADJOURNMENT</b>
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**MOTION:**

Motion by Board Member Houge and seconded by Board Member Beanland to adjourn the meeting at 1:37 pm.

AYES: Board Members Beanland, Houge, Johnson, Michel, and Chairperson Oney  
NOES: None  
ABSTAIN: None  
ABSENT: None

Motion to adjourn the November 7, 2013, Board of Appeals meeting carried with a 5-0 vote.

\_\_\_\_\_  
Gerald Oney, Chairperson

\_\_\_\_\_  
Date

\_\_\_\_\_  
Summer Peterson, Office Assistant II

\_\_\_\_\_  
Date



**CITY OF BRANSON**

Planning and Zoning Department

110 West Maddux Street

Branson, Missouri 65616

Phone 417-337-8549 Fax 417-334-2391

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**Findings of Fact and Conclusions of Law**

**for the Board of Appeals of the City of Branson, Missouri**

**Project Number 13-30.1 (13-03000001): JR's Motor Inn Office Building**

**Introduction:**

Based on evidence heard at a July 26, 2013 hearing, the Director of the City of Branson's Planning and Zoning Department ("Director") made a determination that the building was a dangerous building and a nuisance. An appeal of the Director's decision was filed by the owner of record, INN-2 LLC, of 101 State Drive, Hollister, Missouri, 65672 on October 11, 2013. On November 7, 2013, the Board held a hearing regarding the owner's appeal of the Director's decision.

**Findings of Fact:**

1. The building in question is located at 1944 West Highway 76, in Branson, Missouri. Its location can be seen in overhead maps, attached hereto as Exhibit A.
2. The building was damaged by an F-2 tornado that struck the City on February 29, 2012, as outlined in the Staff Report prepared for this body, attached hereto as Exhibit B.
3. The building was further damaged by a fire that took place on September 8, 2012. Investigative fire reports were performed by the Branson Fire Department following this incident, attached hereto as Exhibit C.
4. On January 7, 2013, the City procured at its own expense a structural engineer from Pinnacle Design Consultants, Ronald Hamme, P.E., who performed an inspection of the building and prepared a report that is attached hereto as Exhibit D. This report states that the building has been compromised, and is dangerous, unstable, and could partially collapse at any time.

5. Following the provisions of the Abatement of Dangerous Buildings section of the Branson Municipal Code, in section 22-202, City Inspector Keith Crawford posted the building in question as dangerous on January 11, 2013, and mailed notice of this fact to INN-2 LLC at P.O. Box 2635, Springfield, MO 65801, on January 14, 2013. A copy of that letter and a photograph taken by Mr. Crawford of his posting is attached hereto as Exhibit E. A copy of the relevant provisions of the Branson Municipal Code can be seen in Exhibit A of these findings.
6. Following the provisions of 22-205 of the Branson Municipal Code, the Director prepared a Notice and Order and sent said Notice and Order to the owners of record of the property and to all interested parties. That notice was sent to the property owner of record, Inn-2 LLC, P.O. Box 2635, Springfield MO 65801. A copy of that Notice and Order is attached hereto as Exhibit F.
7. The Notice and Order were also sent to all interested parties which included:
  - a. Rocky Mountain Management LLC, 300-B East High Street, Jefferson City, MO 65101.
  - b. Brad Poppie, 3350 Ashworth, Aurora, CO 80126.
  - c. Robert Walford, 8227 South Holly Street, Centennial, CO 80122.
  - d. Robert Paulson, 106 Travis Trail, Branson, MO 65616.
  - e. Leisuretek LTD, Inc., c/o Gary Allman, 101 State Drive, Ste. 100, Hollister, MO 65672.

Copies of these notices are attached hereto as Exhibit G.

8. On March 15, 2013, a title search of the property was prepared by Hogan Title Company at the expense of the City of Branson. That search showed the property owner to be INN-2, LLC. See attached hereto as Exhibit H.
9. The GIS/Beacon website utilized by the Assessor's office of Taney County, Missouri, lists the owner of the property at 1944 West Highway 76, as INN-2 LLC, DBA: JR's Motor Inn, PO Box 2635, Springfield, MO 65801. See Exhibit I, attached hereto.
10. Following the provisions of Branson Municipal Code, Section 22-208(2), notice was sent to INN-2 LLC and the other possible interested parties on July 15, 2013, for a hearing on the matter to be held on July 26, 2013. See Exhibit J, attached hereto.

11. A hearing was held on July 26, 2013, before Planning Director Joel Hornickel. Evidence and testimony was taken from: (1) City Attorney William Duston, (2) INN-2 LLC's Attorney Robert Paulson, and (3) Rocky Mountain Management LLC's Attorney Andrew Bennett. Evidence was entered into the record, including fire inspection reports, engineering reports, and notices. These items are attached to these Findings of Fact and Conclusions of Law as various exhibits.
12. On September 13, 2013 the Director issued his Finding of Nuisance and Order of Abatement, which are attached hereto as Exhibit K. Those findings included numerous code violations and that the building was dangerous. The Director ordered the building be demolished and the building materials be removed from the site, and that such work be performed within thirty days.
13. Attorney Robert Paulson, agent for INN-2 LLC, filed an appeal of the Director's decision on October 11, 2013 under the provisions of Section 22-209 of the Branson Municipal Code. See attached hereto as Exhibit L. INN-2 LLC argued that the decision of the Director should be overturned because:
  - a. The findings of fact, conclusions of law, and order were not supported by substantial and competent evidence.
  - b. The findings of fact, conclusions of law, and order were against the weight of the evidence.
14. The Board of Appeals of the City of Branson ("Board") hearing was held on November 7, 2013. The Board heard testimony from Appellant, INN-2 LLC, by its attorney, Robert Paulson, and the Appellee, Planning Director Hornickel. Also present was the attorney for Rocky Mountain Management LLC, Andrew Bennett.
15. Mr. Paulson presented exhibits that this Board placed in the record, over the objections of City Attorney William Duston concerning Taney County Case No. 12AF-CC01073. A civil dispute over the ownership and responsibility for the building in question. Director Hornickel placed into evidence a packet prepared by the Planning and Zoning Department, attached hereto as Exhibit M (Many of the documents in Exhibit M are duplicates of exhibits already attached these findings.) City Attorney Duston requested the Board place into the record a copy of the Municipal Code, a certified copy of which was on the dais of the hearing chamber. All offered records were accepted.

16. When asked, INN-2 LLC had no testimony or evidence to present that was contrary to the reports of Engineer Hamme or the Branson Fire Department.

### **Conclusions of Law**

17. The City of Branson is given the authority to abate nuisances by Revised Missouri Statute 79.370.

18. The City's legislative branch, the Board of Alderman, created this Board of Appeals via ordinance, which is enshrined in Branson Municipal Code in section 22-209. The Board of Appeals has jurisdiction of matters concerning decisions of the Planning and Zoning Director on issues of dangerous buildings, nuisances, and abatements.

19. This Board hears matters de novo. Branson Municipal Code, section 22-209 states that "[f]or purposes of an appeal of an order of abatement, such appeal shall be considered a rehearing."

20. The jurisdiction of this Board is a limited one to the provisions of 22-209, which include the Director's Order of Abatement. The Director's order of abatement did not consider the question of ownership of the building, but simply the matter of the "dangerous" nature of the building itself. Issues outside of the Director's order are not within the jurisdiction of this board. Moreover, if the Director's Order had improperly considered questions of ownership, or matters thereto, such issues would be outside the scope of this Board. The matters raised by Appellant regarding the ownership and maintenance responsibilities of the property are therefore not considered in the decision of this board. Those matters are before the proper tribunal in Taney County Case Number 12AF-CC01073.

21. The Appellant argues that the decision of the Director was not supported by substantial and competent evidence. The reports, photographs, and conclusions of a structural engineer and fire marshal are certainly competent evidence. Those reports were taken into the record and accepted as such. They also went unchallenged by the Appellant and are accepted by the Board both as evidence as to the truth of the matter, and the Board gives significant weight as to their conclusions.

22. The Appellant argues that the decision of the Director was made against the weight of the evidence. The evidence was presented to the Board at the November 7 hearing both verbally and via document. The uncontroverted evidence was that the building is structurally dangerous and unsound. The Appellant admitted under oath that there was no evidence to the contrary. This Board finds that the evidence presented was relevant to the jurisdiction of this Board, that the building in question is structurally unsound and dangerous, and that the decision of the Director that the building be demolished is consistent with the weight of the evidence.

**Decision to Deny Appeal**

Based on the foregoing Findings of Fact and Conclusions of Law, and taking into accord all the exhibits and testimony presented to it and attached to this document as well as the arguments and evidence presented by Appellant, the Board of Appeals voted 5-0 to deny the appeal of INN-2 LLC. This Board, by the authority granted to it by Section 22-209 of the Branson Municipal Code hereby denies Appellant’s request. The Chair of the Board of Appeals is hereby authorized to sign these Findings of Fact, Conclusions of Law, and Decision.

These findings of Fact and Conclusions of Law are adopted by the City of Branson’s Board of Appeals on \_\_\_\_\_, 2013.

Board of Appeals for the City of Branson,  
Missouri

\_\_\_\_\_, Chair  
Gerald Oney

Approved as to Form

\_\_\_\_\_  
William Duston, City Attorney

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served upon the applicant, via First Class U.S. Mail, but sending a copy to \_\_\_\_\_ located at \_\_\_\_\_, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_

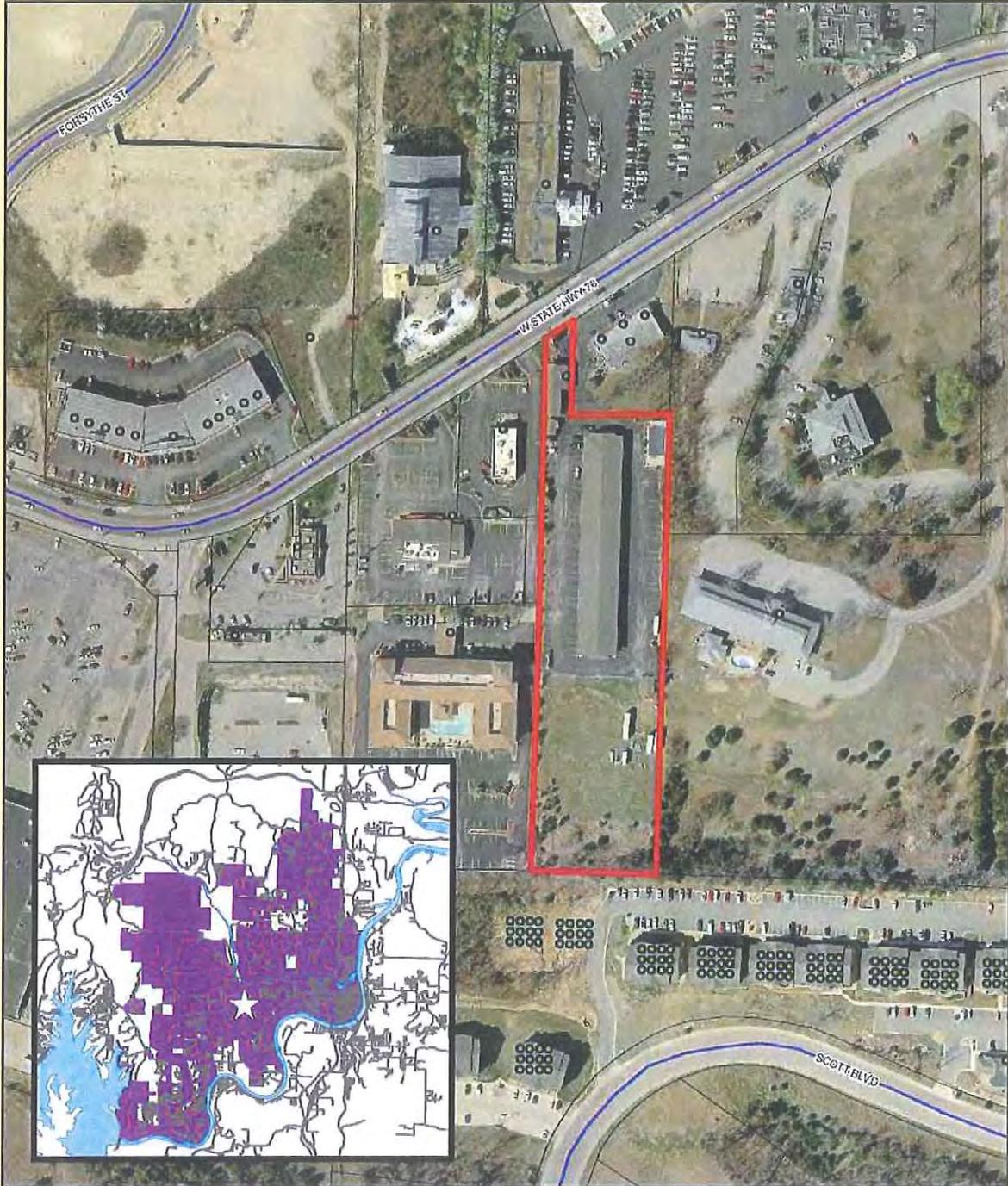
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**EXHIBIT**  
**A**

**VICINITY MAP**  
**1944 W State Hwy 76**  
**City of Branson, Missouri**

City of Branson, Taney County, Missouri  
Planning and Development Dept.  
October 2013



0 60 120 Feet

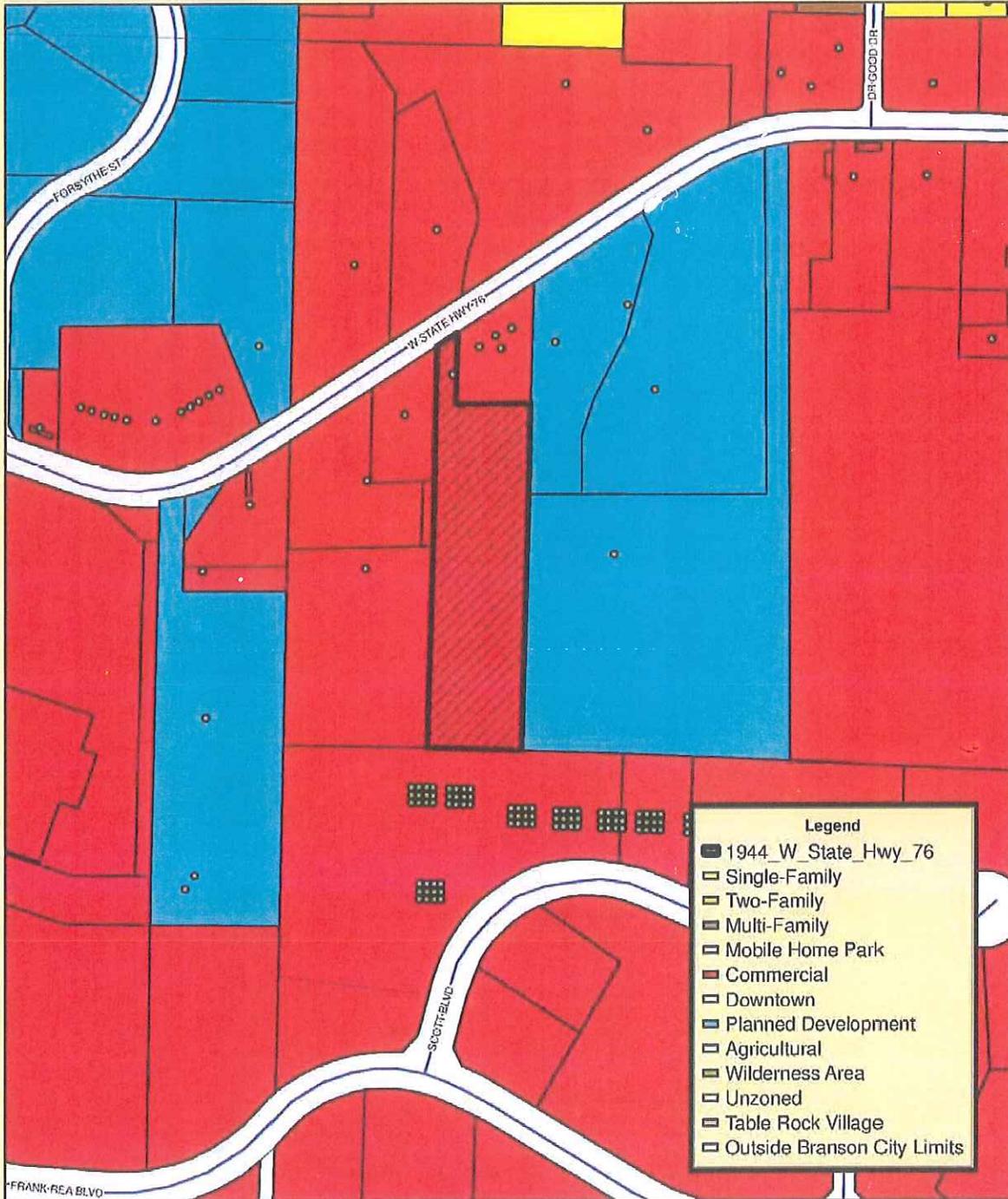


**VICINITY MAP**  
**1944 W State Hwy 76**  
**City of Branson, Missouri**

City of Branson, Taney County, Missouri  
 Planning and Development Dept.  
 October 2019



1" = 100 Feet

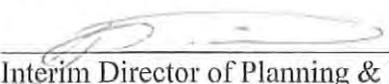




**Branson Board of Appeals  
Action Memorandum  
Project No. 13-30.1 (13-03000001)**

<b>LOCATION:</b>	1944 WEST STATE HIGHWAY 76
<b>OWNER/APPLICANT:</b>	INN-2, LLC
<b>ITEM/SUBJECT:</b>	<u>REQUEST FOR AN APPEAL OF THE ORDER OF ABATEMENT ISSUED TO INN-2, LLC FOR THE PROPERTY LOCATED AT 1944 WEST STATE HIGHWAY 76, BRANSON, MISSOURI.</u>
<b>DATE:</b>	OCTOBER 31, 2013
<b>INITIATING DEPARTMENT:</b>	PLANNING & DEVELOPMENT

**APPROVED BY:**

 \_\_\_\_\_ Nov. 4, 2013 \_\_\_\_\_  
Interim Director of Planning & Development                      Date

An application to the Building Code Board of Appeals has been received from Inn-2, LLC (hereafter "Applicant") by and through its agent and attorney, Robert Paulson, requesting an appeal from an order issued by the Director of Planning of Zoning concerning a finding of nuisance and order of abatement. (See attached Exhibit 1.1-1.10). The building in question is located on property found at 1944 West State Highway 76 which is located south of West State Highway 76, east of Forsyth Street, North of Frank Rea Boulevard and Scott Boulevard and west of Fall Creek Road. (See attached Exhibit 2.1-2.2 for an overhead map of the property on which the subject building sits.) The property is zoned C commercial and contains an existing structure within approximately 3.5 acres more or less, and is commonly referred to as "J.R.'s Motor Inn."

There were two buildings located on the subject property. On February 29, 2012, an EF-2 tornado damaged the Applicant's two buildings. The rear building was substantially damaged and the owner applied for and received a permit to demolish that building on April 17, 2012. On September 8, 2012, a fire further damaged the front building, which served as an office and living quarters, including a portion of the roof and trusses. (See attached Exhibits 5.1-5.8 and 6.1-6.10, attached to this staff report, which contain City of Branson Fire and Rescue Investigative Reports prepared by Dennis Brunner and Christopher Morgan).

On January 7, 2013 a structural engineer, hired by the City, from Pinnacle Design Consultants inspected the structure due to the tornado and fire issues and determined that "a dangerous condition" exists and the building is in an "unstable condition." (Engineer's letter attached hereto as Exhibit 4.1-4.5). The structure was posted on January 11, 2013, by inspector Keith Crawford as a dangerous building as required by Section 22-202 of the Branson Municipal Code. (See attached Exhibit 16.1, a photograph of the posting on the

building taken by inspector Crawford). Based on the inspection performed by Ronald Hamme, P.E. of Pinnacle Design Consultants, a Letter of Declaration dated January 14, 2013, was sent to Inn-2, LLC by Inspector Keith Crawford, notifying the owner the structure had been officially declared as a dangerous building as required by Section 22-202 of the Branson Municipal Code. (See attached Exhibit 7.1). A Notice and Order, required by Section 22-205 of the Branson Municipal Code was mailed out on February 15, 2013, and sent to Inn-2, LLC by Director Jim Lawson. (See attached Exhibit 8.1-8.2). Additional letters were sent to parties that appeared to have an interest in the building as required by Section 22-205 of the Branson Municipal Code on March 14, 2013. These parties included Leisuretek, LTD, Inc., Brad Poppie, Robert Walford, Robert Paulson and Rocky Mountain Management, LLC. (See attached Exhibits 9.1-9.4, 10.1-10.4, 11.1-11.5, 12.1-12.4, and 14.1-14.5).

Since it appeared to the City Staff that compliance with the issues addressed in the Notice and Order had not been achieved, a hearing, as provided by 22-208 of the Branson Municipal Code, was posted on July 15, 2013, scheduled for July 26, 2013, and mailed to multiple parties with a possible interest in the building. (See attached Exhibit 15.1-15.4). At that hearing, various attorneys were present to represent various interests in the subject property. None of the parties argued that the building was not a dangerous structure or nuisance, but instead, who was responsible for the demolition process and the building itself. The current owner of record, according to Taney County Assessor is Inn-2 LLC (See attached Exhibit 18.1).

On September 13, 2013, a Finding of Nuisance and Order of Abatement prepared by interim Planning Director Joel Hornickel and based on the July 26<sup>th</sup> hearing, and required by the Branson Municipal Code in Section 22-208 was sent to interested parties. (See attached Exhibit 3.1-3.5). The Notice and Order listed a number of violations of the Branson Municipal Code that exist in the current state of the building still located at 1944 West State Highway 76, as well as detailing the finding in various reports concerning the structural integrity of the building, and the fact that it remains, in situ, as a dangerous building.

Amongst the findings, the interim Planning Director found that:

- The facts as stated in the City of Branson Fire & Rescue Investigation reports are true (See Attached hereto Exhibits 5.1-5.8 and 6.1-6.10).
- Inn-2, LLC had formal and sufficient notice of the July 26, 2013 hearing (Exhibit 15.1-15.4).
- The Structural Engineer's report and conclusions are taken as true (Exhibit 4.1-4.5).
- The Building Inspector found that due to a combination of the February 29, 2012 tornado and the fire event on September 8, 2012, the main structure contained the following conditions: portions of the roof and second floor ceiling joists/trusses sustained heavy damage from fire extending upward into all the members of the trusses and into the decking on the underside of the roof; drywall from the ceiling and walls were fallen down on the floor; heavy damage from smoke and heat was found on the ceiling and down the walls in the hallway area and one of the bedrooms; the building had been exposed to the elements and all of the interior finishes have been compromised; the mechanical and electrical systems have also been damaged; the entrance canopy is missing the two end columns; and trash and debris were found inside and outside of the structure. (Exhibit 3.2)
- The Notice and Order was issued on a reasonable basis and was within the standards set forth in Chapter 22 of the Branson Municipal Code.
- Inn-2, LLC, DBA: JR's Motor Inn, P.O. Box 2635, is listed as the owner of the property according to the records of the Taney County Missouri Assessor's Office.

The conclusion of the interim Planning Director, after hearing the evidence in the attached reports to the Notice, and evidence from City Staff as well as all interested parties, was that the building was a dangerous one and that the building be demolished and the debris removed, along with other issues that needed to be resolved to bring the property into compliance with the Branson Municipal Codes Chapter 22 and 58, and the 2009 International Property Maintenance Code. Also, the interim Planning Director ruled that these measures be taken within 30-days from the receipt of the notice. (See attached Exhibit 3.5).

In response to this order, the Applicant submitted a request to the Building Code Board of Appeals on October 11, 2013 for a review of the matter. (See attached Exhibit 1.1). The Applicant was to provide "a detailed description of the factual and legal grounds for the appellant's appeal" according to Branson Municipal Code, Section 22-208.

This Applicant has a right to appeal the ruling of the Planning and Zoning Director to this Body under the provisions of Branson Municipal Code, Section 22-209(1), that hearing is to be held under the auspices of Section 22-209 of the Branson Municipal Code. This section of Code is attached to this staff report below.

#### Relevant Sections of Code:

***Branson Municipal Code Section 22-202. – Duties of inspectors.***

*Inspectors shall have the following duties under this article to:*

- (1) Inspect, as may be necessary, all residential, institutional, assembly, commercial, industrial, garage, special, or miscellaneous occupancy buildings for the purpose of determining whether any conditions exist that gives the inspector reasonable grounds to believe that any such building is unsafe or dangerous.*
- (2) Inspect any building, wall, or structure about which complaints are filed by any person to the effect that a building, wall, or structure is or may be existing in violation of this article, and the inspectors determine that there are reasonable grounds to believe that such building is unsafe or dangerous.*
- (3) Inspect any building, wall, or structure reported by the fire or police departments of the city as probably existing in violation of this article.*
- (4) Immediately report to the director any building or structure that the inspector finds to be a dangerous building. The director may direct the inspector to post on such building or structure written notice that reads substantially as follows:*

*"This building has been found to be a dangerous building by the City of Branson. This notice shall remain on this building or property until it is repaired, vacated, or demolished, and the property cleaned in accordance with the notice that has been given the owner, occupant, lessee, mortgagee or agent of this building, and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of Taney County, Missouri. It is unlawful to remove this notice until such notice is complied with."*

*Provided, however, that the order and the posting of said notice shall not be construed to deprive all persons entitled thereto by this article to the notice and hearing prescribed herein.*

- (5) Immediately report to the director any noncompliance with any notice and order, or failure to proceed continuously with work pursuant to such notice and order without unnecessary delay.*
- (6) Appear at all hearings and appeals, and testify as to the conditions of any building or structure that falls under the purview of this article.*
- (7) Entry. When it is necessary to make an inspection to enforce the provisions of this article, or when there is reasonable cause to believe that there exists in a building or structure a condition that is contrary to or in violation of this article, the inspector may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this article. However, if such building or structure is occupied that credentials be presented to the occupant and entry requested. If such building or structure is unoccupied, vacant, or abandoned, the inspector shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises, and request entry. If no consent is given to enter or*

*inspect any building or structure, the inspector shall notify the director who may request an administrative search warrant, as provided in this Municipal Code.*

***Branson Municipal Code Section 22-205. - Notice and order.***

- (1) Commencement of proceedings. When a building or structure has been inspected and has been determined to be a dangerous building, the director shall commence proceedings to cause the repair, vacation, or demolition thereof.*
- (2) Notice and order. The director shall issue a notice and order directed to the owner(s) of record for the building or structure, and all interested parties thereof.*

*The notice and order shall contain:*

- a. The street address and legal description sufficient for the accurate identification of the premises upon which the building or structure is located.*
- b. A statement that an inspection revealed that the building or structure is a dangerous building, with a concise description of the conditions found to render this conclusion.*
- c. A statement of the remedial action(s) required to be taken as determined by the director.*

*Such statement of remedial action shall include direction concerning the following:*

- 1. The owner must vacate, vacate and repair, or vacate and demolish said building or structure, and clean the lot or property on which the building or structure is located in accordance with the terms of the notice and of this article.*
- 2. The occupant or lessee must vacate said building or have it repaired in accordance with the notice and remain in possession.*
- 3. The mortgagee, agent, or other persons having an interest in said building or structure, as shown by the land records of the Recorder of Deeds of Taney County may, at his/her own risk, repair, vacate, or demolish the building, and clean the property or have such work done.*

*Provided that any person notified under this subsection to repair, vacate, or demolish any building or clean the property shall be given such reasonable time not exceeding 30 days to begin compliance with such notice and order, without unnecessary delay. If it is necessary to obtain a building permit in order to comply with any notice and order, and the person has submitted a complete request to the city for such permit, the time for the city to issue such permit shall not be included for purposes of determining whether the person is proceeding without "unnecessary delay."*

- (3) Service of notice and order. The notice and order shall be sent via both first class regular mail (postage prepaid) and certified mail (postage prepaid) return receipt requested to the owner(s) of record and all interested parties. Notice sent via the U.S. Postal Service shall be effective as of the date of mailing. If the director learns that neither the regular mailed notice nor the certified mailed notice was received by the recipient (for any reason other than refusal), the director may attempt to have such party personally served with such notice.*

*If any person or interested party does not receive such notice, for whatever reason, such fact shall not invalidate any proceedings hereunder as to any other person duly served nor relieve any such person from any duty or obligation imposed by the provisions of this article. Mail returned by the U.S. Postal Service marked "refused" shall constitute proof of service.*

*If service cannot be had by either personal service or mail, then service may be had by publication in a newspaper qualified to publish legal notices, for two successive weeks.*

- (4) Emergency powers authorized. In any case where it reasonably appears that there is an immediate danger to the health, safety or welfare of any person, the director shall take measures to secure the structure and then take steps to vacate, repair or demolish the dangerous building or structure.*

***Municipal Code Section 22-208. - Failure to comply with notice and order.***

- (1) Upon receipt of a report from the inspector indicating failure by the owner(s) or any interested party to commence work as required by the notice and order within the time specified by this article or upon failure to proceed continuously with work without unnecessary delay, the director shall hold a hearing giving the owner and interested parties full and adequate hearing on the matter. Such hearing shall be recorded in accordance with RSMo 536.130, and shall be considered a contested case for purposes of judicial review.*
- (2) Written notice of such hearing shall be given at least ten days in advance of such hearing (in accordance with subsection 22-205(3) of this article) directing the owner(s) and interested parties to appear before the*

director on the date specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated, or demolished in accordance with the statement of particulars set forth in the notice and order.

- (3) Any party may be represented by counsel and all parties shall have an opportunity to be heard.
- (4) The director shall make written findings of fact from the evidence offered at said hearing as to whether or not the building or structure in question is a dangerous building as defined in this article.
- (5) If the evidence supports a finding based upon competent and substantial evidence that the building or structure is a dangerous building, the director shall issue a written order of abatement based on such findings of fact, commanding the owner(s) or other responsible party, to repair, vacate, board, or demolish any building or structure found to be a dangerous building and to clean the property. Provided that any person so notified, shall have the privilege of either vacating and repairing said building or structure (if such repair will comply with the ordinances of the city) or may vacate and demolish said dangerous building at his own risk to prevent the city from acquiring a lien against the land where the dangerous building stands. If the evidence does not support a finding that a building or structure is a dangerous building, no order shall be issued.
- (6) The written order of abatement from the director shall be delivered, by person or mail, to each party of the hearing, or their attorney of record. In addition, copies of the order shall be posted in a conspicuous place in the office of the director for a period of 30 days from the date of issuance. The order shall state a reasonable time, to be no less than 30 days from the date of issuance, within which to comply with the order, and shall further provide that if the work is not substantially completed within 30 days of the issuance of the order, the city may, by its own employees or by contractor, perform the work necessary to bring the building into compliance with the director's order with costs levied to the property owner, or by a lien placed upon the property.

**Branson Municipal Code Section 22-209. - Appeals from the decision of the director.**

- (1) Any owner or interested party aggrieved by an order of abatement may appeal such order to the board of appeals. To be effective, such appeal shall conform with the requirements of this section and shall be received by the city clerk no later than 30 days after the written order of abatement has been issued. For purposes of an appeal of an order of abatement, such appeal shall be considered a rehearing.
- (2) An appeal filed pursuant to this section shall include the following information:
  - a. The name and mailing address of the person requesting the appeal (referred to herein as the "appellant");
  - b. A description of the order that he/she is appealing (including a copy of such order);
  - c. A description of the appellant's interest in the property (e.g., ownership, leasee, mortgagee, etc.), and a description of how the order may affect such interest;
  - d. A detailed description of the factual and legal grounds for the appellant's appeal;
  - e. Payment of costs for the planning and development department to schedule and give notice of appellant's hearing;
  - f. The common street address or legal description of the affected property.
- (3) Upon request of the appellant, the board of appeals may stay enforcement of any order of abatement, pending the board's review of the appeal and final action related thereto.
- (4) Upon submission of a timely appeal that conforms with the above-stated requirements, the hearing of such appeal shall be scheduled to take place before the board of appeals within 30 days of the filing of such appeal, and notice of such fact shall be provided to the appellant at the mailing address that he/she provided. Such notice shall also be sent to other interested parties, as defined by this article. The board of appeals shall be provided with copies of any and all notices, orders, briefs, and documents provided by appellant.
- (5) Unless waived by the appellant (either via formal waiver or failure to timely object), the hearing before the board of appeals shall be recorded (via a method capable of transcription) and include:
  - a. A brief submitted by the director, outlining the basis for the order of abatement.
  - b. Any and all evidence that either the city or the appellant wishes to submit, which the board deems relevant to the question of the validity of the director's order of abatement;
  - c. Any and all testimony, given under oath, that either the city or the appellant wishes to submit, which the board deems relevant to the question of the validity of the director's order of abatement. Parties shall have the right to cross-examine any witness providing testimony;

*d. Any party may request additional procedures not specifically outlined herein and the board of appeals shall consider and timely rule on such requests. Any and all exhibits presented at such hearing shall be made available to adverse parties prior to the hearing.*

*(6) The board of appeals shall make a ruling, based upon competent and substantial evidence, either affirming or reversing (in part or in whole) the director's order of abatement (in accordance with section 22-206). The board shall provide the appellant a copy of a finding of fact and conclusions of law for the board's decision within 15 days of the conclusion of the hearing.*

*(7) The board of appeals may establish additional procedures to fulfill the purpose of this section.*

*(Ord. No. 2011-004, § 1, 1-11-2011)*

**ATTACHED INFORMATION:**

- |             |  |
|-------------|--|
| Exhibit 1:  | Board of Adjustment Application                                    |
| Exhibit 2:  | Vicinity Maps  |
| Exhibit 3:  | Finding of Facts Dated September 13, 2013                          |
| Exhibit 4:  | Structural Engineer's Report                                       |
| Exhibit 5:  | Fire Investigation Report  |
| Exhibit 6:  | Fire Investigation Report  |
| Exhibit 7:  | Letter of Declaration Dated January 14, 2013                       |
| Exhibit 8:  | Notice and Order Dated February 15, 2013                           |
| Exhibit 9:  | Notice and Order Leisuretek Dated March 14, 2013                   |
| Exhibit 10: | Notice and Order Brad Poppie Dated March 14, 2013                  |
| Exhibit 11: | Notice and Order Robert Walford Dated March 14, 2013               |
| Exhibit 12: | Notice and Order Robert Paulson Dated March 14, 2013               |
| Exhibit 13: | Title Search Dated March 15, 2013                                  |
| Exhibit 14: | Notice and Order Rocky Mountain Management<br>Dated March 14, 2013 |
| Exhibit 15: | Notice of Hearing Dated July 15, 2013                              |
| Exhibit 16: | Dangerous Building Posting Dated January 11, 2013                  |
| Exhibit 17: | Notice and Order Posting Dated February 15, 2013                   |
| Exhibit 18: | Taney County Tax Record  |



# CITY OF BRANSON FIRE & RESCUE INVESTIGATION REPORT



<b>Incident Number:</b> 12-2454	<b>Case Name:</b> JR's Motor Inn
<b>Street Address:</b> 1944 W. Highway 76	
<b>City:</b> Branson	<b>County:</b> Taney

<b>Date/Occurrence:</b> 9/8/12	<b>Time:</b> 0409	<b>Day:</b> Saturday
<b>Date/Requested:</b> 9/8/12	<b>Time:</b> 0500	<b>Day:</b> Saturday
<b>Weather at Occurrence:</b> Clear, Cool		

<b>CAUSE/TYPE:</b> Undetermined	<b>Total Loss:</b> \$56,188.00
---------------------------------	--------------------------------

<b>Utilities in Service:</b>	Electricity: <input type="checkbox"/>	Natural Gas: <input type="checkbox"/>	LP-gas: <input type="checkbox"/>	Wood: <input type="checkbox"/>	Fuel oil: <input type="checkbox"/>	None: <input checked="" type="checkbox"/> X
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<b>STATUS:</b>	Closed: <input type="checkbox"/>	Confidential: <input type="checkbox"/>	Criminal Info: <input type="checkbox"/>	Warrant App.: <input type="checkbox"/>
	Unclassified: <input checked="" type="checkbox"/> X	Non-Criminal: <input type="checkbox"/>		
<b>ARRESTS:</b>	<b>OFFENSE:</b>			

<b>Construction Type:</b>	Fire-Resistive: Heavy timber: <input type="checkbox"/>	Noncombustible: Wood frame: <input checked="" type="checkbox"/> X	Ordinary: Vehicle: <input type="checkbox"/>	<b>Levels:</b> 2
<b>Occupancy Type:</b>	Assembly: <input type="checkbox"/>	Educational: Detention/Correctional: <input type="checkbox"/>	Day care: <input type="checkbox"/>	Health care: <input type="checkbox"/>
	Ambulatory health care: <input type="checkbox"/>	Mercantile: <input type="checkbox"/>	Residential: Motel <input type="checkbox"/>	Industrial: <input type="checkbox"/>
	Residential board & care: <input type="checkbox"/>	Mixed: <input type="checkbox"/>	Business: <input type="checkbox"/>	Other: <input type="checkbox"/>
	Storage: <input type="checkbox"/>		Other: <input type="checkbox"/>	
<b>Estimated loss:</b> \$56,188.00	<b>Occupied:</b> <input type="checkbox"/>	<b>Vacant:</b> <input checked="" type="checkbox"/> X	<b>Smoke detectors present:</b>	Unknown
<b>Fatalities/Injuries:</b>	No. Civilian Fatalities: <input type="checkbox"/>	No. Fire Fighter Fatalities: <input type="checkbox"/>		
	No. Civilian Injuries: <input type="checkbox"/>	No. Fire Fighter Injuries: <input type="checkbox"/>		

<b>Copies to:</b> (Enter agency names)	Police Dept.	Building Dept.
	State Fire Marshal	Health Dept.
	Other:	
<b>Assisting Investigator(s):</b>	Investigator: _____	Investigator: _____
	Investigator: _____	Investigator: _____

<b>Investigator:</b> Dennis Brunner	<b>Technical Services Division Chief:</b> Randy Fogle
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<b>Owner #1</b>		<b>Owner and Occupant same:</b>					
<i>First:</i> Brad				<i>Last:</i> Poppie			
<i>Address:</i> 3350 Ashworth Ave.							
<i>City:</i> Highland Ranch		<i>State:</i> CO	<i>Phone:</i> 720-982-2000		<i>Race:</i>	<i>Sex:</i>	<i>Age:</i>
<i>DOB:</i>		<i>POB:</i>		<i>Marital Status:</i>		<i>SSN/DLN:</i>	
<i>Occupation:</i> Doctor				<i>Employer:</i>			
<i>DBA:</i>							
<i>Insurance</i>	<i>Amount</i>		<i>Company</i>			<i>Agency</i>	
<i>Structure:</i>	Uninsured						
<i>Contents:</i>	Uninsured						

<b>Owner #2</b>							
<i>First:</i>				<i>Last:</i>			
<i>Address:</i>							
<i>City:</i>		<i>State:</i>	<i>Phone:</i>		<i>Race:</i>	<i>Sex:</i>	<i>Age:</i>
<i>DOB:</i>		<i>POB:</i>		<i>Marital Status:</i>		<i>SSN/DLN:</i>	
<i>Occupation:</i>				<i>Employer:</i>			
<i>DBA:</i>							
<i>Insurance</i>	<i>Amount</i>		<i>Company</i>			<i>Agency</i>	
<i>Structure:</i>							
<i>Contents:</i>							

<b>Owner #3</b>							
<i>First:</i>				<i>Last:</i>			
<i>Address:</i>							
<i>City:</i>		<i>State:</i>	<i>Phone:</i>		<i>Race:</i>	<i>Sex:</i>	<i>Age:</i>
<i>DOB:</i>		<i>POB:</i>		<i>Marital Status:</i>		<i>SSN/DLN:</i>	
<i>Occupation:</i>				<i>Employer:</i>			
<i>DBA:</i>							
<i>Insurance</i>	<i>Amount</i>		<i>Company</i>			<i>Agency</i>	
<i>Structure:</i>							
<i>Contents:</i>							



# CITY OF BRANSON FIRE & RESCUE

## CASE ACTIVITY REPORT



<b>Incident Number:</b> 12-2454	<b>Date:</b> 9/8/12
<b>Case Name:</b> JR's Motor Inn	
<b>Case Activity:</b> Fire Investigation	<b>Date of Activity:</b> 9/8/12

### Exterior Examination

An examination of the A-Side of the structure revealed no damage from fire, smoke or heat. An examination of the B-Side of the structure revealed moderate damage from fire and smoke on the second floor only. Minor damage was noted above a walk door located to the front of the building on the second floor of the B-Side due to smoke and heat exiting the doorway. Moderate damage from fire and heat was noted above a window located in the center of the second floor of the B-Side. Moderate to heavy damage was noted all around a window located on the second floor of the B-Side near the B-C corner with heavy damage to the soffit and eave area of the roof. An Examination of the C-Side of the structure revealed minor to moderate damage from fire and smoke on the second floor and extending down a stairway to the first floor. Minor to moderate damage was noted all around a window located on the C-Side near the C-B corner and extended down along the stairway. An examination of the D-Side of the structure revealed minor damage from fire and smoke. The damage was confined to an area above a second floor window on the D-Side near the D-C corner.

### Interior Examination

The interior examination began in the first floor office and breakfast room. No damage from fire or smoke was found on this floor. The second floor living quarters examination began in the living room/kitchen area. Heavy damage from smoke and heat was found on the ceiling and down the walls. A line of demarcation was found to within 24" of the floor in these rooms. An examination of the hallway leading from the living room to the bedrooms revealed heavy damage from smoke and heat. Most of the drywall from the ceiling and walls in this area had fallen down on the floor. The ceiling joist/trusses in this area were undamaged on the bottom side and had minor to moderate damage from fire on the top side. The wall studs had little damage. Bedroom #2 was located off of the hallway. An examination of this room revealed heavy damage from heat and smoke. Most of the drywall from the ceiling and walls in the room had fallen down on the floor. Moderate damage from fire was found which was confined to the top side of the ceiling joist/trusses and extended into the truss members and the decking on the underside of the roof. The bottom side of the ceiling joists/trusses and wall studs had little damage from fire. A mattress and box springs was found in this room and had been consumed by fire. Bedroom #1 was located at the end of the hallway. An examination of this room revealed heavy damage from heat and smoke with minor to moderate damage from fire. The drywall from the ceiling and walls in this room had fallen down on the floor. A mattress and box springs was found on the floor of this room and had been consumed by fire. The wall studs in this room revealed minor to moderate damage from fire. The ceiling joists/trusses had heavy damage from fire extending upward into all the members of the trusses and into the decking on the underside of the roof. The fire had self-vented out of the roof in this area.



# CITY OF BRANSON FIRE & RESCUE

## CASE ACTIVITY REPORT



<i>Incident Number:</i>	12-2454	<i>Date:</i>	9/8/12
<i>Case Name:</i>	JR's Motor Inn		
<i>Case Activity:</i>	Fire Investigation (continued)	<i>Date of Activity:</i>	9/8/12

Conclusion

No utilities were present in the structure at the time of the fire.

The cause of the fire is UNDETERMINED at this time. Possible contributing factors include:

- The building was unoccupied at the time of the fire but was unsecured from trespass by any individuals.
- Severe thunderstorms with intense cloud to ground lightning were present in the area from 1730-1800 and again from 1900-1930, prior to the fire being discovered.

Due to the lack of damage to the floor and wall components in the living quarters and the heavy fire damage to the roof components, particularly the lack of damage to the underside of the ceiling joist members while the top side of the members sustained heavy damage, the point of origin has been determined to likely be in the attic area, possibly above bedroom #1.

<i>Copies to:</i>			
<i>Investigator:</i>	<i>Technical Services Division Chief:</i>		
<b>Dennis Brunner</b>	<b>Randy Fogle</b>		



# CITY OF BRANSON FIRE & RESCUE

## CASE ACTIVITY REPORT



<b>Incident Number:</b> 12-2454	<b>Date:</b> 9/8/12
<b>Case Name:</b> JR's Motor Inn	
<b>Case Activity:</b> Fire Report	<b>Date of Activity:</b> 9/8/12

Units responded at 0409 to a structure fire at JR's Motor Inn. I was requested by Fire Chief Martin to respond for investigation at 0500. I arrived on scene at 0514 and met with the incident commander Captain Chris Morgan. He stated that the fire was out and crews were performing salvage and overhaul and that that task should be completed shortly. Upon completion, I investigated the exterior of the structure and then investigated the first floor office area. I then went upstairs to the living quarters for investigation. The fire was confined to the upstairs living quarters with minor to moderate exterior damage from fire above several windows and a doorway on the second floor.

The living quarters area sustained heavy damage from heat and fall down of debris. The fire damage was mainly confined to the roof structure components above both bedrooms and the bathroom. No evidence of a point of origin could be located in the living area due to lack of burning. The roof structure components sustained the heaviest damage from fire indicating a likely point of origin as the attic area. No utilities were present in the building at the time of the fire. Severe thunderstorms with intense cloud to ground lightning were preset in the area from 1730-1800 and again from 1900-1930, per the National Weather Service in Springfield Missouri. No cause of the fire could be determined.

<b>Copies to:</b>			
<b>Investigator:</b>	<b>Technical Services Division Chief:</b>		
<b>Dennis Brunner</b>	<b>Randy Fogle</b>		

# CITY OF BRANSON FIRE & RESCUE

## PHOTO LOG

<b>Incident Number:</b> 12-2454	<b>Case Name:</b> JR's Motor Inn
<b>Location:</b> 1944 W. Highway 76	<b>Date of Incident:</b> 9/8/12
<b>Camera:</b> Panasonic Lumix FZ35	<b>Date of Photos:</b> 9/8/12
<b>Investigator:</b> Dennis Brunner	Photos Saved As: 12-2454Photos

Photo #	Subject	Camera Direction
223	A-Side	S
226	B-Side	W
233	B-C Corner	NW
235	D-Side	E
236	Electrical Meter	E
237	C-Side	E
239	Living Room	W
240	Kitchen	S
241	Line of demarcation in living room	W
242	Line of demarcation in living room	W
244	Bedroom #2	E
245	Hallway	S
246	Bathroom	S
247	Mattress & box springs in master bedroom	SW
248	Roof damage in master bedroom	S
249	Corner of master bedroom under heaviest damage to roof structure	SE
250	Roof damage in master bedroom	SW
251	Mattress & box springs in master bedroom	SW
252	Area under heaviest damage to roof structure in master bedroom	SE
254	Roof damage in master bedroom	S
255	Roof damage in master bedroom	S

<i>Photo #</i>	<i>Subject</i>	<i>Camera Direction</i>
258	Fire damage to top plate in corner of master bedroom	SE
261	Wall studs below possible point of origin	SE
263	Wall studs below possible point of origin	SE
264	Wall Studs	E
265	Roof components in master bedroom	E
267	V-Pattern in hallway	S
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P1010223



P1010226



P1010233



P1010235



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P1010239



P1010240



P1010241



P1010242



P1010244



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P1010246



P1010247



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P1010258



P1010261



P1010262



P1010263



P1010264



P1010265



P1010267



# CITY OF BRANSON FIRE & RESCUE INVESTIGATION REPORT



INCIDENT NUMBER: 12-2454

CASE NAME: JR's Motor Inn

LOCATION: 1944 W. Highway 76

COUNTY: Taney

DATE/Occurrence: 9/8/12

Time: 0409

Day: Saturday

Weather: Clear, Cool

Date/Requested: 9/8/12

Time: 0500

Day: Saturday

**CAUSE: Undertermined**

**OFFENSE:**

STATUS: Closed    Criminal Inf.    Confidential    # of Arrest(s)    Cleared by other:  
Non-Criminal    Unclassified X

Utilities: Electricity     Natural Gas     Fuel Oil     LP Gas     Wood     None X

**Owner**

First: Brad

Last: Poppie

Address: 3350 Ashworth Ave.

City: Highland Ranch

State: CO

Phone #: 720-982-2000

Race:

Sex:

Age:

DOB:

POB:

Marital Status:

DLN:

Occupation:

Employer:

DBA:

**Occupant**

First: Unoccupied

Last:

Address:

City:

State:

Phone #:

Race:

Sex:

Age:

DOB:

POB:

Marital Status:

DLN:

Occupation:

Employer:

DBA:

**Construction**

Construction Type: Wood Frame

Levels: 2

Occupied: No

Occupancy Type: Motel

Estimated Loss: \$56,188.00

# Injuries Civilian:

# Injuries FF:

#Deaths Civilian:

#Death FF:

Smoke Detectors Present: Unknown

Smoke Detectors Operational: Unknown

Insurance:

Amount

Company

Agency

Structure:

Contents:

Police/Sheriff:

Fire Department:

Copies to:

<b>A</b>	FDID * <u>10702</u>	State * <u>MO</u>	Incident Date * <u>09</u> <u>08</u> <u>2012</u>	Station <u>1</u>	Incident Number * <u>12-0002454</u>	Exposure * <u>000</u>	<input type="checkbox"/> Delete <input type="checkbox"/> Change <input type="checkbox"/> No Activity	<b>NFIRS -1</b> <b>Basic</b>	
<b>B</b>	<input type="checkbox"/> Check this box to indicate that the address for this incident is provided on the Wildland Fire Census Tract Module in Section B "Alternative Location Specification". Use only for Wildland fires.								
<b>Location*</b>									
<input checked="" type="checkbox"/> Street address <u>1944</u> <u>W</u> <u>STATE HWY 76</u> <u>HWY</u> <input type="checkbox"/> Intersection Number/Milepost Prefix Street or Highway Street Type Suffix <input type="checkbox"/> In front of <input type="checkbox"/> Rear of <input type="checkbox"/> Adjacent to <input type="checkbox"/> Directions <u>BRANSON</u> <u>MO</u> <u>65616</u> Apt./Suite/Room City State Zip Code Cross street or directions, as applicable									
<b>C Incident Type *</b>			<b>E1 Date &amp; Times</b>			<b>E2 Shift &amp; Alarms</b>			
<input checked="" type="checkbox"/> <u>111</u> Building fire Incident Type			Midnight is 0000 Check boxes if dates are the same as Alarm Date. ALARM always required Alarm * <u>09</u> <u>08</u> <u>2012</u> <u>04:09:00</u> ARRIVAL required, unless canceled or did not arrive <input checked="" type="checkbox"/> Arrival * <u>09</u> <u>08</u> <u>2012</u> <u>04:14:15</u> CONTROLLED Optional, Except for wildland fires <input type="checkbox"/> Controlled LAST UNIT CLEARED, required except for wildland fires <input checked="" type="checkbox"/> Last Unit Cleared <u>09</u> <u>08</u> <u>2012</u> <u>06:58:32</u>			Local Option <input checked="" type="checkbox"/> <u>02</u> <u>102</u> Shift or Alarms District Platooon			
<b>D Aid Given or Received*</b>			<b>E3 Special Studies</b>						
<input checked="" type="checkbox"/> Mutual aid received <u>10701</u> <u>MO</u> Their FDID Their State <input type="checkbox"/> Automatic aid recov. <input type="checkbox"/> Mutual aid given <input type="checkbox"/> Automatic aid given <u>12-1458</u> Their Incident Number <input type="checkbox"/> Other aid given <input type="checkbox"/> None			<input type="checkbox"/> Special Study ID# <input type="checkbox"/> Special Study Value						
<b>F Actions Taken *</b>			<b>G1 Resources *</b>			<b>G2 Estimated Dollar Losses &amp; Values</b>			
<input checked="" type="checkbox"/> <u>11</u> Extinguishment by fire Primary Action Taken (1) <input checked="" type="checkbox"/> <u>12</u> Salvage & overhaul Additional Action Taken (2) <input checked="" type="checkbox"/> <u>86</u> Investigate Additional Action Taken (3)			<input checked="" type="checkbox"/> Check this box and skip this section if an Apparatus or Personnel form is used. Apparatus Personnel Suppression <u>0003</u> <u>0010</u> EMS Other <u>0004</u> <u>0007</u> <input type="checkbox"/> Check box if resource counts include aid received resources.			LOSSES: Required for all fires if known. Optional for non fires. None Property \$ <u>054</u> , <u>188</u> Contents \$ <u>002</u> , <u>000</u> PRE-INCIDENT VALUE: Optional Property \$ <u>216</u> , <u>752</u> Contents \$ <u>002</u> , <u>000</u>			
<b>Completed Modules</b>		<b>H1* Casualties</b>		<b>H3 Hazardous Materials Release</b>			<b>I Mixed Use Property</b>		
<input checked="" type="checkbox"/> Fire-2 <input checked="" type="checkbox"/> Structure-3 <input type="checkbox"/> Civil Fire Cas.-4 <input type="checkbox"/> Fire Serv. Cas.-5 <input type="checkbox"/> EMS-6 <input type="checkbox"/> HazMat-7 <input type="checkbox"/> Wildland Fire-8 <input checked="" type="checkbox"/> Apparatus-9 <input checked="" type="checkbox"/> Personnel-10 <input type="checkbox"/> Arson-11		Deaths Injuries Fire Service Civilian <b>H2 Detector</b> Required for Confined Fires. <input type="checkbox"/> Detector alerted occupants <input type="checkbox"/> Detector did not alert them <input type="checkbox"/> Unknown		<input type="checkbox"/> None <input type="checkbox"/> Natural Gas: slow leak, no evacuation or HazMat actions <input type="checkbox"/> Propane gas: <21 lb. tank (as in home BBQ grill) <input type="checkbox"/> Gasoline: vehicle fuel tank or portable container <input type="checkbox"/> Kerosene: fuel burning equipment or portable storage <input type="checkbox"/> Diesel fuel/fuel oil: vehicle fuel tank or portable <input type="checkbox"/> Household solvents: home/office spill, cleanup only <input type="checkbox"/> Motor oil: from engine or portable container <input type="checkbox"/> Paint: from paint cans totaling < 55 gallons <input type="checkbox"/> Other: Special HazMat actions required or spill > 55gal., Please complete the HazMat form			<input type="checkbox"/> Not Mixed <input type="checkbox"/> Assembly use <input type="checkbox"/> Education use <input type="checkbox"/> Medical use <input type="checkbox"/> Residential use <input type="checkbox"/> Row of stores <input type="checkbox"/> Enclosed mall <input type="checkbox"/> Bus. & Residential <input type="checkbox"/> Office use <input type="checkbox"/> Industrial use <input type="checkbox"/> Military use <input type="checkbox"/> Farm use <input type="checkbox"/> Other mixed use		
<b>J Property Use* Structures</b>			<b>341</b>			<b>539</b>			
<input type="checkbox"/> 131 Church, place of worship <input type="checkbox"/> 161 Restaurant or cafeteria <input type="checkbox"/> 162 Bar/Tavern or nightclub <input type="checkbox"/> 213 Elementary school or kindergarten <input type="checkbox"/> 215 High school or junior high <input type="checkbox"/> 241 College, adult education <input type="checkbox"/> 311 Care facility for the aged <input type="checkbox"/> 331 Hospital			<input type="checkbox"/> 342 Doctor/dentist office <input type="checkbox"/> 361 Prison or jail, not juvenile <input type="checkbox"/> 419 1-or 2-family dwelling <input type="checkbox"/> 429 Multi-family dwelling <input type="checkbox"/> 439 Rooming/boarding house <input checked="" type="checkbox"/> 449 Commercial hotel or motel <input type="checkbox"/> 459 Residential, board and care <input type="checkbox"/> 464 Dormitory/barracks <input type="checkbox"/> 519 Food and beverage sales			<input type="checkbox"/> 539 Household goods, sales, repairs <input type="checkbox"/> 579 Motor vehicle/boat sales/repair <input type="checkbox"/> 571 Gas or service station <input type="checkbox"/> 599 Business office <input type="checkbox"/> 615 Electric generating plant <input type="checkbox"/> 629 Laboratory/science lab <input type="checkbox"/> 700 Manufacturing plant <input type="checkbox"/> 819 Livestock/poultry storage (barn) <input type="checkbox"/> 882 Non-residential parking garage <input type="checkbox"/> 891 Warehouse			
<b>Outside</b>			<b>936</b>			<b>981</b>			
<input type="checkbox"/> 124 Playground or park <input type="checkbox"/> 655 Crops or orchard <input type="checkbox"/> 669 Forest (timberland) <input type="checkbox"/> 807 Outdoor storage area <input type="checkbox"/> 919 Dump or sanitary landfill <input type="checkbox"/> 931 Open land or field			<input type="checkbox"/> 936 Vacant lot <input type="checkbox"/> 938 Graded/care for plot of land <input type="checkbox"/> 946 Lake, river, stream <input type="checkbox"/> 951 Railroad right of way <input type="checkbox"/> 960 Other street <input type="checkbox"/> 961 Highway/divided highway <input type="checkbox"/> 962 Residential street/driveway			<input type="checkbox"/> 981 Construction site <input type="checkbox"/> 984 Industrial plant yard Lookup and enter a Property Use code only if you have NOT checked a Property Use box: Property Use <u>449</u> <u>Hotel/motel, commercial</u> NFIRS-1 Revision 03/11/99			

**K1 Person/Entity Involved**

Local Option

Business name (if applicable)

Area Code

Phone Number

 Check This Box if same address as incident location. Then skip the three duplicate address lines.

Mr., Ms., Mrs. First Name

MI

Last Name

Suffix

Number

Prefix

Street or Highway

Street Type

Suffix

Post Office Box

Apt./Suite/Room

City

State

Zip Code

 More people involved? Check this box and attach Supplemental Forms (NFIRS-19) as necessary
**K2 Owner**
 Same as person involved? Then check this box and skip the rest of this section.

Local Option

Business name (if Applicable)

Area Code

Phone Number

 Check this box if same address as incident location. Then skip the three duplicate address lines.

Mr., Ms., Mrs. First Name

MI

Last Name

Suffix

Number

Prefix

Street or Highway

Street Type

Suffix

Post Office Box

Apt./Suite/Room

City

State

Zip Code

**L Remarks**

Local Option

09/08/2012 08:30:45 cmorgan

Engine 1, Truck 2 and Engine 3 responded emergency to a report of a commercial structure fire with fire showing from the roof. Upon arrival, Engine 1 reported heavy flames showing from the Bravo/Charlie corner, requested a 2nd alarm, to backfill all stations, established command and was out for fire attack. Firefighter Privette was advised to pull the 2 1/2" 200' hand line and initiate an indirect fire attack on the Charlie side while Captain Morgan completed a 360\* visual and established a command post. Engine 3 was advised to establish a water supply, park on the Delta side and to pull an attack line to the second floor to initiate an interior attack on the second floor and was assigned Division 2. Engine 3 also supplied water to Engine 1. A second attack line was pulled off of Engine 1 to assist with fire attack. Truck 2 arrived and was placed on the Alpha/Bravo corner and was advised to ladder the roof to initiate vertical ventilation and was assigned the Vent Group designation. Ground ladders were thrown to the second floor for egress points. After the fire was extinguished, WTCFPD personnel assisted with overhaul procedures. Once the overhaul was complete, Fire Marshal Brunner initiated his investigation (See investigation report for determination). All fire units cleared the scene.

**L Authorization**

CMORGAN

Officer in charge ID

MORGAN, CHRISTOPHER E

Signature

CP

Position or rank

A1

Assignment

09

Month

08

Day

2012

Year

 Check Box if same as Officer Member making report ID in charge.

CMORGAN

Officer in charge ID

MORGAN, CHRISTOPHER E

Signature

CP

Position or rank

A1

Assignment

09

Month

08

Day

2012

Year

<b>A</b>	FDID * <u>10702</u>	State * <u>MO</u>	Incident Date * MM <u>09</u> DD <u>08</u> YYYY <u>2012</u>	Station <u>1</u>	Incident Number * <u>12-0002454</u>	Exposure * <u>000</u>	<input type="checkbox"/> Delete <input type="checkbox"/> Change <input type="checkbox"/> No Activity	NFIRS -2 Fire	
<b>B Property Details</b>				<b>C On-Site Materials <input checked="" type="checkbox"/> None or Products</b> <small>Complete if there were any significant amounts of commercial, industrial, energy or agricultural products or materials on the Property, whether or not they became involved</small>					
<b>B1</b> <u>0001</u> <input type="checkbox"/> Not Residential <small>Estimated Number of residential living units in building of origin whether or not all units became involved</small>				Enter up to three codes. Check one or more boxes for each code entered. <u>NNN</u>   <u>None</u> <small>On-site material (1)</small>					
<b>B2</b> <u>001</u> <input type="checkbox"/> Buildings not involved <small>Number of buildings involved</small>				<u>    </u>   <u>    </u> <small>On-site material (2)</small>					
<b>B3</b> <u>    </u> <input checked="" type="checkbox"/> None <small>Acres burned (outside fires) <input type="checkbox"/> Less than one acre</small>				<u>    </u>   <u>    </u> <small>On-site material (3)</small>					
<b>D Ignition</b>				<b>E1 Cause of Ignition</b>		<b>E3 Human Factors Contributing To Ignition</b>			
<b>D1</b> <u>74</u>   <u>Attic: vacant, crawl</u> <small>Area of fire origin *</small>				<input type="checkbox"/> Check box if this is an exposure report. Skip to section G		Check all applicable boxes			
<b>D2</b> <u>UU</u>   <u>Undetermined</u> <small>Heat source *</small>				1 <input type="checkbox"/> Intentional 2 <input type="checkbox"/> Unintentional 3 <input type="checkbox"/> Failure of equipment or heat source 4 <input type="checkbox"/> Act of nature 5 <input type="checkbox"/> Cause under investigation U <input checked="" type="checkbox"/> Cause undetermined after investigation		1 <input type="checkbox"/> Asleep <input checked="" type="checkbox"/> None 2 <input type="checkbox"/> Possibly impaired by alcohol or drugs 3 <input type="checkbox"/> Unattended person 4 <input type="checkbox"/> Possibly mental disabled 5 <input type="checkbox"/> Physically Disabled 6 <input type="checkbox"/> Multiple persons involved			
<b>D3</b> <u>17</u>   <u>Structural member or</u> <small>Item first ignited * 1 <input type="checkbox"/> Check Box if fire spread was confined to object of origin</small>				<b>E2 Factors Contributing To Ignition</b>		7 <input type="checkbox"/> Age was a factor <small>Estimated age of person involved <u>    </u></small>			
<b>D4</b> <u>63</u>   <u>Sawn wood, including</u> <small>Type of material first ignited Required only if item first ignited code is 00 or &lt;70</small>				<u>NN</u>   <u>None</u> <small>Factor Contributing To Ignition (1)</small>		1 <input type="checkbox"/> Male      2 <input type="checkbox"/> Female			
<b>F1 Equipment Involved In Ignition</b>				<b>F2 Equipment Power</b>		<b>G Fire Suppression Factors</b>			
<input checked="" type="checkbox"/> None If Equipment was not involved, Skip to Section G <u>NNN</u>   <u>None</u> <small>Equipment Involved</small>				<u>    </u>   <u>    </u> <small>Equipment Power Source</small>		Enter up to three codes. <input checked="" type="checkbox"/> None <u>NNN</u>   <u>None</u> <small>Fire suppression factor (1)</small>			
Brand <u>    </u> Model <u>    </u> Serial # <u>    </u> Year <u>    </u>				<b>F3 Equipment Portability</b> 1 <input type="checkbox"/> Portable 2 <input type="checkbox"/> Stationary <small>Portable equipment normally can be moved by one person, is designed to be use in multiple locations, and requires no tools to install.</small>		<u>    </u>   <u>    </u> <small>Fire suppression factor (2)</small>			
<u>    </u>   <u>    </u> <small>Fire suppression factor (3)</small>				<b>H1 Mobile Property Involved</b>		<b>H2 Mobile Property Type &amp; Make</b>		<b>Local Use</b>	
<input checked="" type="checkbox"/> None 1 <input type="checkbox"/> Not involved in ignition, but burned 2 <input type="checkbox"/> Involved in ignition, but did not burn 3 <input type="checkbox"/> Involved in ignition and burned				<u>NN</u>   <u>None</u> <small>Mobile property type</small>		<u>    </u>   <u>    </u> <small>Mobile property make</small>		<input type="checkbox"/> Pre-Fire Plan Available <small>Some of the information presented in this report may be based upon reports from other Agencies</small>	
<u>    </u>   <u>    </u> <small>Year</small>				<u>    </u>   <u>    </u> <small>Year</small>		<input type="checkbox"/> Arson report attached <input type="checkbox"/> Police report attached <input type="checkbox"/> Coroner report attached <input type="checkbox"/> Other reports attached		<input type="checkbox"/> Other reports attached	
<u>    </u>   <u>    </u> <small>Mobile property model</small>				<u>    </u>   <u>    </u> <small>Year</small>		<input type="checkbox"/> Other reports attached		<input type="checkbox"/> Other reports attached	
<u>    </u>   <u>    </u>   <u>    </u> <small>License Plate Number State VIN Number</small>				<u>    </u>   <u>    </u> <small>Year</small>		<input type="checkbox"/> Other reports attached		<input type="checkbox"/> Other reports attached	
								NFIRS-2 Revision 01/19/99	

<b>I1 Structure Type *</b> If Fire was in enclosed building or a portable/mobile structure complete the rest of this form <ul style="list-style-type: none"> <li>1 <input checked="" type="checkbox"/> Enclosed Building</li> <li>2 <input type="checkbox"/> Portable/mobile structure</li> <li>3 <input type="checkbox"/> Open structure</li> <li>4 <input type="checkbox"/> Air supported structure</li> <li>5 <input type="checkbox"/> Tent</li> <li>6 <input type="checkbox"/> Open platform (e.g. piers)</li> <li>7 <input type="checkbox"/> Underground structure (work areas)</li> <li>8 <input type="checkbox"/> Connective structure (e.g. fences)</li> <li>0 <input type="checkbox"/> Other type of structure</li> </ul>	<b>I2 Building Status *</b> <ul style="list-style-type: none"> <li>1 <input type="checkbox"/> Under construction</li> <li>2 <input type="checkbox"/> Occupied &amp; operating</li> <li>3 <input type="checkbox"/> Idle, not routinely used</li> <li>4 <input type="checkbox"/> Under major renovation</li> <li>5 <input checked="" type="checkbox"/> Vacant and secured</li> <li>6 <input type="checkbox"/> Vacant and unsecured</li> <li>7 <input type="checkbox"/> Being demolished</li> <li>0 <input type="checkbox"/> Other</li> <li>U <input type="checkbox"/> Undetermined</li> </ul>	<b>I3 Building * Height</b> Count the ROOF as part of the highest story <p style="text-align: center;">002</p> <small>Total number of stories at or above grade</small>  <small>Total number of stories below grade</small>	<b>I4 Main Floor Size*</b> <div style="text-align: right; font-size: small;">NFIRS-3 Structure Fire</div> <p style="text-align: center;">, 001 , 748</p> <small>Total square feet</small> <p style="text-align: center; font-size: large;">OR</p> <p style="text-align: center;">, BY ,</p> <small>Length in feet                      Width in feet</small>
---	---	--	--

<b>J1 Fire Origin *</b> 002 <input type="checkbox"/> Below Grade <small>Story of fire origin</small>	<b>J3 Number of Stories Damaged By Flame</b> Count the ROOF as part of the highest story <ul style="list-style-type: none"> <li><input type="checkbox"/> Number of stories w/ minor damage (1 to 24% flame damage)</li> <li>001 <input type="checkbox"/> Number of stories w/ significant damage (25 to 49% flame damage)</li> <li><input type="checkbox"/> Number of stories w/ heavy damage (50 to 74% flame damage)</li> <li><input type="checkbox"/> Number of stories w/ extreme damage (75 to 100% flame damage)</li> </ul>	<b>K Material Contributing Most To Flame Spread</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Check if no flame spread OR same as material first ignited OR unable to determine <span style="float: right;">Skip To Section L</span></li> </ul> <b>K1</b> <input type="text"/> <input type="text"/> <small>Item contributing most to flame spread</small>  <b>K2</b> <input type="text"/> <input type="text"/> <small>Type of material contributing most of flame spread                      Required only if item contributing code is 00 or &lt;70</small>
<b>J2 Fire Spread *</b> <ul style="list-style-type: none"> <li>1 <input type="checkbox"/> Confined to object of origin</li> <li>2 <input type="checkbox"/> Confined to room of origin</li> <li>3 <input type="checkbox"/> Confined to floor of origin</li> <li>4 <input checked="" type="checkbox"/> Confined to building of origin</li> <li>5 <input type="checkbox"/> Beyond building of origin</li> </ul>		

<b>L1 Presence of Detectors *</b> (In area of the fire) <ul style="list-style-type: none"> <li>N <input checked="" type="checkbox"/> None Present <span style="border: 1px solid black; padding: 2px;">Skip to section M</span></li> <li>1 <input type="checkbox"/> Present</li> <li>U <input type="checkbox"/> Undetermined</li> </ul>	<b>L3 Detector Power Supply</b> <ul style="list-style-type: none"> <li>1 <input type="checkbox"/> Battery only</li> <li>2 <input type="checkbox"/> Hardwire only</li> <li>3 <input type="checkbox"/> Plug in</li> <li>4 <input type="checkbox"/> Hardwire with battery</li> <li>5 <input type="checkbox"/> Plug in with battery</li> <li>6 <input type="checkbox"/> Mechanical</li> <li>7 <input type="checkbox"/> Multiple detectors &amp; power supplies</li> <li>0 <input type="checkbox"/> Other _____</li> <li>U <input type="checkbox"/> Undetermined</li> </ul>	<b>L5 Detector Effectiveness</b> Required if detector operated <ul style="list-style-type: none"> <li>1 <input type="checkbox"/> Alerted Occupants, occupants responded</li> <li>2 <input type="checkbox"/> Occupants failed to respond</li> <li>3 <input type="checkbox"/> There were no occupants</li> <li>4 <input type="checkbox"/> Failed to alert occupants</li> <li>U <input type="checkbox"/> Undetermined</li> </ul>
<b>L2 Detector Type</b> <ul style="list-style-type: none"> <li>1 <input type="checkbox"/> Smoke</li> <li>2 <input type="checkbox"/> Heat</li> <li>3 <input type="checkbox"/> Combination smoke - heat</li> <li>4 <input type="checkbox"/> Sprinkler, water flow detection</li> <li>5 <input type="checkbox"/> More than 1 type present</li> <li>0 <input type="checkbox"/> Other _____</li> <li>U <input type="checkbox"/> Undetermined</li> </ul>	<b>L4 Detector Operation</b> <ul style="list-style-type: none"> <li>1 <input type="checkbox"/> Fire too small to activate</li> <li>2 <input type="checkbox"/> Operated (Complete Section L5)</li> <li>3 <input type="checkbox"/> Failed to Operate (Complete Section L6)</li> <li>U <input type="checkbox"/> Undetermined</li> </ul>	
<b>L6 Detector Failure Reason</b> Required if detector failed to operate <ul style="list-style-type: none"> <li>1 <input type="checkbox"/> Power failure, shutoff or disconnect</li> <li>2 <input type="checkbox"/> Improper installation or placement</li> <li>3 <input type="checkbox"/> Defective</li> <li>4 <input type="checkbox"/> Lack of maintenance, includes cleaning</li> <li>5 <input type="checkbox"/> Battery missing or disconnected</li> <li>6 <input type="checkbox"/> Battery discharged or dead</li> <li>0 <input type="checkbox"/> Other _____</li> <li>U <input type="checkbox"/> Undetermined</li> </ul>		

<b>M1 Presence of Automatic Extinguishment System *</b> <ul style="list-style-type: none"> <li>N <input checked="" type="checkbox"/> None Present <span style="border: 1px solid black; padding: 2px;">Complete rest of Section M</span></li> <li>1 <input type="checkbox"/> Present</li> </ul>	<b>M3 Automatic Extinguishment System Operation</b> Required if fire was within designed range <ul style="list-style-type: none"> <li>1 <input type="checkbox"/> Operated &amp; effective (Go to M4)</li> <li>2 <input type="checkbox"/> Operated &amp; not effective (M4)</li> <li>3 <input type="checkbox"/> Fire too small to activate</li> <li>4 <input type="checkbox"/> Failed to operate (Go to M5)</li> <li>0 <input type="checkbox"/> Other</li> <li>U <input type="checkbox"/> Undetermined</li> </ul>	<b>M5 Automatic Extinguishment System Failure Reason</b> Required if system failed <ul style="list-style-type: none"> <li>1 <input type="checkbox"/> System shut off</li> <li>2 <input type="checkbox"/> Not enough agent discharged</li> <li>3 <input type="checkbox"/> Agent discharged but did not reach fire</li> <li>4 <input type="checkbox"/> Wrong type of system</li> <li>5 <input type="checkbox"/> Fire not in area protected</li> <li>6 <input type="checkbox"/> System components damaged</li> <li>7 <input type="checkbox"/> Lack of maintenance</li> <li>8 <input type="checkbox"/> Manual Intervention</li> <li>0 <input type="checkbox"/> Other _____</li> <li>U <input type="checkbox"/> Undetermined</li> </ul>
<b>M2 Type of Automatic Extinguishment System *</b> Required if fire was within designed range of AFS <ul style="list-style-type: none"> <li>1 <input type="checkbox"/> Wet pipe sprinkler</li> <li>2 <input type="checkbox"/> Dry pipe sprinkler</li> <li>3 <input type="checkbox"/> Other sprinkler system</li> <li>4 <input type="checkbox"/> Dry chemical system</li> <li>5 <input type="checkbox"/> Foam system</li> <li>6 <input type="checkbox"/> Halogen type system</li> <li>7 <input type="checkbox"/> Carbon dioxide (CO<sub>2</sub>) system</li> <li>0 <input type="checkbox"/> Other special hazard system</li> <li>U <input type="checkbox"/> Undetermined</li> </ul>	<b>M4 Number of Sprinkler Heads Operating</b> Required if system operated <p style="text-align: center;">_____</p> <small>Number of sprinkler heads operating</small>	

**A** FDID \* 10702 State \* MO Incident Date \* 9 8 2012 Station 1 Incident Number \* 12-0002454 Exposure \* 000
 Delete  Change
 NFIRS - 9 Apparatus or Resources

B Apparatus or * Resource	Date and Times					Sent <input type="checkbox"/>	Number of * People	Use <small>Check ONE box for each apparatus to indicate its main use at the incident.</small>	Actions Taken				
	Check if same as alarm date												
	Dispatch	Arrival	Clear	Month	Day	Year	Hour	Min					
1 ID <u>C1</u> Type <u>92</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	9	8	2012	04	15	<input checked="" type="checkbox"/>	<u>1</u>	<input type="checkbox"/> Suppression <input type="checkbox"/> EMS <input checked="" type="checkbox"/> Other	<u> </u>	<u> </u>
2 ID <u>E1</u> Type <u>11</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	9	8	2012	04	09	<input checked="" type="checkbox"/>	<u>3</u>	<input checked="" type="checkbox"/> Suppression <input type="checkbox"/> EMS <input type="checkbox"/> Other	<u> </u>	<u> </u>
3 ID <u>E3</u> Type <u>11</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	9	8	2012	04	09	<input checked="" type="checkbox"/>	<u>4</u>	<input checked="" type="checkbox"/> Suppression <input type="checkbox"/> EMS <input type="checkbox"/> Other	<u> </u>	<u> </u>
4 ID <u>E30</u> Type <u>11</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	9	8	2012	04	47	<input checked="" type="checkbox"/>	<u>2</u>	<input type="checkbox"/> Suppression <input type="checkbox"/> EMS <input checked="" type="checkbox"/> Other	<u> </u>	<u> </u>
5 ID <u>EM1</u> Type <u>92</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	9	8	2012	05	13	<input checked="" type="checkbox"/>	<u>1</u>	<input type="checkbox"/> Suppression <input type="checkbox"/> EMS <input checked="" type="checkbox"/> Other	<u> </u>	<u> </u>
6 ID <u>POV</u> Type <u>99</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	9	8	2012	04	09	<input checked="" type="checkbox"/>	<u>3</u>	<input type="checkbox"/> Suppression <input type="checkbox"/> EMS <input checked="" type="checkbox"/> Other	<u> </u>	<u> </u>
7 ID <u>T2</u> Type <u>13</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	9	8	2012	04	09	<input checked="" type="checkbox"/>	<u>3</u>	<input checked="" type="checkbox"/> Suppression <input type="checkbox"/> EMS <input type="checkbox"/> Other	<u> </u>	<u> </u>
8 ID <u> </u> Type <u> </u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<input type="checkbox"/>	<u> </u>	<input type="checkbox"/> Suppression <input type="checkbox"/> EMS <input type="checkbox"/> Other	<u> </u>	<u> </u>
9 ID <u> </u> Type <u> </u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<input type="checkbox"/>	<u> </u>	<input type="checkbox"/> Suppression <input type="checkbox"/> EMS <input type="checkbox"/> Other	<u> </u>	<u> </u>

**Type of Apparatus or Resources**

- |   |   |  |  |
|---|---|--|--|
| <p><b>Ground Fire Suppression</b></p> <ul style="list-style-type: none"> <li>11 Engine</li> <li>12 Truck or aerial</li> <li>13 Quint</li> <li>14 Tanker &amp; pumper combination</li> <li>16 Brush truck</li> <li>17 ARF (Aircraft Rescue and Firefighting)</li> <li>10 Ground fire suppression, other</li> </ul> <p><b>Heavy Ground Equipment</b></p> <ul style="list-style-type: none"> <li>21 Dozer or plow</li> <li>22 Tractor</li> <li>24 Tanker or tender</li> <li>20 Heavy equipment, other</li> </ul> <p><b>Aircraft</b></p> <ul style="list-style-type: none"> <li>41 Aircraft: fixed wing tanker</li> <li>42 Helitanker</li> <li>43 Helicopter</li> <li>40 Aircraft, other</li> </ul> | <p><b>Marine Equipment</b></p> <ul style="list-style-type: none"> <li>51 Fire boat with pump</li> <li>52 Boat, no pump</li> <li>50 Marine apparatus, other</li> </ul> <p><b>Support Equipment</b></p> <ul style="list-style-type: none"> <li>61 Breathing apparatus support</li> <li>62 Light and air unit</li> <li>60 Support apparatus, other</li> </ul> <p><b>Medical &amp; Rescue</b></p> <ul style="list-style-type: none"> <li>71 Rescue unit</li> <li>72 Urban Search &amp; rescue unit</li> <li>73 High angle rescue unit</li> <li>75 BLS unit</li> <li>76 ALS unit</li> <li>70 Medical and rescue unit, other</li> </ul> | <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> <p>More Apparatus?<br/>Use Additional<br/>Sheets</p> </div> | <p><b>Other</b></p> <ul style="list-style-type: none"> <li>91 Mobile command post</li> <li>92 Chief officer car</li> <li>93 HazMat unit</li> <li>94 Type 1 hand crew</li> <li>95 Type 2 hand crew</li> <li>99 Privately owned vehicle</li> <li>00 Other apparatus/resource</li> </ul> <p>NN None<br/>UU Undetermined</p> |
|---|---|--|--|

**A** FDID \* 10702 State \* MO Incident Date \* 9 8 2012 Station 1 Incident Number \* 12-0002454 Exposure \* 000  Delete  Change **NFIRS - 10 Personnel**

**B Apparatus or Resource \*** Use codes listed below **Date and Times** Check if same as alarm date **Sent**  **Number of \* People** **Use** Check ONE box for each apparatus to indicate its main use at the incident. **Actions Taken** List up to 4 actions for each apparatus and each personnel.

**1** ID C1 Dispatch  9 8 2012 04:15 Sent  **Number of \* People** 1  Suppression  EMS  Other

Arrival  9 8 2012 04:18  9 8 2012 06:54

Personnel ID	Name	Rank or Grade	Attend <input checked="" type="checkbox"/>	Action Taken	Action Taken	Action Taken	Action Taken
TMARTIN	MARTIN, THEODORE	FC	X				

**2** ID E1 Dispatch  9 8 2012 04:09 Sent  **Number of \* People** 3  Suppression  EMS  Other

Arrival  9 8 2012 04:14  9 8 2012 06:58

Personnel ID	Name	Rank or Grade	Attend <input checked="" type="checkbox"/>	Action Taken	Action Taken	Action Taken	Action Taken
CMORGAN	MORGAN, CHRISTOPHER	CP	X				
JGAGNEPAIN	GAGNEPAIN, JASON	ENG	X				
ZPRIVETTE	PRIVETTE, ZACHARY	FF	X				

**3** ID E3 Dispatch  9 8 2012 04:09 Sent  **Number of \* People** 4  Suppression  EMS  Other

Arrival  9 8 2012 04:17  9 8 2012 06:44

Personnel ID	Name	Rank or Grade	Attend <input checked="" type="checkbox"/>	Action Taken	Action Taken	Action Taken	Action Taken
DGREGORY	GREGORY, DONALD	FF	X				
DHEMBREE	HEMBREE, DARRYLL	ENG	X				
DORLE	ORLE, DOUGLAS	CP	X				
RIVEY	IVEY, RICHARD	FF	X				



**A** FDID \* 10702 State \* MO Incident Date \* MM 9 DD 8 YYYY 2012 Station 1 Incident Number \* 12-0002454 Exposure \* 000  Delete  Change **NFIRS - 10 Personnel**

**B Apparatus or Resource** \* Use codes listed below  
**Date and Times** Check if same as alarm date  
 Month Day Year Hours/mins  
 Sent  Number of \* People 3 Use Check ONE box for each apparatus to indicate its main use at the incident.  Suppression  EMS  Other  
 Actions Taken List up to 4 actions for each apparatus and each personnel.

**1** ID T2 Dispatch  9 8 2012 04:09 Sent   
 Type 13 Arrival  9 8 2012 04:17   
 Clear  9 8 2012 06:25

Personnel ID	Name	Rank or Grade	Attend <input checked="" type="checkbox"/>	Action Taken	Action Taken	Action Taken	Action Taken
DETZ	ETZ, DAVID	CP	X				
DHALL	HALL, DUSTIN	FF	X				
NJONES	JONES, NATHANAEL	ENG	X				

**2** ID      Dispatch                      Sent   
 Type      Arrival                        
 Clear                     

Personnel ID	Name	Rank or Grade	Attend <input checked="" type="checkbox"/>	Action Taken	Action Taken	Action Taken	Action Taken
			<input type="checkbox"/>				
			<input type="checkbox"/>				
			<input type="checkbox"/>				
			<input type="checkbox"/>				
			<input type="checkbox"/>				
			<input type="checkbox"/>				

**3** ID      Dispatch                      Sent   
 Type      Arrival                        
 Clear                     

Personnel ID	Name	Rank or Grade	Attend <input checked="" type="checkbox"/>	Action Taken	Action Taken	Action Taken	Action Taken
			<input type="checkbox"/>				
			<input type="checkbox"/>				
			<input type="checkbox"/>				
			<input type="checkbox"/>				
			<input type="checkbox"/>				
			<input type="checkbox"/>				

**A** FDID  \* State  \* Incident Date    Station  Incident Number  \* Exposure  \*  Delete  Change **Insurance and \$Loss**

**B Estimated Dollar Loss & Value**

	Pre-Incident Value	Estimated Loss	Insured Amount	Settlement Amount
Buildings	\$216,752.00	\$54,188.00	\$0.00	\$0.00
Vehicles	\$0.00	\$0.00	\$0.00	\$0.00
Contents	\$2,000.00	\$2,000.00	\$0.00	\$0.00

**C Insurance Company**

Business name if applicable  Contact Name

Street or highway

Post office box  City

State  Zip Code  -  Phone Number  -  -

Agent Name

Policy Number

Buildings  Vehicles  Contents

Policy Coverage



January 11<sup>th</sup>, 2013

Keith Crawford  
Planning & Development Department  
110 W. Maddux  
Suite 215  
Branson MO 65616

Re: JR's Motor Inn 1944 West 76 Branson MO

Dear Mr. Crawford:

On January 7<sup>th</sup>, 2013, I inspected the above referenced property with respect to the overall condition of the structure due to damage from an earlier tornado and a more recent fire.

The following photos show the exterior of the hotel.



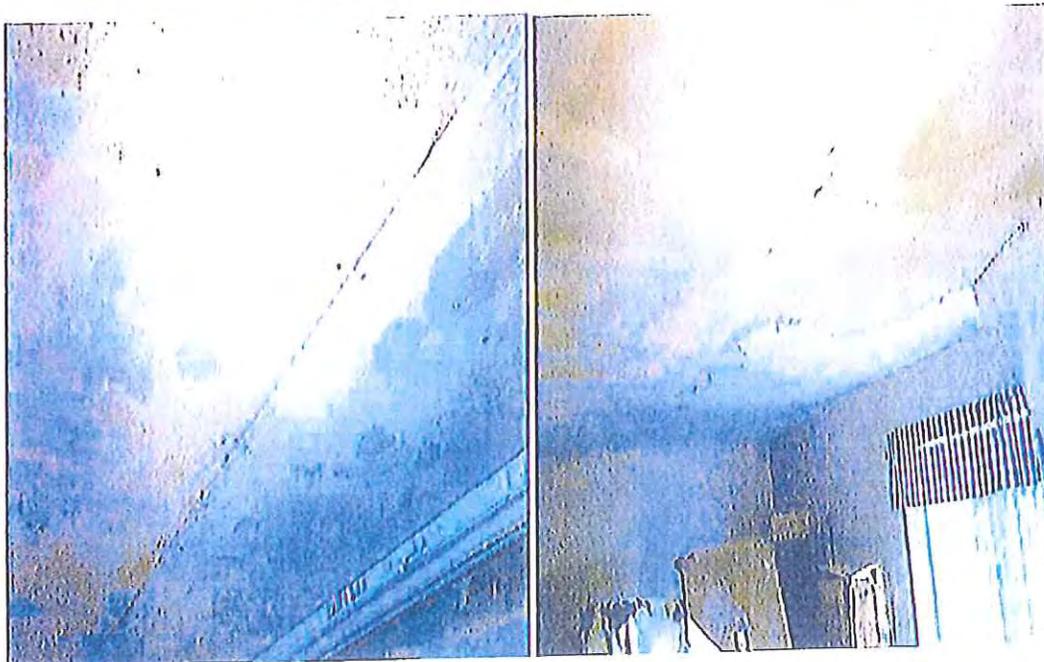
**2025 W. SUNSHINE ST. STE. 124  
SPRINGFIELD, MO 65807  
417-731-3001**

As evident in the photos, this hotel has sustained major damage from a recent fire. The following photos show some of the interior damage.



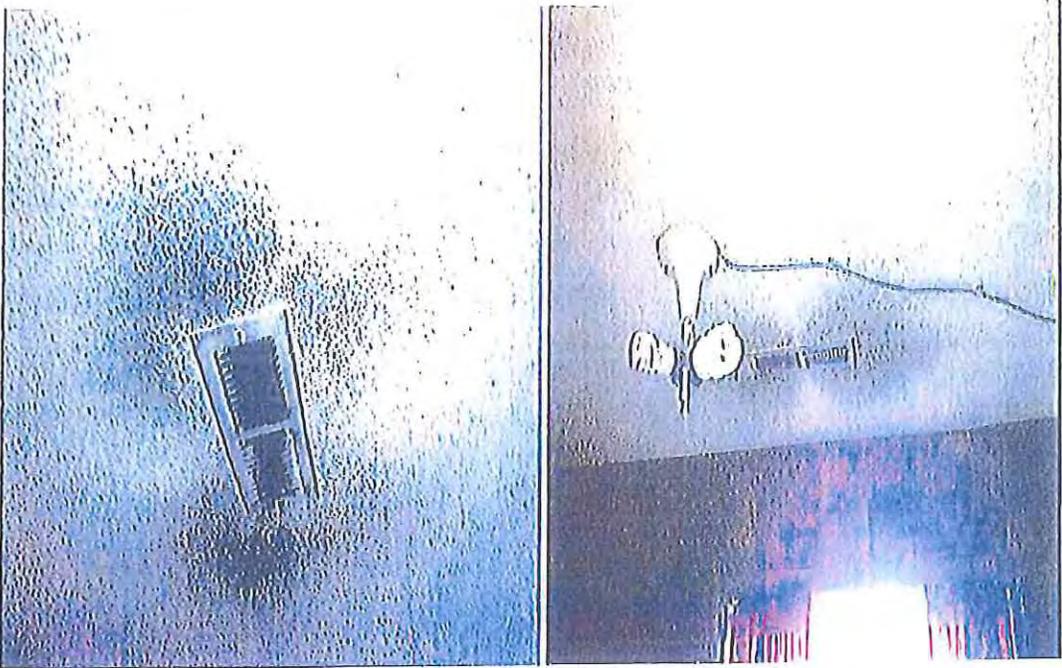
**2025 W. SUNSHINE ST. STE. 124  
SPRINGFIELD, MO 65807  
417-731-3001**

This is a two story wood framed structure that has sustained major fire damage for approximately 1/2 of the structure. In addition to this damage, this structure has been exposed to the elements and all of the interior finishes have been compromised. The following photos show this.

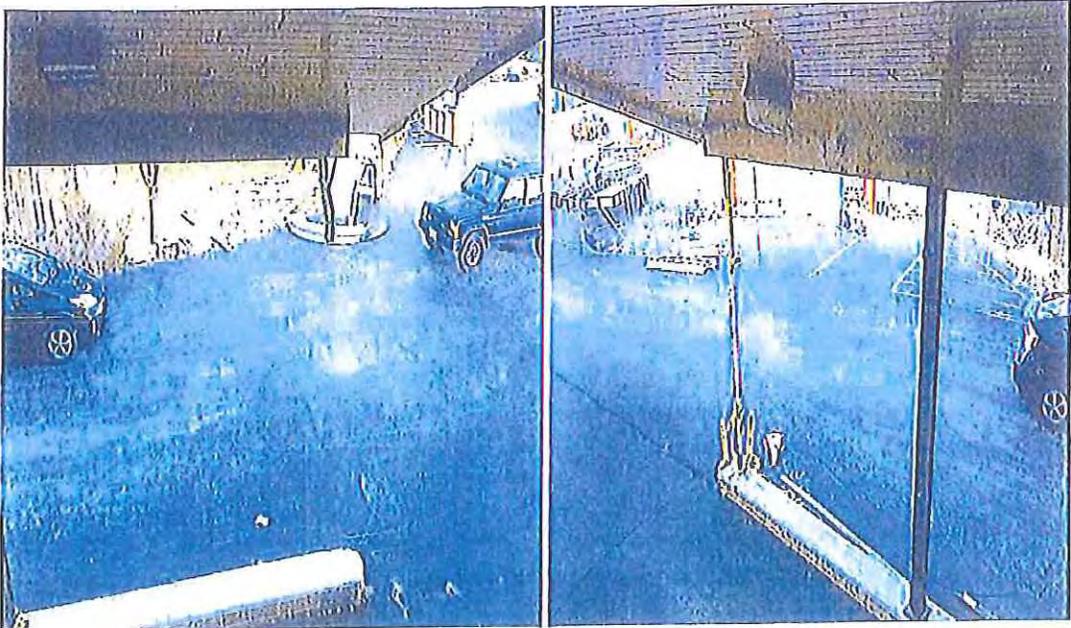


**2025 W. SUNSHINE ST. STE. 124  
SPRINGFIELD, MO 65807  
417-731-3001**

The mechanical and electrical systems have also been compromised. The following photos show this ductwork.



The following photos show the entrance canopy.



**2025 W. SUNSHINE ST. STE. 124  
SPRINGFIELD, MO 65807  
417-731-3001**

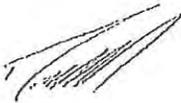
This canopy is missing the two end columns. This creates a dangerous condition and creates an unstable condition.

**Summary:**

This is a dangerous building, the building itself is unstable and could partially collapse any time. This creates a life safety concern to any one on the property. Due to the scope of work involved in rehabilitating this structure properly, it is most cost effective to demolish this building.

If you have any questions, please feel free to contact me.

Sincerely,



Ronald Hamme, P.E.

Pinnacle Design Consultants



**2025 W. SUNSHINE ST. STE. 124  
SPRINGFIELD, MO 65807  
417-731-3001**



CITY OF BRANSON Planning & Development

Exhibit D

110 West Maddux St. • Suite 215 • Branson, Missouri 65616 (417) 337-8549 • FAX (417) 334-2391

January 14, 2013

Inn-2 LLC
dba: JR's Motor Inn
PO Box 2635
Springfield, MO 65801
Attn: C.L. Carr

Dear Mr. Carr,

I would like to inform you that on January 11, 2013, the City of Branson officially declared the structure known as JR's Motor Inn, located at 1944 W. Hwy 76, Branson, as a dangerous building. On January 7, 2013, a representative of Pinnacle Design Consultants accompanied me onto said property to perform a structural inspection. His conclusion, as documented in a report dated January 11, 2013, states "This is a dangerous building, the building itself is unstable and could partially collapse any time. This creates a life safety concern to any one on the property. Due to the scope of work involved in rehabilitating this structure property, it is most cost effective to demolish this building."

On January 11, 2013, the structures on the property were posted as dangerous buildings. Due to the un-protected condition of the property and the lack of structural integrity of these buildings, there is significant public life safety exposure. Therefore, you will need to fence off the property within fourteen (14) calendar days from receipt of this letter. If you do not fence the property within this time period, the City of Branson will have the property fenced. Additionally, the City's dangerous building abatement process will be initiated in accordance with Branson Municipal Code, Chapter 22, Article IX, Abatement of Dangerous Buildings. As part of that process, all costs incurred by the City, including the fencing, Title Search, debris removal, demolition, cleanup, etc., will be billed to you.

Thank you, in advance, for your cooperation. If you have any questions, please feel free to contact me at (417) 337-8527.

Regards,

[Handwritten signature]

Keith Crawford
Code Enforcement Super

File# 12-0498

MAILING LABEL FORM: SENDER: COMPLETE THIS SECTION, COMPLETE THIS SECTION ON DELIVERY. Includes fields for signature, recipient name, date, service type, and article number.

Inn-2 LLC
dba: JR's Motor Inn
PO Box 2635
Springfield, MO 65801

2. Article Number (Transfer from service label) 7011 2000 0002 6529 7015



# DANGEROUS BUILDING

## DANGER — KEEP OUT

The building has been found to be a dangerous building and is hereby closed to the public.

The property must be vacated and sealed. This notice shall remain posted on this building until the building has been repaired or demolished and the property is safe for occupancy. This notice shall be posted at all entrances and exits, at the rear, and at the front of the property, and all other persons having legal interest in said property as shown by the land records of the Tazewell County Recorder of Deeds.

It is unlawful to remove this notice.  
Permit under authority granted in the Ordinance Municipal Code, Chapter 22, Article 14.

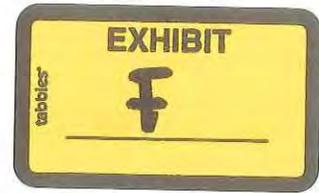
*[Signature]*  
DATE: 01/11/2013

01/11/2013 16:33

01.11.2013 16:33



CITY OF **BRANSON**  
Planning & Development



110 West Maddux St. • Suite 215 • Branson, Missouri 65616  
(417) 337-8549 • FAX (417) 334-2391

## Notice and Order

Pursuant to the City of Branson Municipal Code, Chapter 22, Article IX, the purpose of this Notice and Order is to inform you that on your property at 1944 W. Hwy 76, Branson (J.R.'s Motor Inn), there is a dangerous building, as determined by officials of the City of Branson. All Dangerous Buildings are declared a public nuisance and appropriate remedial action is required.

This property is further described as:

Parcel ID: 17-3.0-06-002-006-014.000  
Brief Tax Description: PT PL 2 LT 9 NW4; City of Branson  
Sec / Twp / Rng: 06/22/21  
Deed Book / Page / Date: 2010-11387 (03/19/10)

Owner(s) of Record: *Inn-2 LLC*  
*dba: JR's Motor Inn*  
*PO Box 2635*  
*Springfield, MO 65801*

On September 8, 2012, a fire severely damaged the main structure on the above described property. On January 7, 2013, representatives of the City of Branson inspected said property and found the structure to be a dangerous building. The conditions associated with the structure, as delineated in the City of Branson Municipal Code, Chapter 22, Article IX, Section 22-200, include, but are not limited to:

- portions, members, or appurtenances thereof have been damaged so that the structural strength or stability of any portion of the structure/building threatens the life, health, safety, or property of the occupants or public
- portions, members, appurtenances, or ornamentation thereof, are of insufficient strength or stability so that it threatens the life, health, safety, or property of the occupants or public
- the building or structure, or any portion thereof are likely to partially or completely collapse
- the floor or the roof is overloaded or of insufficient strength to be reasonably safe for the purpose used
- the building or structure, or any portion thereof, is so unsafe for the purpose for which it is being used, so as to threaten the life, health, or safety of the occupants or public
- the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings
- the building or structure has been so damaged (from whatever cause) so as to become dangerous to life, safety, or the general health and welfare of the occupants or the public
- the building or structure is in violation of the city's building regulations or adopted code, or any other laws or ordinances that protects the life, health, and safety of the occupants or public
- the building or structure is determined to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease
- the building or structure is determined to be a fire hazard

Additionally, there is an accumulation of rubbish inside the structure and on the exterior property. Overall, these conditions pose a threat to the health, safety and welfare of the public.

In accordance with the 2009 International Property Maintenance Code and the Branson Dangerous Building ordinance, this structure has been declared a dangerous building and cannot be used for human occupancy. It exhibits such conditions that threaten the health, safety and welfare of the public. Therefore, such conditions shall be remedied by either repairing the structure or by demolishing the structure and then removing and properly disposing of all building materials and removing and disposing of all contents of said building. The property must be cleaned of all rubbish and debris.

You are hereby ordered to immediately vacate the structure due to the unsafe condition it imposes, and to begin such remedial actions, as described herein, **within thirty (30) days from receipt of this Notice and Order**, and to proceed continuously without unnecessary delay. A demolition permit must be obtained from the City of Branson Building Department prior to commencing work.

Failure to comply with this Notice and Order will result in a formal hearing before the Director of Planning and Development, and may result in further actions by the City, including, but not limited to, a written Order of Abatement and abatement of all violations by the City.

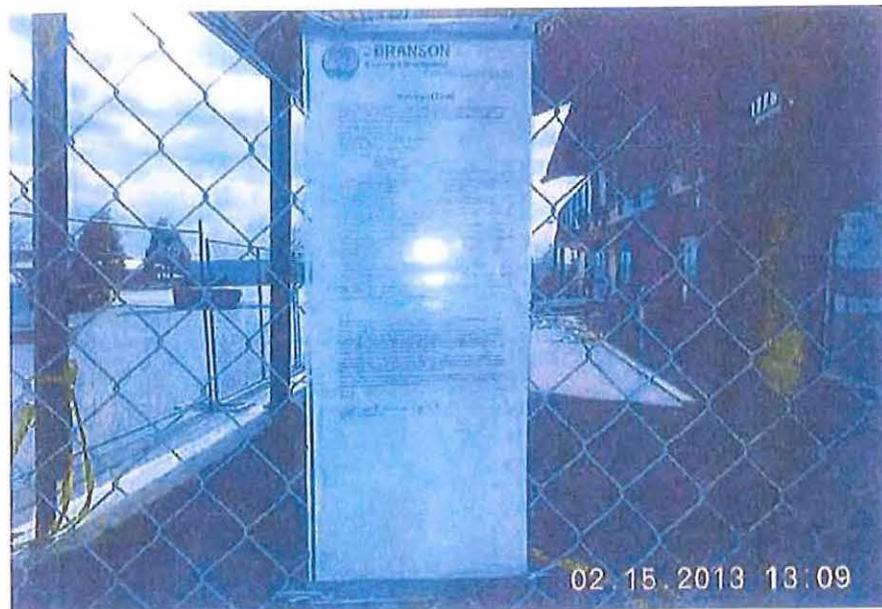
Issued by:

  
 Jim Lawson  
 Director, Planning & Development

2/15/13  
 Date

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee	
1. Article Addressed to:	B. Received by (Printed Name)	C. Date of Delivery
Inn-2 LLC dba: JR's Motor Inn P.O. Box 2635 Springfield, MO 65801	D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:	
2. Article Number (Transfer from service label)	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
7012 3050 0001 9987 5182		







CITY OF **BRANSON**  
Planning & Development

Exhibit f

110 West Maddux St. • Suite 215 • Branson, Missouri 65616  
(417) 337-8549 • FAX (417) 334-2391

March 14, 2013

Leisuretek LTD, Inc.  
c/o Gary W. Allman  
101 State Drive, Ste. 100  
Hollister, MO 65672

RE: NOTICE AND ORDER – 1944 W. STATE HIGHWAY 76, BRANSON, MO

Please find enclosed for your review a copy of a Notice and Order for JR's Motor Inn located at the above reference location.

If you are not a person of interest in this matter, please disregard.

Sincerely,

Jim Lawson  
Director

JCL/ss

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also item 4 if Restricted Delivery is desired.
- Print your name and address on so that we can return the card to you on the front if space permits.
- Attach this card to the back of the envelope.

1. Article Addressed to:

Leisuretek LTD, Inc.  
c/o Gary Allman  
101 State Drive, Ste. 100  
Hollister, MO 65672

2. Article Number 7011 2  
(Transfer from s)

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only, No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

HOLLISTER MO 65672

OFFICIAL USE

Postage	\$ 10.66	0805
Certified Fee	\$ 3.10	12
Return Receipt Fee (Endorsement Required)	\$ 2.55	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$ 0.00	
Total Postage & Fees	\$ 16.31	03/15/2013

Sent to  
LEISURETEK LTD c/o GARY ALLMAN  
Street, Apt. No. or PO Box No. 101 STATE DR., STE 100  
City, State, ZIP+4 HOLLISTER MO 65672

PS Form 3800, August 2008 See Reverse for Instructions

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-15

Cc: Rocky Mountain Management LLC, 300-B East High Street, Jefferson City, MO 65101  
Brad Poppie, 3350 Ashworth, Aurora, CO 80126  
Robert Walford, 8227 S. Holly Street, Centennial, CO 80122  
Robert Paulson, 106 Travis Trail, Branson, MO 65616



**CITY OF BRANSON**  
**Planning & Development**

Exhibit 16

110 West Maddux St. • Suite 215 • Branson, Missouri 65616  
 (417) 337-8549 • FAX (417) 334-2391

March 14, 2013

Leisuretek LTD, Inc.  
 c/o Gary W. Allman  
 101 State Drive, Ste. 100  
 Hollister, MO 65672

**RE: NOTICE AND ORDER – 1944 W. STATE HIGHWAY 76, BRANSON, MO**

Please find enclosed for your review a copy of a Notice and Order for JR's Motor Inn located at the above reference location.

If you are not a person of interest in this matter, please disregard.

Sincerely,



Jiny Lawson  
 Director

JCL/ss

**Cc: Rocky Mountain Management LLC, 300-B East High Street, Jefferson City, MO 65101**  
 Brad Poppie, 3350 Ashworth, Aurora, CO 80126  
 Robert Walford, 8227 S. Holly Street, Centennial, CO 80122  
 Robert Paulson, 106 Travis Trail, Branson, MO 65616

U.S. Postal Service  
**CERTIFIED MAIL... RECEIPT**  
*(Domestic Mail Only. No Insurance Coverage Provided)*

For Delivery Information visit our website at [www.usps.com](http://www.usps.com)

JEFFERSON CITY MO 65101

Postage	\$ 10.66	0805
Certified Fee	\$ 3.10	12
Return Receipt Fee (Endorsement Required)	\$ 2.55	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$ 10.00	
<b>Total Postage &amp; Fees</b>	<b>\$ 26.31</b>	03/15/2013

Sent to  
**Rocky Mtn Management LLC**  
 Street Apt. No. or PO Box No. **300-B EAST HIGH ST**  
 City, State, ZIP+4  
**JEFFERSON CITY MO 65101**

PS Form 3800, AUGUST 2008 See Reverse for Instructions



**CITY OF BRANSON**  
 Planning and Development Dept.  
 110 W. Maddux St., Ste. 215  
 Branson, Missouri 65616

UNITED STATES MAIL



7011 2000 0002 6529 7846

POSTAGE  
 03/15/2013  
**\$06.11**



ZIP 65616  
 041112232A



Rocky Mountain Management LLC  
 300-B East High Street  
 Jefferson City, MO 65101

U.S. POSTAGE  
 PAID  
 BRANSON, MO  
 65616  
 949-15-3  
 PERMIT

\$0.20  
 0004578-12



POSTNET

POSTNET

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Rocky Mountain Management LLC  
 300-B East High Street  
 Jefferson City, MO 65101

**COMPLETE THIS SECTION ON DELIVERY**

- A. Signature  
 Agent  
 Addressee
- B. Received by (Printed Name) C. Date of Delivery
- D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

- 3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.
- 4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number

7011 2000 0002 6529 7846

(Transfer from card)

PS Form 3811, February 2004

Domestic Return Receipt

10255-02-00-10-10-00



CITY OF **BRANSON**  
 Planning & Development

Exhibit 6

110 West Maddux St. • Suite 215 • Branson, Missouri 65616  
 (417) 337-8549 • FAX (417) 334-2391

March 14, 2013

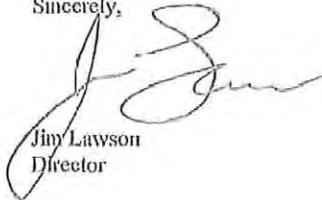
Leisuretek LTD, Inc.  
 c/o Gary W. Allman  
 101 State Drive, Ste. 100  
 Hollister, MO 65672

RE: NOTICE AND ORDER – 1944 W. STATE HIGHWAY 76, BRANSON, MO

Please find enclosed for your review a copy of a Notice and Order for JR's Motor Inn located at the above reference location.

If you are not a person of interest in this matter, please disregard.

Sincerely,



Jiny Lawson  
 Director

JCL/ss

Cc: Rocky Mountain Management L.L.C, 300-B East High Street, Jefferson City, MO 65101  
 Brad Poppie, 3350 Ashworth, Aurora, CO 80126  
 Robert Walford, 8227 S. Holly Street, Centennial, CO 80122  
 Robert Paulson, 106 Travis Trail, Branson, MO 65616

9402 6259 2000 0002 1529 7042 1102

U.S. Postal Service  
**CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

LI (LETON) 60 30126  
**OFFICIAL USE**

Postage	\$ 40.66	0895
Certified Fee	\$3.10	12
Return Receipt Fee (Endorsement Required)	\$2.55	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	
<b>Total Postage &amp; Fees</b>	<b>\$ 46.31</b>	03/15/2013

Sent To **BRAD POPPIE**  
 Street Apt. No. 3350 ASHWORTH  
 or PO Box No. AURORA, CO 80126  
 City, State, ZIP+4

PS Form 3800, August 2006 See Reverse for Instructions



**CITY OF BRANSON**  
 Planning and Development Dept.  
 110 W. Maddux St., Ste. 215  
 Branson, Missouri 65616

**DELIVERED WITH**



7011 2000 0002 6529 7046

REGISTRATION  
 03/15/2013  
 INSURANCE

FIRST-CLASS MAIL  
 \$06.11e

ZIP 65616  
 041131229324

**POST LETTER LAST 2 NUMBERS OF LAST NAME DELIVERY ADDRESS**

POST NOTICE 3-22  
 RETURN NOTICE 3-27  
 POST OFFICE 4-6-13

Brad Poppie  
 3350 Ashworth  
 Aurora, CO 80126

*Handwritten signature*

*Handwritten signature*



U.S. POSTAGE  
 BRANSON, MO  
 MAR 15 9 13  
 PRODUCE

\$0.20  
 0114578-12

NAME 802 DC 1 09 04/07/13  
 RETURN TO SENDER  
 UNABLE TO FORWARD  
 BCI: 65626285585 \*0249-05700-15-26

**NEW GREEN**  
 AUTOMATICALLY RECALCULATED INSURANCE AMOUNT

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Brad Poppie  
 3350 Ashworth  
 Aurora, CO 80126

\$6

**COMPLETE THIS SECTION ON DELIVERY**

- A. Signature  Agent
- X  Addressee
- B. Received by (Printed Name) \_\_\_\_\_
- C. Date of Delivery \_\_\_\_\_
- D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

**3. Service Type**

- Certified Mail
- Registered
- Insured Mail
- Restricted Delivery (Extra Fee)
- Express Mail
- Return Receipt for Merchandise
- C.O.D.
- Yes

2. Article Number 7011 2000 0002 6529 7046

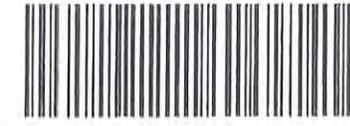
PS Form 3871, February 2004 Domestic Return Receipt

12259-02-01-1540

*Handwritten signature*

**CITY OF BRANSON**

Planning and Development Dept.  
110 W. Macdoux St., Ste. 215  
Branson, Missouri 65616



7011 2000 0002 6529 7039

ncopost  
03/15/2013  
US POSTAGE

FIRST CLASS MAIL  
\$06.11<sup>10</sup>



ZIP 65616  
041111223324

Robert Walford  
8227 S. Holly Street  
Centennial, CO 80122



U.S. POSTAGE PAID  
BRANSON, MO 65616  
MAR 15, 2013  
AMOUNT \$0.20

POST OFFICE OF LAST NAME  
6  
FIRST  
2ND  
RETURN

NIXIE 802 DE J 00 04/18/13

RETURN TO SENDER  
UNCLAIMED  
UNABLE TO FORWARD

RC: 65616785965 90240-05707-15-40

601233416@9901



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature X <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>Robert Walford 8227 S. Holly Street Centennial, CO 80122</p>	<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number: (Transfer from ser) 7011 2000 0002 6529 7039</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>



CITY OF **BRANSON**  
**Planning & Development**

Exhibit 1

110 West Maddux St. • Suite 215 • Branson, Missouri 65616  
 (417) 337-8549 • FAX (417) 334-2391

March 14, 2013

Leisuretek LTD, Inc.  
 c/o Gary W. Allman  
 101 State Drive, Ste. 100  
 Hollister, MO 65672

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

BRANSON MO 65616

**OFFICIAL USE**

Postage	\$ 40.66	0805
Certified Fee	\$ 3.10	12
Return Receipt Fee (Endorsement Required)	\$ 2.55	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$ 0.00	
<b>Total Postage &amp; Fees</b>	<b>\$ 46.31</b>	03/15/2013

Send To: ROBERT PAULSON  
 Street Apt No. or PO Box No.: 106 TRAVIS TRAIL  
 City, State, ZIP+4: BRANSON MO 65616

PS Form 3811, February 2004 See Reverse for Instructions

RE: NOTICE AND ORDER – 1944 W. STATE HIGHWAY 76, BRANSON, MO

Please find enclosed for your review a copy of a Notice and Order for JR's Motor Inn located at the above reference location.

If you are not a person of interest in this matter, please disregard.

Sincerely,

Jim Lawson  
 Director

JCL/ss

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>Robert R. Paulson</u></p> <p>C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No          If YES, enter delivery address below:</p>
1. Article Addressed to:	
2. Article No. (Transfer): <u>7011 2000 0002 6529 7022</u>	
3. Service Type	<input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.
4. Restricted Delivery? (Extra Fee)	<input type="checkbox"/> Yes

2. Article No. (Transfer): 7011 2000 0002 6529 7022

PS Form 3811, February 2004

Domestic Return Receipt

102595 02-M-154

Cc: Rocky Mountain Management LLC, 300-B East High Street, Jefferson City, MO 65101  
 Brad Poppie, 3350 Ashworth, Aurora, CO 80126  
 Robert Walford, 8227 S. Holly Street, Centennial, CO 80122  
 Robert Paulson, 106 Travis Trail, Branson, MO 65616



Hogan Land Title  
INFORMATIONAL TITLE REPORT

Report No: 7803306

1. Effective date: **March 15, 2013 at 08:00 AM**
2. The estate or interest in the land described or referred to in this Report is Fee Simple.
3. Title to the Fee Simple estate or interest in the land as of the Effective Date vested in:  
**INN-2, LLC**

4. The land referred to in this Report is situated in the County of TANEY, State of Missouri, and is described as follows:

**ALL THAT PART OF PLOT TWO (2) OF LOT NINE (9) OF THE NORTHWEST QUARTER (NW1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION SIX (6), TOWNSHIP TWENTY-TWO (22) NORTH, RANGE TWENTY-ONE (21) WEST, EXCEPT THAT PART DESCRIBED AS: BEGINNING AT THE NORTHEAST CORNER OF SAID PLOT TWO (2); THENCE SOUTH 256.91 FEET; THENCE WEST 160 FEET; THENCE NORTH 180 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF MISSOURI STATE HIGHWAY #76; THENCE NORTHEASTERLY ALONG SAID RIGHT-OF-WAY 192.43 FEET TO THE POINT OF BEGINNING, IN TANEY COUNTY, MISSOURI.**

## INFORMATIONAL TITLE REPORT

(ITEMS OF RECORD)

Report Number: 1303300

The following items are disclosed by the public record of the County reflected on this report. These items are being shown for informational purposes only:

1. The lien of real estate taxes or assessments imposed on the Title by a governmental authority due or payable, but unpaid for the year 2013 and all subsequent years.  
  
Tax ID# 17-3.0-06-002-006-014.000      VL: \$470,600      TX: \$23,692.83
2. Water Line Easement as set out in Book 238, at Page 958, Recorder's Office, TANEY County, Missouri.
3. Easement as set out in Book 268, at Page 915, Recorder's Office, TANEY County, Missouri.
4. Easement as set out in Book 268, at Page 916, Recorder's Office, TANEY County, Missouri.
5. Memorandum of Agreement to TCA Cable TV of Missouri as set out in Book 419, at Page 055, Recorder's Office, TANEY County, Missouri.
6. Notes of Lis Pendens for Case #10AF-CC00768, satisfaction of Judgment filed November 28, 2011, as set out in Book 2010, at Page 47029, Recorder's Office, TANEY County, Missouri.
7. Financing Statement between J.R.'S MOTOR INN, INC., A MISSOURI CORPORATION, Debtor and GREAT SOUTHERN BANK, Secured Party, filed APRIL 24, 2002, in Book 397, at Page 6715, Recorder's Office, TANEY County, Missouri; AND AMENDMENT recorded in Book 2012, at Page 24231, Recorder's Office, TANEY County, Missouri.
8. Notice of Lis Pendens filed January 2, 2013 in Book 2013, at Page 00001, Recorder's Office, TANEY County, Missouri.
9. The liability of the Company under this informational report shall not exceed \$1000.
10. NOTE: This Report is not an opinion of title, nor is it a commitment to insure title. This Report is furnished for reference purposes only and should not be relied upon as a commitment to insure title to the premises herein described. If title insurance coverage is desired, application should be made through this office for a title insurance commitment in an amount to be agreed upon, and the prospective insureds must be identified.



Date Created: 11/20/2013

**Parcel**

**Parcel ID** 17-3.0-06-002-006-014.000  
**Property Address** 1944 W STATE HWY 76  
**Tax Code** 4CXB  
**Sec/Twp/Rng** 06/22/21  
**Brief Tax Description** PT PL 2 LT 9 NW4; CITY OF BRANSON  
*(Note: Not to be used on legal documents)*  
**School District** Branson  
**Fire District** N/A  
**City** Branson  
**Deed Book/Page/Date** 2010-11387 (03/19/10)

**Owner**

INN-2 LLC  
 DBA: JR'S MOTOR INN  
 PO BOX 2635  
 SPRINGFIELD, MO 65801

**Land**

**Lot Dimensions** 47 X 841 IRR  
**Lot Area** 3.5 Acres

**Improvements**

Number	Description	Year Built	Base Area	Adjusted Area
1-6	Asphalt Paving	1982	52580	52580
1-7	Concrete Paving	1982	1844	1844
2-2	Office	1985	288	306

**Valuation**

	Improvements	Land	Total	Assessed Total
<b>Residential</b>	\$0	\$0	\$0	\$0
<b>Agricultural</b>	\$0	\$0	\$0	\$0
<b>Commercial</b>	\$42,801	\$257,960	\$300,761	\$96,240
<b>Total</b>				<b>\$96,240</b>

**No data available for the following modules:** Photos. [Click here for help.](#)

**Disclaimer:** Taney County makes every effort to produce and publish the most current and accurate information possible. This data is provided "as is" without warranty or any representation of accuracy, timeliness, or completeness. The burden for determining accuracy, completeness, timeliness, merchantability, and fitness for or the appropriateness for use rests solely on the requester. Taney County makes no warranties, expressed or implied, as to the use of the data. There are no implied warranties of merchantability or fitness for a particular purpose. The requester acknowledges and accepts the limitations of the data, including the fact that the data is dynamic and is in a constant state of maintenance, correction, and update.

Last Data Upload: 11/20/2013 2:50:31 AM



CITY OF **BRANSON**  
Planning & Development

Exhibit 4  
**COPY**

110 West Maddux St. • Suite 215 • Branson, Missouri 65616  
(417) 337-8549 • FAX (417) 334-2391

NOTICE OF HEARING  
CITY OF BRANSON

July 15, 2013

**INN-2 LLC**  
**Dbn: JR's Motor Inn**  
**P. O. Box 2635**  
**Springfield, MO 65801**

<b>HEARING DATE:</b>	July 26, 2013
<b>HEARING TIME:</b>	10:00 a.m.
<b>HEARING PLACE:</b>	City Hall 110 W. Maddux St. Council Chambers Branson, MO 65616

**NOTICE AND ORDER DATED:** February 15, 2013  
**COMPLIANCE DATE:** March 22, 2013  
**VIOLATION ADDRESS:** 1944 W. State Highway 76, Branson, MO  
**ORIGINAL INSPECTION DATE:** January 7, 2013

**ATTENTION RESPONSIBLE PARTY/PROPERTY OWNER**

The Director of Planning and Development has determined that full compliance with the above referenced "Notice and Order" has not been achieved as of the "Compliance Date." Therefore, pursuant to Section 22-208 of the City of Branson Municipal Code, a hearing has been scheduled on **July 26, 2013, at 10:00 a.m.** The Hearing will be held at City Hall, 110 W. Maddux Street, Council Chambers, Branson, Missouri.

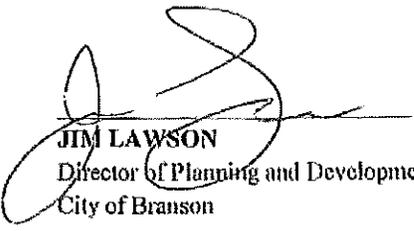
You are requested to appear before the Director of Planning and Development of the City of Branson to show cause why the buildings, sign structures, and pool located at 1944 W. State Highway 76, Branson, MO, reported to be dangerous should not be repaired or demolished in accordance with the Notice and Order dated February 15, 2013.

Any party may be represented by counsel and will have the opportunity to be heard.

City inspector(s) will present their evidence stipulating that the building(s) should be declared dangerous. The Director will make written findings of fact from the evidence offered whether or not the building(s) or structure(s) in question is a dangerous building(s).

If the evidence supports a finding based upon competent and substantial evidence that the building(s) or structure(s) is a dangerous building, the Director shall issue a written order of abatement based on such findings of fact, commanding the owner(s) or other responsible party, to repair, vacate, board, or demolish any building(s) or structure(s) found to be a dangerous building and to remove all debris and rubbish from the property.

Provided that any person so notified, shall have the privilege of either vacating and repairing said building(s) or structure(s) (if such repair will comply with the ordinances of the city) or may vacate and demolish said dangerous building(s) at his own risk to prevent the city from acquiring a lien against the land where the dangerous building(s) stands. If the evidence does not support a finding that a building(s) or structure(s) is a dangerous building(s), no order shall be issued.

  
JIM LAWSON  
Director of Planning and Development  
City of Branson

7/12/13  
DATE

7011 2000 0002 6529 7992

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BRANSON, MO 65616 **OFFICIAL USE**

Postage	\$ 0.46	0805
Certified Fee	\$3.10	09 Postmark Here
Return Receipt Fee (Endorsement Required)	\$2.55	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
<b>Total Postage &amp; Fees</b>	<b>\$ 6.11</b>	07/15/2013

Sent to  
 ROBERT PRIBSON, ATTY AT LAW  
 Street, Apt. No., or PO Box No. 1016 TRAVIS TRAIL  
 City, State, ZIP+4 BRANSON MO 65616  
 PS Form 3800, August 2008 See Reverse for Instructions

7011 2000 0002 6529 7978

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JEFFERSON CITY, MO 65101 **OFFICIAL USE**

Postage	\$ 0.46	0805
Certified Fee	\$3.10	09 Postmark Here
Return Receipt Fee (Endorsement Required)	\$2.55	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
<b>Total Postage &amp; Fees</b>	<b>\$ 6.11</b>	07/15/2013

Sent to  
 ROCKY MTL MANAGEMENT, LLC  
 Street, Apt. No., or PO Box No. 300-B EAST HIGH ST.  
 City, State, ZIP+4 JEFFERSON CITY, MO 65101  
 PS Form 3800, August 2008 See Reverse for Instructions

7011 2000 0002 6529 8005

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LITTLETON CO 80122 **OFFICIAL USE**

Postage	\$ 0.46	0805
Certified Fee	\$3.10	09 Postmark Here
Return Receipt Fee (Endorsement Required)	\$2.55	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
<b>Total Postage &amp; Fees</b>	<b>\$ 6.11</b>	07/15/2013

Sent to  
 ROBERT WALFORD  
 Street, Apt. No., or PO Box No. 8227 S. HOLLY ST.  
 City, State, ZIP+4 CENTENNIAL, CO 80122  
 PS Form 3800, August 2008 See Reverse for Instructions

7011 2000 0002 6529 8012

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For delivery information visit our website at [www.usps.com](http://www.usps.com)

LITTLETON CO 80126 **OFFICIAL USE**

Postage	\$ 0.46	0805
Certified Fee	\$3.10	09 Postmark Here
Return Receipt Fee (Endorsement Required)	\$2.55	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
<b>Total Postage &amp; Fees</b>	<b>\$ 6.11</b>	07/15/2013

Sent to  
 BRAD POEDIE  
 Street, Apt. No., or PO Box No. 3502 ASHWORTH AVE  
 City, State, ZIP+4 AIRBORNE, CO 80126  
 PS Form 3800, August 2008 See Reverse for Instructions

7011 3500 0001 5441 2514

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**CERTIFIED MAIL™ RECEIPT**  
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For delivery information visit our website at [www.usps.com](http://www.usps.com)

SPRINGFIELD, MO 65801 **OFFICIAL USE**

Postage	\$ 0.46	0805
Certified Fee	\$3.10	09 Postmark Here
Return Receipt Fee (Endorsement Required)	\$2.55	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
<b>Total Postage &amp; Fees</b>	<b>\$ 6.11</b>	07/15/2013

Sent to  
 KUN-2 LLC  
 Street, Apt. No., or PO Box No. P.O. Box 2635  
 City, State, ZIP+4 SPRINGFIELD, MO 65801  
 PS Form 3800, August 2008 See Reverse for Instructions

7011 2000 0002 6529 7985

**U.S. Postal Service™**  
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For delivery information visit our website at [www.usps.com](http://www.usps.com)

HOLLISTER MO 65672 **OFFICIAL USE**

Postage	\$ 0.46	0805
Certified Fee	\$3.10	09 Postmark Here
Return Receipt Fee (Endorsement Required)	\$2.55	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
<b>Total Postage &amp; Fees</b>	<b>\$ 6.11</b>	07/15/2013

Sent to  
 LEISURETEK LTD, INC. ALLMAN  
 Street, Apt. No., or PO Box No. 100 STATE DR. STE 100  
 City, State, ZIP+4 HOLLISTER, MO 65672  
 PS Form 3800, August 2008 See Reverse for Instructions

Exhibit

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.</li> <li><input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you.</li> <li><input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input checked="" type="checkbox"/> Agent <i>Theresa Samard</i> <input type="checkbox"/> Address</p> <p>B. Received by (Printed Name) <input type="checkbox"/> C. Date of Delivery <i>Theresa Samard</i></p> <p>D. Is delivery address different from Item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>Leisuretek LTD, Inc. c/o Gary Allman 101 State Drive, Ste. 100 Hollister, MO 65672</p>	<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (transfer from serv.) <b>7011 2000 0002 6529 7985</b></p>	

PS Form 3811, February 2004 Domestic Return Receipt 102695-02-M-11

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.</li> <li><input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you.</li> <li><input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input checked="" type="checkbox"/> Agent <i>Jennifer Knight</i> <input type="checkbox"/> Address</p> <p>B. Received by (Printed Name) <input type="checkbox"/> C. Date of Delivery <i>Jennifer Knight</i> <i>7-16-02</i></p> <p>D. Is delivery address different from Item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>Inn 2 LLC P.O. Box 2635 Springfield, MO 65801</p>	<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (transfer from serv.) <b>7011 3500 0003 5441 2514</b></p>	

PS Form 3811, February 2004 Domestic Return Receipt 102695-02-M-1040



COPY

FINDING OF NUISANCE AND ORDER OF ABATEMENT

September 13, 2013

SENT VIA FIRST CLASS REGULAR MAIL AND CERTIFIED MAIL, RETURN RECEIPT REQUESTED ARTICLE NUMBERS 7011 3500 0001 5441 0305 and 7011 3500 0001 5441 0299

Inn-2 LLC
dba Jr's Motor Inn
P.O. Box 2635
Springfield, MO 65801

Rocky Mountain Management, LLC
c/o Brad Poppie
3350 Ashworth
Littleton, CO 80126

RE: PROPERTY LOCATED: 1944 W. STATE HIGHWAY 76, BRANSON, MO

Dear Owner:

On July 26, 2013, violations of the City of Branson Municipal Code (hereafter called "Code"), Chapter 22, the Dangerous Building Ordinance, were found with respect to the property with the address referenced above. The property is legally described on EXHIBIT "1", attached hereto. By letter dated February 15, 2013, you were given notice of the existence of said violations and were ordered to correct the conditions constituting said violations by no later than thirty (30) days after receiving said Notice and Order. However, you have failed to correct the conditions constituting said violations. A copy of the Notice and Order containing a description of the conditions that constitute said violations is on file in the Planning and Development Department located at 110 West Maddux, Suite 215, Branson, Missouri.

By letter dated July 15, 2013, you were given notice the Director of Planning and Development would convene a hearing on this matter. A copy of said Notice of Hearing is on file in the Planning and Development Department located at 110 West Maddux Street, Suite 215, Branson, Missouri.

Pursuant to Section 22-208 of the Code, the undersigned Interim Director of Planning and Development convened a hearing on this matter at 10:00 a.m. on July 26, 2013. The City of Branson (hereafter called "City") was represented by the City's attorney of record, William Duston. Mr. Duston presented exhibits, all of which were admitted into evidence of the hearing. Robert Paulson, legal counsel and representative for Inn-2, LLC, provided comments concerning the property and the administrative action. Andrew Bennett, legal counsel and representative for Rocky Mountain Management LLC, provided comments concerning the property and the administrative action. Upon conclusion of the evidence, the matter was taken under advisement. Now on this date, after review of the evidence and the Code, the Interim Director of Planning and Development makes the following findings of fact, conclusions of law, and order.

FINDINGS OF FACT

On the basis of competent and substantial evidence presented at said hearing, and pursuant to Section 22-208 of the Code, the undersigned Interim Director of Planning and Development finds as follows:

1. The facts as stated in City of Branson Fire & Rescue Investigation reports, which are attached hereto as EXHIBIT "2" and "3", are true. No objection was made to these reports.
2. The Interim Director of Planning and Development also finds that INN-2, LLC had formal and sufficient notice of the July 26, 2013 hearing. No objection was made to these reports.
3. Structural Engineer Ronald Hamme's report and conclusions (EXHIBIT "4") are taken as true. No objection was made to his report.
4. The building inspector found that due to a combination of a tornado event which occurred on February 29, 2012 and a fire event which occurred on September 8, 2012, the main structure on the property contained the following conditions: portions of the roof and second floor ceiling joists/trusses sustained heavy damage from fire extending upward into all the members of the trusses and into the decking on the underside of the roof; drywall from the ceiling and walls were fallen down on the floor; heavy damage from smoke and heat was found on the ceiling and down the walls in the hallway area and one of the bedrooms; the building has been exposed to the elements and all of the interior finishes have been compromised; the mechanical and electrical systems have also been damaged; the entrance canopy is missing the two end columns; and trash and debris were found inside and outside of the structure. Based on these findings the structure has the following conditions which make it a "Dangerous Building" as defined in Section 22-200:

(3) the floor or the roof is overloaded or of insufficient strength to be reasonably safe for the purpose used; and

(4) portions, members, or appurtenances thereof have been damaged so that the structural strength or stability of any portion of the structure/building threatens the life, health, safety, or property of the occupants or public; and

(5) portions, members, appurtenances, or ornamentation thereof, is of insufficient strength or stability so that it threatens the life, health, safety, or property of the occupants or public; and

(6) the building or structure, or any portion thereof is likely to partially or completely collapse; and

(7) the building or structure, or any portion thereof, is so unsafe for the purpose for which it is being used, so as to threaten the life, health, or safety of the occupants or public; and

(9) the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings; and

(10) the building or structure has been so damaged (for whatever cause) so as to become dangerous to life, safety, or the general health and welfare of the occupants or the public; and

(13) the building or structure is in violation of the city's building regulations or adopted code, or any other laws or ordinances that protects the life, health, and safety of the occupants or public, as further described below:

- a. Branson Municipal Code, Chapter 58-294(1)(2)(3) -- Accumulation of rubbish
- b. Branson Municipal Code, Chapter 58-294(2) -- Standing water / breeding mosquitos
- c. 2009 International Property Maintenance Code, Section 108.1.1 -- Unsafe structures
- d. 2009 International Property Maintenance Code, Section 108.1.3 -- Structures unfit for human occupancy
- e. 2009 International Property Maintenance Code, Section 108.1.5 -- Dangerous structures
- f. 2009 International Property Maintenance Code, Section 301.3 -- Vacant structures and land
- g. 2009 International Property Maintenance Code, Section 302.7 -- Lack of maintenance of accessory structure
- h. 2009 International Property Maintenance Code, Section 304.1.1 -- Exterior structure; unsafe conditions
- i. 2009 International Property Maintenance Code, Section 304.2 -- Exterior structure; lack of protective treatments
- j. 2009 International Property Maintenance Code, Section -- 304.6 -- Exterior walls
- k. 2009 International Property Maintenance Code, Section 304.7 -- Roofs and drainage
- l. 2009 International Property Maintenance Code, Section 304.13 -- Window and door frames
- m. 2009 International Property Maintenance Code, Section 304.13.1 -- Window glazing
- n. 2009 International Property Maintenance Code, Section 304.15 -- Doors
- o. 2009 International Property Maintenance Code, Section 305.1 -- Interior structure; lack of maintenance
- p. 2009 International Property Maintenance Code, Section 305.3 -- Interior surfaces

- q. 2009 International Property Maintenance Code, Section 305.4 – Stairs and walking surfaces
  - r. 2009 International Property Maintenance Code, Section 305.6 – Interior doors
  - s. 2009 International Property Maintenance Code, Section 306.1 – Structural components
  - t. 2009 International Property Maintenance Code, Section 603.1 – Mechanical appliances
  - u. 2009 International Property Maintenance Code, Section 604.1 – Electrical facilities
  - v. 2009 International Property Maintenance Code, Section 605.1 – Electrical equipment
- (15) the building or structure is determined to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease; and
- (16) the building or structure is determined to be a fire hazard.

The City of Branson, its inspectors, employees and agents have properly followed and complied with all of the procedures required under Chapter 22 of the Branson Municipal Code. Inn-2 LLC has not complied with the Notice and Order issued February 15, 2013 by bringing the structure into compliance with the City's building codes, regulations and ordinances.

5. The Notice and Order was issued on a reasonable basis and is within the standards set forth in Chapter 22 of the Branson Municipal Code.
6. INN-2 LLC, DBA: JR's Motor Inn, P.O. Box 2635, is listed as the owner of said property according to the records of the Taney County Missouri Assessor's Office.
7. The Interim Director of Planning and Development properly has jurisdiction over the matter.

#### CONCLUSIONS OF LAW

1. Fourth Class cities are given the power to pass ordinances for the prevention and abatement of nuisances by Missouri Statute 79.370. *State ex. Rel Daniels v. Kasten*, 382 S.W.2d 714 (Mo.App. 1964), held that this statute applies nuisance to situations that already exist.
2. The structure's conditions violate the following subsections of Branson Municipal Code Sections 22-200 (definition of "Dangerous Building" as explained in Paragraph 4 of the Findings of Fact above), 58-294(1)-(3), and Sections 108, 301, 302, 304, 305, 306, 603, 604 and 605 of the 2009 International Property Maintenance Code (IPMC), as adopted by Section 22-181 of the Code, and is, therefore, a dangerous building under the terms of the Code.
3. The City has adopted Sections 22-200 of the Branson Municipal Code under the authority granted to the City by the State Legislature to address Dangerous Buildings.

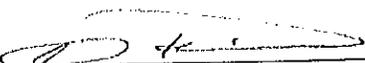
**ORDER**

You are hereby ordered to vacate the structure and abate all of the conditions that constitute violations of Chapter 22, the 2009 International Property Maintenance Code and Chapter 58 (as described above) by demolishing the structure, removing and properly disposing of all building materials, and removing and disposing of all contents of said building debris in compliance with Chapter 22 and all other provisions of the Code. The exterior property must be cleared of all rubbish. All such work of abatement must be substantially completed within thirty (30) days from the receipt of this notice.

In the event you fail to substantially complete the abatement work in compliance herewith within thirty (30) days, the City may cause all such abatement work to be completed at your expense. You will receive an invoice from the City of Branson for the demolition and associated costs. If the invoice is not paid within thirty (30) days, the matter will be turned over to the Branson City Clerk's office and either a special tax bill will be issued to you for the costs associated therewith (as more particularly described in Section 22-215 of the Code) and/or such other appropriate actions as provided by law. If the City Clerk issues a special tax bill, said tax bill shall be a lien against the Property as well as a personal debt obligation owed by you to the City

Please be advised that, pursuant to Section 22-209 of the Code, you may have the right to appeal from these findings, and this order, to the Building Code Board of Appeals within thirty (30) days from receipt of this order.

**IT IS SO ORDERED.**

  
\_\_\_\_\_  
Joel Hornickel  
Interim Director of Planning and Development

9/12/13  
Date



**CITY OF BRANSON**  
**PLANNING & DEVELOPMENT**  
 110 W MADDUX ST, SUITE 215  
 PHONE: (417) 337-8547  
 FAX: (417) 334-2391

RECEIVED  
 OCT 11 2013  
 BY: *JFW*



FOR OFFICE USE ONLY: Permit No. 13  
 FEE: **\$100.00 (Non-Refundable)**  
 DATE & INITIALS: *JFW 10/11/13*  
 PAYMENT TYPE:  CASH  
 CHECK # 1094  
 CREDIT CARD REF # \_\_\_\_\_  
 PUBLIC NOTICE DATE: \_\_\_\_\_  
 PUBLIC HEARING DATE: \_\_\_\_\_

**Building Code  
 Board of Appeals**

Applicant Name (Please Print): Tnn-2, LLC  
 Applicant Address: 101 State Drive, Hollister, MO  
 Phone Number: 417-335-2358 Fax Number: 417-335-2119 Email: \_\_\_\_\_  
 Permit #: \_\_\_\_\_  
 Permit Street Address: see append.

REQUIRED INFORMATION TO BE INCLUDED BEFORE APPLICATION WILL BE ACCEPTED

- X Please attach a copy of the inspection and/or letter that was denied.
- X Please provide code sections affected by your request.
- X Please provide a detailed description or reasoning of request. (Please use the attached sheet and additional sheets if necessary.)

**Applicant Requests:**  
 (Please check any that apply)  
 The code was incorrectly interpreted.  
 The provisions of the code do not fully apply.  
 An equally good or better form of construction exists.

**PROPERTY OWNER/AGENT INFORMATION**

Owner's Name (Please Print): \_\_\_\_\_  
 Owner's Address: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_ Email: \_\_\_\_\_  
 Owner's Signature: \_\_\_\_\_  
 Agent's Name (Please Print): \_\_\_\_\_  
 Agent's Address: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_ Email: \_\_\_\_\_  
 Agent's Signature: \_\_\_\_\_

**CITY OF BRANSON  
BUILDING CODE BOARD OF APPEALS**

**RULES OF PROCEDURE**

*A Building Code Board of Appeals Resolution*

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WHEREAS, the City of Branson has appointed a Building Code Board of Appeals; and,

WHEREAS, said Building Code Board of Appeals in an organizational meeting held October 1998, promulgated the rules of procedure as follows:

**Section 98 100.0 DENIAL OF PERMIT OR REJECTION OF INSPECTION.**  
Upon denial to issue a building permit by the Building Official, or by his authorized designated deputy, the owner, or his duly authorized agent, shall have the right to appeal to the Building Code Board of Appeals.

**Section 98 101.0 FILING OF APPEAL.** The Planning & Development Department shall maintain a supply of appropriate forms on which to file an appeal. Notice of appeal must be filed, by the owner, or his duly authorized agent, in writing, with the Planning & Development Department.

**Section 98 101.1 MEETINGS.** Meeting shall be held at the call of the chairperson within ten days of the filing of the appeal and at other such times as the Building Code Board of Appeals may determine. All meetings shall be open to the public. The board shall hear the code official, the appellant, or his duly authorized agent, and any person whose interests are affected. Three (3) members of the Board shall constitute a quorum. A concurring vote of three members of the board is required to modify or reverse the decision of the Code Official. No action may be taken by the board if a quorum is not present, the hearing will be postponed to the next meeting, not to exceed thirty (30) days from the time the appeal was initially considered. Appellant shall have the right to request a postponement of any hearing when all five members are not present.

**Section 98 102.0 CONTENTS OF APPEAL.** Basic factual information is needed, such as the date on which the appeal is filed and the specific kind of relief sought. The burden of specificity is upon the owner, or his duly authorized agent. Architectural or engineering help should be used if necessary to convey the intent of the appeal. The appeal must inform the board why they, as a jurisdictional body, have the power to address this particular question. Such power must be allowed by law. The board cannot relax Fire or Life Safety Codes, or the intent of the Code.

Section 98 103.0 **CONDITIONS FOR RELIEF.** A modification or reversal of the Building Official shall find one of the following conditions:

- That the code was incorrectly interpreted.
- That the provisions of the code do not fully apply.
- That in the opinion of the Board, an equally good or better form of construction exists.

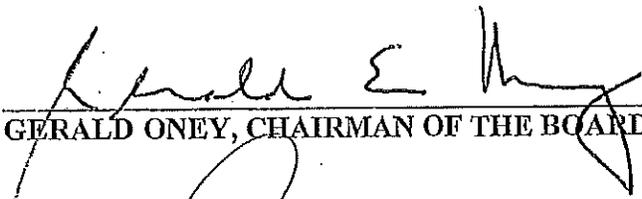
Relief should be granted only when an alternate method or material demonstrates compliance to the intent of the Codes.

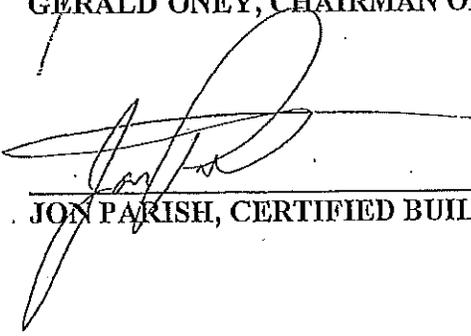
Section 98 104.0 **COURT REVIEW.** If the appellant wishes to appeal the decision of the Building Code Board of Appeals, they shall have sixty (60) days which to do so to the appropriate court. If no appeal is made within sixty (60) days, the case is closed.

Section 98 105.0 **ORDERS AND DECISIONS.** The decision of the Board shall be by resolution, setting out findings and conclusions of the Board and shall specify as precisely as possible, the exact reason or reasons upon which the decision is based. The Building Official shall take immediate action in accordance with the decision.

**BE IT THEREFORE RESOLVED,** that the Building Code Board of Appeals for the City of Branson hereby adopts these **RULES OF PROCEDURE.**

**DONE THIS 12th DAY OF OCTOBER 1998, BY THE BUILDING CODE BOARD OF APPEALS FOR THE CITY OF BRANSON, MISSOURI.**

  
GERALD ONEY, CHAIRMAN OF THE BOARD OF APPEALS

  
JON PARISH, CERTIFIED BUILDING OFFICIAL

**BEFORE THE BUILDING CODE BOARD OF APPEALS  
CITY OF BRANSON, MISSOURI**

COMES NOW INN-2, LLC by and through counsel, Robert R. Paulson II, and respectfully appeals the Finding of Nuisance and Order of Abatement of Joel Hornickel, Interim Director of Planning and Development that was entered on September 12, 2013, on the following grounds:

1. The findings of fact, conclusions of law, and Order were not supported by substantial and competent evidence;
2. The findings of fact, conclusions of law, and Order were against the weight of the evidence;
3. A copy of the Findings, Conclusions and Order appealed from is attached hereto as Exhibit "A";
4. Appellant is prepared to deposit the amount necessary to appeal to this board upon request of the amount required, or it has already deposited said amount with the City of Branson;
5. The entity making this appeal is INN-2, LLC which the Taney County Recorder's Office shows as the owner of the present property; INN-2, LLC may be contacted by mailing to its attorney of record at P.O. Box 6422, Branson, Missouri 65615 and its Registered Agent of record is Gary Allman, 101 State Drive, Hollister, Missouri.
6. INN-2, LLC is currently in a dispute in Taney County Case No. 12AF-CC01073, regarding the respective interests, ownership and otherwise held by INN-2, LLC, Colorado Investment Properties, LLC and Rocky Mountain Management, LLC;
7. The interests of INN-2, LLC in the property commonly known as JRs Motor Inn, located at 1944 West Highway 76 in Branson, Missouri, will potentially be effected by diminishing the value of the property, in the event that the property is not actually unsafe, and unusable;

WHEREFORE, Appellant prays this court reverse the findings of fact, conclusions of law and Order of Joel Hornickel, dated September 12, 2013.

Respectfully submitted,

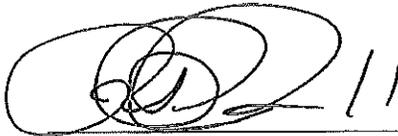


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Robert R. Paulson II  
Missouri Bar #40243  
P.O. Box 6422  
Branson, Missouri 65615  
Phone: 417-335-2355  
Email: bobpaulson58@gmail.com  
Attorney for Appellants

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing document was served upon Rocky Mountain Management, LLC by sending a copy to its attorney of record, Andrew Bennett at P.O. Box 10009, Springfield, MO 65808, on this the 11<sup>th</sup> day of October, 2013.



---

Robert R. Paulson II

Exhibit "A"

FINDING OF NUISANCE AND  
ORDER OF ABATEMENT

COPY

September 12, 2013

SENT VIA FIRST CLASS REGULAR MAIL AND  
CERTIFIED MAIL, RETURN RECEIPT REQUESTED ARTICLE NUMBERS 7011 3500 0001 5441 0312 and  
7011 3500 0001 5441 0329

Inn-2 LLC  
dba Jr's Motor Inn  
P.O. Box 2635  
Springfield, MO 65801

Rocky Mountain Management, LLC  
c/o Brad Poppie  
3350 Ashworth  
Littleton, CO 80126

RE: PROPERTY LOCATED: 1944 W. STATE HIGHWAY 76, BRANSON, MO

Dear Owner:

On July 26, 2013, violations of the City of Branson Municipal Code (hereafter called "Code"), Chapter 22, the Dangerous Building Ordinance, were found with respect to the property with the address referenced above. The property is legally described on EXHIBIT "1", attached hereto. By letter dated February 15, 2013, you were given notice of the existence of said violations and were ordered to correct the conditions constituting said violations by no later than thirty (30) days after receiving said Notice and Order. However, you have failed to correct the conditions constituting said violations. A copy of the Notice and Order containing a description of the conditions that constitute said violations is on file in the Planning and Development Department located at 110 West Maddux, Suite 215, Branson, Missouri.

By letter dated July 15, 2013, you were given notice the Director of Planning and Development would convene a hearing on this matter. A copy of said Notice of Hearing is on file in the Planning and Development Department located at 110 West Maddux Street, Suite 215, Branson, Missouri.

Pursuant to Section 22-208 of the Code, the undersigned Interim Director of Planning and Development convened a hearing on this matter at 10:00 a.m. on July 26, 2013. The City of Branson (hereafter called "City") was represented by the City's attorney of record, William Duston. Mr. Duston presented exhibits, all of which were admitted into evidence of the hearing. Robert Paulson, legal counsel and representative for Inn-2, LLC, provided comments concerning the property and the administrative action. Andrew Bennett, legal counsel and representative for Rocky Mountain Management LLC, provided comments concerning the property and the administrative action. Upon conclusion of the evidence, the matter was taken under advisement. Now on this date, after review of the evidence and the Code, the Interim Director of Planning and Development makes the following findings of fact, conclusions of law, and order.

**FINDINGS OF FACT**

On the basis of competent and substantial evidence presented at said hearing, and pursuant to Section 22-208 of the Code, the undersigned Interim Director of Planning and Development finds as follows:

1. The facts as stated in City of Branson Fire & Rescue Investigation reports, which are attached hereto as EXHIBIT "2" and "3", are true. No objection was made to these reports.
2. The Interim Director of Planning and Development also finds that INN-2, LLC had formal and sufficient notice of the July 26, 2013 hearing. No objection was made to these reports.
3. Structural Engineer Ronald Hamme's report and conclusions (EXHIBIT "4") are taken as true. No objection was made to his report.
4. The building inspector found that due to a combination of a tornado event which occurred on February 29, 2012 and a fire event which occurred on September 8, 2012, the main structure on the property contained the following conditions: portions of the roof and second floor ceiling joists/trusses sustained heavy damage from fire extending upward into all the members of the trusses and into the decking on the underside of the roof; drywall from the ceiling and walls were fallen down on the floor; heavy damage from smoke and heat was found on the ceiling and down the walls in the hallway area and one of the bedrooms; the building has been exposed to the elements and all of the interior finishes have been compromised; the mechanical and electrical systems have also been damaged; the entrance canopy is missing the two end columns; and trash and debris were found inside and outside of the structure. Based on these findings the structure has the following conditions which make it a "Dangerous Building" as defined in Section 22-200:

(3) the floor or the roof is overloaded or of insufficient strength to be reasonably safe for the purpose used; and

(4) portions, members, or appurtenances thereof have been damaged so that the structural strength or stability of any portion of the structure/building threatens the life, health, safety, or property of the occupants or public; and

(5) portions, members, appurtenances, or ornamentation thereof, is of insufficient strength or stability so that it threatens the life, health, safety, or property of the occupants or public; and

(6) the building or structure, or any portion thereof is likely to partially or completely collapse; and

(7) the building or structure, or any portion thereof, is so unsafe for the purpose for which it is being used, so as to threaten the life, health, or safety of the occupants or public; and

(9) the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings; and

(10) the building or structure has been so damaged (for whatever cause) so as to become dangerous to life, safety, or the general health and welfare of the occupants or the public; and

(13) the building or structure is in violation of the city's building regulations or adopted code, or any other laws or ordinances that protects the life, health, and safety of the occupants or public, as further described below:

- a. Branson Municipal Code, Chapter 58-294(1)(2)(3) – Accumulation of rubbish
- b. Branson Municipal Code, Chapter 58-294(2) – Standing water / breeding mosquitos
- c. 2009 International Property Maintenance Code, Section 108.1.1 – Unsafe structures
- d. 2009 International Property Maintenance Code, Section 108.1.3 – Structures unfit for human occupancy
- e. 2009 International Property Maintenance Code, Section 108.1.5 – Dangerous structures
- f. 2009 International Property Maintenance Code, Section 301.3 – Vacant structures and land
- g. 2009 International Property Maintenance Code, Section 302.7 – Lack of maintenance of accessory structure
- h. 2009 International Property Maintenance Code, Section 304.1.1 – Exterior structure; unsafe conditions
- i. 2009 International Property Maintenance Code, Section 304.2 – Exterior structure; lack of protective treatments
- j. 2009 International Property Maintenance Code, Section – 304.6 – Exterior walls
- k. 2009 International Property Maintenance Code, Section 304.7 – Roofs and drainage
- l. 2009 International Property Maintenance Code, Section 304.13 – Window and door frames
- m. 2009 International Property Maintenance Code, Section 304.13.1 – Window glazing
- n. 2009 International Property Maintenance Code, Section 304.15 – Doors
- o. 2009 International Property Maintenance Code, Section 305.1 – Interior structure; lack of maintenance
- p. 2009 International Property Maintenance Code, Section 305.3 – Interior surfaces

- q. 2009 International Property Maintenance Code, Section 305.4 – Stairs and walking surfaces
  - r. 2009 International Property Maintenance Code, Section 305.6 – Interior doors
  - s. 2009 International Property Maintenance Code, Section 306.1 – Structural components
  - t. 2009 International Property Maintenance Code, Section 603.1 – Mechanical appliances
  - u. 2009 International Property Maintenance Code, Section 604.1 – Electrical facilities
  - v. 2009 International Property Maintenance Code, Section 605.1 – Electrical equipment
- (15) the building or structure is determined to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease; and
- (16) the building or structure is determined to be a fire hazard.

The City of Branson, its inspectors, employees and agents have properly followed and complied with all of the procedures required under Chapter 22 of the Branson Municipal Code. Inn-2 LLC has not complied with the Notice and Order issued February 15, 2013 by bringing the structure into compliance with the City's building codes, regulations and ordinances.

5. The Notice and Order was issued on a reasonable basis and is within the standards set forth in Chapter 22 of the Branson Municipal Code.
6. INN-2 LLC, DBA: JR's Motor Inn, P.O. Box 2635, is listed as the owner of said property according to the records of the Taney County Missouri Assessor's Office.
7. The Interim Director of Planning and Development properly has jurisdiction over the matter.

#### CONCLUSIONS OF LAW

1. Fourth Class cities are given the power to pass ordinances for the prevention and abatement of nuisances by Missouri Statute 79.370. *State ex. Rel Daniels v. Kasten*, 382 S.W.2d 714 (Mo.App. 1964), held that this statute applies nuisance to situations that already exist.
2. The structure's conditions violate the following subsections of Branson Municipal Code Sections 22-200 (definition of "Dangerous Building" as explained in Paragraph 4 of the Findings of Fact above), 58-294(1)-(3), and Sections 108, 301, 302, 304, 305, 306, 603, 604 and 605 of the 2009 International Property Maintenance Code (IPMC), as adopted by Section 22-181 of the Code, and is, therefore, a dangerous building under the terms of the Code.
3. The City has adopted Sections 22-200 of the Branson Municipal Code under the authority granted to the City by the State Legislature to address Dangerous Buildings.

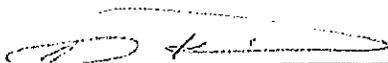
**ORDER**

You are hereby ordered to vacate the structure and abate all of the conditions that constitute violations of Chapter 22, the 2009 International Property Maintenance Code and Chapter 58 (as described above) by demolishing the structure, removing and properly disposing of all building materials, and removing and disposing of all contents of said building debris in compliance with Chapter 22 and all other provisions of the Code. The exterior property must be cleared of all rubbish. All such work of abatement must be substantially completed within thirty (30) days from the receipt of this notice.

In the event you fail to substantially complete the abatement work in compliance herewith within thirty (30) days, the City may cause all such abatement work to be completed at your expense. You will receive an invoice from the City of Branson for the demolition and associated costs. If the invoice is not paid within thirty (30) days, the matter will be turned over to the Branson City Clerk's office and either a special tax bill will be issued to you for the costs associated therewith (as more particularly described in Section 22-215 of the Code) and/or such other appropriate actions as provided by law. If the City Clerk issues a special tax bill, said tax bill shall be a lien against the Property as well as a personal debt obligation owed by you to the City

Please be advised that, pursuant to Section 22-209 of the Code, you may have the right to appeal from these findings, and this order, to the Building Code Board of Appeals within thirty (30) days from receipt of this order.

**IT IS SO ORDERED.**

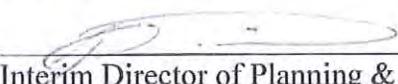
  
\_\_\_\_\_  
Joel Hornickel  
Interim Director of Planning and Development

9/12/13  
Date



**Branson Board of Appeals  
Action Memorandum  
Project No. 13-30.1 (13-03000001)**

<b>LOCATION:</b>	<b>1944 WEST STATE HIGHWAY 76</b>
<b>OWNER/APPLICANT:</b>	<b>INN-2, LLC</b>
<b>ITEM/SUBJECT:</b>	<b><u>REQUEST FOR AN APPEAL OF THE ORDER OF ABATEMENT ISSUED TO INN-2, LLC FOR THE PROPERTY LOCATED AT 1944 WEST STATE HIGHWAY 76, BRANSON, MISSOURI.</u></b>
<b>DATE:</b>	<b>OCTOBER 31, 2013</b>
<b>INITIATING DEPARTMENT:</b>	<b>PLANNING &amp; DEVELOPMENT</b>

<b>APPROVED BY:</b>	
	<u>Nov. 4, 2013</u>
Interim Director of Planning & Development	Date

An application to the Building Code Board of Appeals has been received from Inn-2, LLC (hereafter "Applicant") by and through its agent and attorney, Robert Paulson, requesting an appeal from an order issued by the Director of Planning of Zoning concerning a finding of nuisance and order of abatement. (See attached Exhibit 1.1-1.10). The building in question is located on property found at 1944 West State Highway 76 which is located south of West State Highway 76, east of Forsyth Street, North of Frank Rea Boulevard and Scott Boulevard and west of Fall Creek Road. (See attached Exhibit 2.1-2.2 for an overhead map of the property on which the subject building sits.) The property is zoned C commercial and contains an existing structure within approximately 3.5 acres more or less, and is commonly referred to as "J.R.'s Motor Inn."

There were two buildings located on the subject property. On February 29, 2012, an EF-2 tornado damaged the Applicant's two buildings. The rear building was substantially damaged and the owner applied for and received a permit to demolish that building on April 17, 2012. On September 8, 2012, a fire further damaged the front building, which served as an office and living quarters, including a portion of the roof and trusses. (See attached Exhibits 5.1-5.8 and 6.1-6.10, attached to this staff report, which contain City of Branson Fire and Rescue Investigative Reports prepared by Dennis Brunner and Christopher Morgan).

On January 7, 2013 a structural engineer, hired by the City, from Pinnacle Design Consultants inspected the structure due to the tornado and fire issues and determined that "a dangerous condition" exists and the building is in an "unstable condition." (Engineer's letter attached hereto as Exhibit 4.1-4.5). The structure was posted on January 11, 2013, by inspector Keith Crawford as a dangerous building as required by Section 22-202 of the Branson Municipal Code. (See attached Exhibit 16.1, a photograph of the posting on the

building taken by inspector Crawford). Based on the inspection performed by Ronald Hamme, P.E. of Pinnacle Design Consultants, a Letter of Declaration dated January 14, 2013, was sent to Inn-2, LLC by Inspector Keith Crawford, notifying the owner the structure had been officially declared as a dangerous building as required by Section 22-202 of the Branson Municipal Code. (See attached Exhibit 7.1). A Notice and Order, required by Section 22-205 of the Branson Municipal Code was mailed out on February 15, 2013, and sent to Inn-2, LLC by Director Jim Lawson. (See attached Exhibit 8.1-8.2). Additional letters were sent to parties that appeared to have an interest in the building as required by Section 22-205 of the Branson Municipal Code on March 14, 2013. These parties included Leisuretek, LTD, Inc., Brad Poppie, Robert Walford, Robert Paulson and Rocky Mountain Management, LLC. (See attached Exhibits 9.1-9.4, 10.1-10.4, 11.1-11.5, 12.1-12.4, and 14.1-14.5).

Since it appeared to the City Staff that compliance with the issues addressed in the Notice and Order had not been achieved, a hearing, as provided by 22-208 of the Branson Municipal Code, was posted on July 15, 2013, scheduled for July 26, 2013, and mailed to multiple parties with a possible interest in the building. (See attached Exhibit 15.1-15.4). At that hearing, various attorneys were present to represent various interests in the subject property. None of the parties argued that the building was not a dangerous structure or nuisance, but instead, who was responsible for the demolition process and the building itself. The current owner of record, according to Taney County Assessor is Inn-2 LLC (See attached Exhibit 18.1).

On September 13, 2013, a Finding of Nuisance and Order of Abatement prepared by interim Planning Director Joel Hornickel and based on the July 26<sup>th</sup> hearing, and required by the Branson Municipal Code in Section 22-208 was sent to interested parties. (See attached Exhibit 3.1-3.5). The Notice and Order listed a number of violations of the Branson Municipal Code that exist in the current state of the building still located at 1944 West State Highway 76, as well as detailing the finding in various reports concerning the structural integrity of the building, and the fact that it remains, in situ, as a dangerous building.

Amongst the findings, the interim Planning Director found that:

- The facts as stated in the City of Branson Fire & Rescue Investigation reports are true (See Attached hereto Exhibits 5.1-5.8 and 6.1-6.10).
- Inn-2, LLC had formal and sufficient notice of the July 26, 2013 hearing (Exhibit 15.1-15.4).
- The Structural Engineer's report and conclusions are taken as true (Exhibit 4.1-4.5).
- The Building Inspector found that due to a combination of the February 29, 2012 tornado and the fire event on September 8, 2012, the main structure contained the following conditions: portions of the roof and second floor ceiling joists/trusses sustained heavy damage from fire extending upward into all the members of the trusses and into the decking on the underside of the roof; drywall from the ceiling and walls were fallen down on the floor; heavy damage from smoke and heat was found on the ceiling and down the walls in the hallway area and one of the bedrooms; the building had been exposed to the elements and all of the interior finishes have been compromised; the mechanical and electrical systems have also been damaged; the entrance canopy is missing the two end columns; and trash and debris were found inside and outside of the structure. (Exhibit 3.2)
- The Notice and Order was issued on a reasonable basis and was within the standards set forth in Chapter 22 of the Branson Municipal Code.
- Inn-2, LLC, DBA: JR's Motor Inn, P.O. Box 2635, is listed as the owner of the property according to the records of the Taney County Missouri Assessor's Office.

The conclusion of the interim Planning Director, after hearing the evidence in the attached reports to the Notice, and evidence from City Staff as well as all interested parties, was that the building was a dangerous one and that the building be demolished and the debris removed, along with other issues that needed to be resolved to bring the property into compliance with the Branson Municipal Codes Chapter 22 and 58, and the 2009 International Property Maintenance Code. Also, the interim Planning Director ruled that these measures be taken within 30-days from the receipt of the notice. (See attached Exhibit 3.5).

In response to this order, the Applicant submitted a request to the Building Code Board of Appeals on October 11, 2013 for a review of the matter. (See attached Exhibit 1.1). The Applicant was to provide “a detailed description of the factual and legal grounds for the appellant’s appeal” according to Branson Municipal Code, Section 22-208.

This Applicant has a right to appeal the ruling of the Planning and Zoning Director to this Body under the provisions of Branson Municipal Code, Section 22-209(1), that hearing is to be held under the auspices of Section 22-209 of the Branson Municipal Code. This section of Code is attached to this staff report below.

Relevant Sections of Code:

***Branson Municipal Code Section 22-202. – Duties of inspectors.***

*Inspectors shall have the following duties under this article to:*

- (1) *Inspect, as may be necessary, all residential, institutional, assembly, commercial, industrial, garage, special, or miscellaneous occupancy buildings for the purpose of determining whether any conditions exist that gives the inspector reasonable grounds to believe that any such building is unsafe or dangerous.*
- (2) *Inspect any building, wall, or structure about which complaints are filed by any person to the effect that a building, wall, or structure is or may be existing in violation of this article, and the inspectors determine that there are reasonable grounds to believe that such building is unsafe or dangerous.*
- (3) *Inspect any building, wall, or structure reported by the fire or police departments of the city as probably existing in violation of this article.*
- (4) *Immediately report to the director any building or structure that the inspector finds to be a dangerous building. The director may direct the inspector to post on such building or structure written notice that reads substantially as follows:*

*"This building has been found to be a dangerous building by the City of Branson. This notice shall remain on this building or property until it is repaired, vacated, or demolished, and the property cleaned in accordance with the notice that has been given the owner, occupant, lessee, mortgagee or agent of this building, and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of Taney County, Missouri. It is unlawful to remove this notice until such notice is complied with."*

*Provided, however, that the order and the posting of said notice shall not be construed to deprive all persons entitled thereto by this article to the notice and hearing prescribed herein.*

- (5) *Immediately report to the director any noncompliance with any notice and order, or failure to proceed continuously with work pursuant to such notice and order without unnecessary delay.*
- (6) *Appear at all hearings and appeals, and testify as to the conditions of any building or structure that falls under the purview of this article.*
- (7) *Entry. When it is necessary to make an inspection to enforce the provisions of this article, or when there is reasonable cause to believe that there exists in a building or structure a condition that is contrary to or in violation of this article, the inspector may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this article. However, if such building or structure is occupied that credentials be presented to the occupant and entry requested. If such building or structure is unoccupied, vacant, or abandoned, the inspector shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises, and request entry. If no consent is given to enter or*

*inspect any building or structure, the inspector shall notify the director who may request an administrative search warrant, as provided in this Municipal Code.*

**Branson Municipal Code Section 22-205. - Notice and order.**

- (1) *Commencement of proceedings. When a building or structure has been inspected and has been determined to be a dangerous building, the director shall commence proceedings to cause the repair, vacation, or demolition thereof.*
- (2) *Notice and order. The director shall issue a notice and order directed to the owner(s) of record for the building or structure, and all interested parties thereof.*

*The notice and order shall contain:*

- a. The street address and legal description sufficient for the accurate identification of the premises upon which the building or structure is located.*
- b. A statement that an inspection revealed that the building or structure is a dangerous building, with a concise description of the conditions found to render this conclusion.*
- c. A statement of the remedial action(s) required to be taken as determined by the director.*

*Such statement of remedial action shall include direction concerning the following:*

- 1. The owner must vacate, vacate and repair, or vacate and demolish said building or structure, and clean the lot or property on which the building or structure is located in accordance with the terms of the notice and of this article.*
- 2. The occupant or lessee must vacate said building or have it repaired in accordance with the notice and remain in possession.*
- 3. The mortgagee, agent, or other persons having an interest in said building or structure, as shown by the land records of the Recorder of Deeds of Taney County may, at his/her own risk, repair, vacate, or demolish the building, and clean the property or have such work done.*

*Provided that any person notified under this subsection to repair, vacate, or demolish any building or clean the property shall be given such reasonable time not exceeding 30 days to begin compliance with such notice and order, without unnecessary delay. If it is necessary to obtain a building permit in order to comply with any notice and order, and the person has submitted a complete request to the city for such permit, the time for the city to issue such permit shall not be included for purposes of determining whether the person is proceeding without "unnecessary delay."*

- (3) *Service of notice and order. The notice and order shall be sent via both first class regular mail (postage prepaid) and certified mail (postage prepaid) return receipt requested to the owner(s) of record and all interested parties. Notice sent via the U.S. Postal Service shall be effective as of the date of mailing. If the director learns that neither the regular mailed notice nor the certified mailed notice was received by the recipient (for any reason other than refusal), the director may attempt to have such party personally served with such notice.*

*If any person or interested party does not receive such notice, for whatever reason, such fact shall not invalidate any proceedings hereunder as to any other person duly served nor relieve any such person from any duty or obligation imposed by the provisions of this article. Mail returned by the U.S. Postal Service marked "refused" shall constitute proof of service.*

*If service cannot be had by either personal service or mail, then service may be had by publication in a newspaper qualified to publish legal notices, for two successive weeks.*

- (4) *Emergency powers authorized. In any case where it reasonably appears that there is an immediate danger to the health, safety or welfare of any person, the director shall take measures to secure the structure and then take steps to vacate, repair or demolish the dangerous building or structure.*

**Municipal Code Section 22-208. - Failure to comply with notice and order.**

- (1) *Upon receipt of a report from the inspector indicating failure by the owner(s) or any interested party to commence work as required by the notice and order within the time specified by this article or upon failure to proceed continuously with work without unnecessary delay, the director shall hold a hearing giving the owner and interested parties full and adequate hearing on the matter. Such hearing shall be recorded in accordance with RSMo 536.130, and shall be considered a contested case for purposes of judicial review.*
- (2) *Written notice of such hearing shall be given at least ten days in advance of such hearing (in accordance with subsection 22-205(3) of this article) directing the owner(s) and interested parties to appear before the*

director on the date specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated, or demolished in accordance with the statement of particulars set forth in the notice and order.

- (3) Any party may be represented by counsel and all parties shall have an opportunity to be heard.
- (4) The director shall make written findings of fact from the evidence offered at said hearing as to whether or not the building or structure in question is a dangerous building as defined in this article.
- (5) If the evidence supports a finding based upon competent and substantial evidence that the building or structure is a dangerous building, the director shall issue a written order of abatement based on such findings of fact, commanding the owner(s) or other responsible party, to repair, vacate, board, or demolish any building or structure found to be a dangerous building and to clean the property. Provided that any person so notified, shall have the privilege of either vacating and repairing said building or structure (if such repair will comply with the ordinances of the city) or may vacate and demolish said dangerous building at his own risk to prevent the city from acquiring a lien against the land where the dangerous building stands. If the evidence does not support a finding that a building or structure is a dangerous building, no order shall be issued.
- (6) The written order of abatement from the director shall be delivered, by person or mail, to each party of the hearing, or their attorney of record. In addition, copies of the order shall be posted in a conspicuous place in the office of the director for a period of 30 days from the date of issuance. The order shall state a reasonable time, to be no less than 30 days from the date of issuance, within which to comply with the order, and shall further provide that if the work is not substantially completed within 30 days of the issuance of the order, the city may, by its own employees or by contractor, perform the work necessary to bring the building into compliance with the director's order with costs levied to the property owner, or by a lien placed upon the property.

**Branson Municipal Code Section 22-209. - Appeals from the decision of the director.**

- (1) Any owner or interested party aggrieved by an order of abatement may appeal such order to the board of appeals. To be effective, such appeal shall conform with the requirements of this section and shall be received by the city clerk no later than 30 days after the written order of abatement has been issued. For purposes of an appeal of an order of abatement, such appeal shall be considered a rehearing.
- (2) An appeal filed pursuant to this section shall include the following information:
  - a. The name and mailing address of the person requesting the appeal (referred to herein as the "appellant");
  - b. A description of the order that he/she is appealing (including a copy of such order);
  - c. A description of the appellant's interest in the property (e.g., ownership, leasee, mortgagee, etc.), and a description of how the order may affect such interest;
  - d. A detailed description of the factual and legal grounds for the appellant's appeal;
  - e. Payment of costs for the planning and development department to schedule and give notice of appellant's hearing;
  - f. The common street address or legal description of the affected property.
- (3) Upon request of the appellant, the board of appeals may stay enforcement of any order of abatement, pending the board's review of the appeal and final action related thereto.
- (4) Upon submission of a timely appeal that conforms with the above-stated requirements, the hearing of such appeal shall be scheduled to take place before the board of appeals within 30 days of the filing of such appeal, and notice of such fact shall be provided to the appellant at the mailing address that he/she provided. Such notice shall also be sent to other interested parties, as defined by this article. The board of appeals shall be provided with copies of any and all notices, orders, briefs, and documents provided by appellant.
- (5) Unless waived by the appellant (either via formal waiver or failure to timely object), the hearing before the board of appeals shall be recorded (via a method capable of transcription) and include:
  - a. A brief submitted by the director, outlining the basis for the order of abatement.
  - b. Any and all evidence that either the city or the appellant wishes to submit, which the board deems relevant to the question of the validity of the director's order of abatement;
  - c. Any and all testimony, given under oath, that either the city or the appellant wishes to submit, which the board deems relevant to the question of the validity of the director's order of abatement. Parties shall have the right to cross-examine any witness providing testimony;

*d. Any party may request additional procedures not specifically outlined herein and the board of appeals shall consider and timely rule on such requests. Any and all exhibits presented at such hearing shall be made available to adverse parties prior to the hearing.*

*(6) The board of appeals shall make a ruling, based upon competent and substantial evidence, either affirming or reversing (in part or in whole) the director's order of abatement (in accordance with [section 22-206](#)). The board shall provide the appellant a copy of a finding of fact and conclusions of law for the board's decision within 15 days of the conclusion of the hearing.*

*(7) The board of appeals may establish additional procedures to fulfill the purpose of this section.*

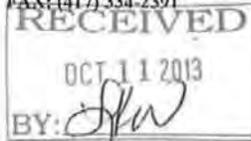
*(Ord. No. 2011-004, § 1, 1-11-2011)*

**ATTACHED INFORMATION:**

- Exhibit 1: Board of Adjustment Application
- Exhibit 2: Vicinity Maps
- Exhibit 3: Finding of Facts Dated September 13, 2013
- Exhibit 4: Structural Engineer's Report
- Exhibit 5: Fire Investigation Report
- Exhibit 6: Fire Investigation Report
- Exhibit 7: Letter of Declaration Dated January 14, 2013
- Exhibit 8: Notice and Order Dated February 15, 2013
- Exhibit 9: Notice and Order Leisuretek Dated March 14, 2013
- Exhibit 10: Notice and Order Brad Poppie Dated March 14, 2013
- Exhibit 11: Notice and Order Robert Walford Dated March 14, 2013
- Exhibit 12: Notice and Order Robert Paulson Dated March 14, 2013
- Exhibit 13: Title Search Dated March 15, 2013
- Exhibit 14: Notice and Order Rocky Mountain Management Dated March 14, 2013
- Exhibit 15: Notice of Hearing Dated July 15, 2013
- Exhibit 16: Dangerous Building Posting Dated January 11, 2013
- Exhibit 17: Notice and Order Posting Dated February 15, 2013
- Exhibit 18: Taney County Tax Record



CITY OF BRANSON  
PLANNING & DEVELOPMENT  
110 W MADDUX ST, SUITE 215  
PHONE: (417) 337-8547  
FAX: (417) 334-2391



FOR OFFICE USE ONLY: Permit No. 13-30.1  
FEE: \$100.00 (Non-Refundable)  
DATE & INITIALS: 10/11/13  
PAYMENT TYPE:  CASH  
 CHECK # 1094  
 CREDIT CARD REF # \_\_\_\_\_  
PUBLIC NOTICE DATE: \_\_\_\_\_  
PUBLIC HEARING DATE: \_\_\_\_\_

**Building Code  
Board of Appeals**

Applicant Name (Please Print): Tru-2, LLC  
Applicant Address: 101 State Drive, Hollister, MO  
Phone Number: 417-335-2335 Fax Number: 417-335-2119 Email: \_\_\_\_\_  
Permit #: \_\_\_\_\_  
Permit Street Address: see append.

REQUIRED INFORMATION TO BE INCLUDED BEFORE APPLICATION WILL BE ACCEPTED

- Please attach a copy of the inspection and/or letter that was denied.
- Please provide code sections affected by your request.
- Please provide a detailed description or reasoning of request. (Please use the attached sheet and additional sheets if necessary.)

**Applicant Requests:**

(Please check any that apply)

- The code was incorrectly interpreted.
- The provisions of the code do not fully apply.
- An equally good or better form of construction exists.

**PROPERTY OWNER/AGENT INFORMATION**

Owner's Name (Please Print): \_\_\_\_\_  
Owner's Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_ Email: \_\_\_\_\_  
Owner's Signature: \_\_\_\_\_  
Agent's Name (Please Print): \_\_\_\_\_  
Agent's Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_ Email: \_\_\_\_\_  
Agent's Signature: \_\_\_\_\_

Exhibit 1.2

CITY OF BRANSON BUILDING CODE BOARD OF APPEALS/OCTOBER 1, 1998

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**CITY OF BRANSON  
BUILDING CODE BOARD OF APPEALS**

**RULES OF PROCEDURE**

*A Building Code Board of Appeals Resolution*

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WHEREAS, the City of Branson has appointed a Building Code Board of Appeals; and,

WHEREAS, said Building Code Board of Appeals in an organizational meeting held October 1998, promulgated the rules of procedure as follows:

**Section 98 100.0 DENIAL OF PERMIT OR REJECTION OF INSPECTION.**

Upon denial to issue a building permit by the Building Official, or by his authorized designated deputy, the owner, or his duly authorized agent, shall have the right to appeal to the Building Code Board of Appeals.

**Section 98 101.0 FILING OF APPEAL.** The Planning & Development Department shall maintain a supply of appropriate forms on which to file an appeal. Notice of appeal must be filed, by the owner, or his duly authorized agent, in writing, with the Planning & Development Department.

**Section 98 101.1 MEETINGS.** Meeting shall be held at the call of the chairperson within ten days of the filing of the appeal and at other such times as the Building Code Board of Appeals may determine. All meetings shall be open to the public. The board shall hear the code official, the appellant, or his duly authorized agent, and any person whose interests are affected. Three (3) members of the Board shall constitute a quorum. A concurring vote of three members of the board is required to modify or reverse the decision of the Code Official. No action may be taken by the board if a quorum is not present, the hearing will be postponed to the next meeting, not to exceed thirty (30) days from the time the appeal was initially considered. Appellant shall have the right to request a postponement of any hearing when all five members are not present.

**Section 98 102.0 CONTENTS OF APPEAL.** Basic factual information is needed, such as the date on which the appeal is filed and the specific kind of relief sought. The burden of specificity is upon the owner, or his duly authorized agent. Architectural or engineering help should be used if necessary to convey the intent of the appeal. The appeal must inform the board why they, as a jurisdictional body, have the power to address this particular question. Such power must be allowed by law. The board cannot relax Fire or Life Safety Codes, or the intent of the Code.

Exhibit 1.3

CITY OF BRANSON BUILDING CODE BOARD OF APPEALS/OCTOBER 1, 1998

Section 98 103.0 **CONDITIONS FOR RELIEF.** A modification or reversal of the Building Official shall find one of the following conditions:

- That the code was incorrectly interpreted.
- That the provisions of the code do not fully apply.
- That in the opinion of the Board, an equally good or better form of construction exists.

Relief should be granted only when an alternate method or material demonstrates compliance to the intent of the Codes.

Section 98 104.0 **COURT REVIEW.** If the appellant wishes to appeal the decision of the Building Code Board of Appeals, they shall have sixty (60) days which to do so to the appropriate court. If no appeal is made within sixty (60) days, the case is closed.

Section 98 105.0 **ORDERS AND DECISIONS.** The decision of the Board shall be by resolution, setting out findings and conclusions of the Board and shall specify as precisely as possible, the exact reason or reasons upon which the decision is based. The Building Official shall take immediate action in accordance with the decision.

**BE IT THEREFORE RESOLVED,** that the Building Code Board of Appeals for the City of Branson hereby adopts these **RULES OF PROCEDURE.**

**DONE THIS 12th DAY OF OCTOBER 1998, BY THE BUILDING CODE BOARD OF APPEALS FOR THE CITY OF BRANSON, MISSOURI.**

  
GERALD ONEY, CHAIRMAN OF THE BOARD OF APPEALS

  
JON PARISH, CERTIFIED BUILDING OFFICIAL

**BEFORE THE BUILDING CODE BOARD OF APPEALS  
CITY OF BRANSON, MISSOURI**

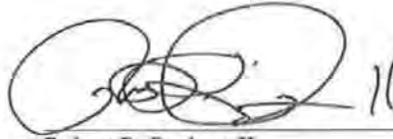
COMES NOW INN-2, LLC by and through counsel, Robert R. Paulson II, and respectfully appeals the Finding of Nuisance and Order of Abatement of Joel Hornickel, Interim Director of Planning and Development that was entered on September 12, 2013, on the following grounds:

1. The findings of fact, conclusions of law, and Order were not supported by substantial and competent evidence;
2. The findings of fact, conclusions of law, and Order were against the weight of the evidence;
3. A copy of the Findings, Conclusions and Order appealed from is attached hereto as Exhibit "A";
4. Appellant is prepared to deposit the amount necessary to appeal to this board upon request of the amount required, or it has already deposited said amount with the City of Branson;
5. The entity making this appeal is INN-2, LLC which the Taney County Recorder's Office shows as the owner of the present property; INN-2, LLC may be contacted by mailing to its attorney of record at P.O. Box 6422, Branson, Missouri 65615 and its Registered Agent of record is Gary Allman, 101 State Drive, Hollister, Missouri.
6. INN-2, LLC is currently in a dispute in Taney County Case No. 12AF-CC01073, regarding the respective interests, ownership and otherwise held by INN-2, LLC, Colorado Investment Properties, LLC and Rocky Mountain Management, LLC;
7. The interests of INN-2, LLC in the property commonly known as JRs Motor Inn, located at 1944 West Highway 76 in Branson, Missouri, will potentially be effected by diminishing the value of the property, in the event that the property is not actually unsafe, and unusable;

WHEREFORE, Appellant prays this court reverse the findings of fact, conclusions of law and Order of Joel Hornickel, dated September 12, 2013.

Respectfully submitted,

Exhibit 1.5



Robert R. Paulson II  
Missouri Bar #40243  
P.O. Box 6422  
Branson, Missouri 65615  
Phone: 417-335-2355  
Email: bobpaulson58@gmail.com  
Attorney for Appellants

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing document was served upon Rocky Mountain Management, LLC by sending a copy to its attorney of record, Andrew Bennett at P.O. Box 10009, Springfield, MO 65808, on this the 11<sup>th</sup> day of October, 2013.



Robert R. Paulson II

Exhibit "A"

**FINDING OF NUISANCE AND  
ORDER OF ABATEMENT**

COPY

September 12, 2013

*SENT VIA FIRST CLASS REGULAR MAIL AND  
CERTIFIED MAIL, RETURN RECEIPT REQUESTED ARTICLE NUMBERS 7011 3500 0001 5441 0312 and  
7011 3500 0001 5441 0329*

Inn-2 LLC  
dba Jr's Motor Inn  
P.O. Box 2635  
Springfield, MO 65801

Rocky Mountain Management, LLC  
c/o Brad Poppie  
3350 Ashworth  
Littleton, CO 80126

**RE: PROPERTY LOCATED: 1944 W. STATE HIGHWAY 76, BRANSON, MO**

Dear Owner:

On July 26, 2013, violations of the City of Branson Municipal Code (hereafter called "Code"), Chapter 22, the Dangerous Building Ordinance, were found with respect to the property with the address referenced above. The property is legally described on EXHIBIT "1", attached hereto. By letter dated February 15, 2013, you were given notice of the existence of said violations and were ordered to correct the conditions constituting said violations by no later than thirty (30) days after receiving said Notice and Order. However, you have failed to correct the conditions constituting said violations. A copy of the Notice and Order containing a description of the conditions that constitute said violations is on file in the Planning and Development Department located at 110 West Maddux, Suite 215, Branson, Missouri.

By letter dated July 15, 2013, you were given notice the Director of Planning and Development would convene a hearing on this matter. A copy of said Notice of Hearing is on file in the Planning and Development Department located at 110 West Maddux Street, Suite 215, Branson, Missouri.

Pursuant to Section 22-208 of the Code, the undersigned Interim Director of Planning and Development convened a hearing on this matter at 10:00 a.m. on July 26, 2013. The City of Branson (hereafter called "City") was represented by the City's attorney of record, William Duston. Mr. Duston presented exhibits, all of which were admitted into evidence of the hearing. Robert Paulson, legal counsel and representative for Inn-2, LLC, provided comments concerning the property and the administrative action. Andrew Bennett, legal counsel and representative for Rocky Mountain Management LLC, provided comments concerning the property and the administrative action. Upon conclusion of the evidence, the matter was taken under advisement. Now on this date, after review of the evidence and the Code, the Interim Director of Planning and Development makes the following findings of fact, conclusions of law, and order.

**FINDINGS OF FACT**

On the basis of competent and substantial evidence presented at said hearing, and pursuant to Section 22-208 of the Code, the undersigned Interim Director of Planning and Development finds as follows:

Exhibit 1.7

1. The facts as stated in City of Branson Fire & Rescue Investigation reports, which are attached hereto as **EXHIBIT "2" and "3"**, are true. No objection was made to these reports.
2. The Interim Director of Planning and Development also finds that INN-2, LLC had formal and sufficient notice of the July 26, 2013 hearing. No objection was made to these reports.
3. Structural Engineer Ronald Hamme's report and conclusions (**EXHIBIT "4"**) are taken as true. No objection was made to his report.
4. The building inspector found that due to a combination of a tornado event which occurred on February 29, 2012 and a fire event which occurred on September 8, 2012, the main structure on the property contained the following conditions: portions of the roof and second floor ceiling joists/trusses sustained heavy damage from fire extending upward into all the members of the trusses and into the decking on the underside of the roof; drywall from the ceiling and walls were fallen down on the floor; heavy damage from smoke and heat was found on the ceiling and down the walls in the hallway area and one of the bedrooms; the building has been exposed to the elements and all of the interior finishes have been compromised; the mechanical and electrical systems have also been damaged; the entrance canopy is missing the two end columns; and trash and debris were found inside and outside of the structure. Based on these findings the structure has the following conditions which make it a "Dangerous Building" as defined in Section 22-200:
  - (3) the floor or the roof is overloaded or of insufficient strength to be reasonably safe for the purpose used; and
  - (4) portions, members, or appurtenances thereof have been damaged so that the structural strength or stability of any portion of the structure/building threatens the life, health, safety, or property of the occupants or public; and
  - (5) portions, members, appurtenances, or ornamentation thereof, is of insufficient strength or stability so that it threatens the life, health, safety, or property of the occupants or public; and
  - (6) the building or structure, or any portion thereof is likely to partially or completely collapse; and
  - (7) the building or structure, or any portion thereof, is so unsafe for the purpose for which it is being used, so as to threaten the life, health, or safety of the occupants or public; and
  - (9) the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings; and

## Exhibit 1.8

(10) the building or structure has been so damaged (for whatever cause) so as to become dangerous to life, safety, or the general health and welfare of the occupants or the public; and

(13) the building or structure is in violation of the city's building regulations or adopted code, or any other laws or ordinances that protects the life, health, and safety of the occupants or public, as further described below:

- a. Branson Municipal Code, Chapter 58-294(1)(2)(3) – Accumulation of rubbish
- b. Branson Municipal Code, Chapter 58-294(2) – Standing water / breeding mosquitos
- c. 2009 International Property Maintenance Code, Section 108.1.1 – Unsafe structures
- d. 2009 International Property Maintenance Code, Section 108.1.3 – Structures unfit for human occupancy
- e. 2009 International Property Maintenance Code, Section 108.1.5 – Dangerous structures
- f. 2009 International Property Maintenance Code, Section 301.3 – Vacant structures and land
- g. 2009 International Property Maintenance Code, Section 302.7 – Lack of maintenance of accessory structure
- h. 2009 International Property Maintenance Code, Section 304.1.1 – Exterior structure; unsafe conditions
- i. 2009 International Property Maintenance Code, Section 304.2 – Exterior structure; lack of protective treatments
- j. 2009 International Property Maintenance Code, Section – 304.6 – Exterior walls
- k. 2009 International Property Maintenance Code, Section 304.7 – Roofs and drainage
- l. 2009 International Property Maintenance Code, Section 304.13 – Window and door frames
- m. 2009 International Property Maintenance Code, Section 304.13.1 – Window glazing
- n. 2009 International Property Maintenance Code, Section 304.15 – Doors
- o. 2009 International Property Maintenance Code, Section 305.1 – Interior structure; lack of maintenance
- p. 2009 International Property Maintenance Code, Section 305.3 – Interior surfaces

## Exhibit 1.9

- q. 2009 International Property Maintenance Code, Section 305.4 – Stairs and walking surfaces
  - r. 2009 International Property Maintenance Code, Section 305.6 – Interior doors
  - s. 2009 International Property Maintenance Code, Section 306.1 – Structural components
  - t. 2009 International Property Maintenance Code, Section 603.1 – Mechanical appliances
  - u. 2009 International Property Maintenance Code, Section 604.1 – Electrical facilities
  - v. 2009 International Property Maintenance Code, Section 605.1 – Electrical equipment
- (15) the building or structure is determined to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease; and
- (16) the building or structure is determined to be a fire hazard.

The City of Branson, its inspectors, employees and agents have properly followed and complied with all of the procedures required under Chapter 22 of the Branson Municipal Code. Inn-2 LLC has not complied with the Notice and Order issued February 15, 2013 by bringing the structure into compliance with the City's building codes, regulations and ordinances.

5. The Notice and Order was issued on a reasonable basis and is within the standards set forth in Chapter 22 of the Branson Municipal Code.
6. INN-2 LLC, DBA: JR's Motor Inn, P.O. Box 2635, is listed as the owner of said property according to the records of the Taney County Missouri Assessor's Office.
7. The Interim Director of Planning and Development properly has jurisdiction over the matter.

### CONCLUSIONS OF LAW

1. Fourth Class cities are given the power to pass ordinances for the prevention and abatement of nuisances by Missouri Statute 79.370. *State ex. Rel Daniels v. Kasten*, 382 S.W.2d 714 (Mo.App. 1964), held that this statute applies nuisance to situations that already exist.
2. The structure's conditions violate the following subsections of Branson Municipal Code Sections 22-200 (definition of "Dangerous Building" as explained in Paragraph 4 of the Findings of Fact above), 58-294(1)-(3), and Sections 108, 301, 302, 304, 305, 306, 603, 604 and 605 of the 2009 International Property Maintenance Code (IPMC), as adopted by Section 22-181 of the Code, and is, therefore, a dangerous building under the terms of the Code.
3. The City has adopted Sections 22-200 of the Branson Municipal Code under the authority granted to the City by the State Legislature to address Dangerous Buildings.

Exhibit 1.10

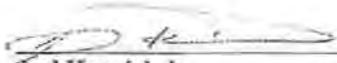
**ORDER**

You are hereby ordered to vacate the structure and abate all of the conditions that constitute violations of Chapter 22, the 2009 International Property Maintenance Code and Chapter 58 (as described above) by demolishing the structure, removing and properly disposing of all building materials, and removing and disposing of all contents of said building debris in compliance with Chapter 22 and all other provisions of the Code. The exterior property must be cleared of all rubbish. All such work of abatement must be substantially completed within thirty (30) days from the receipt of this notice.

In the event you fail to substantially complete the abatement work in compliance herewith within thirty (30) days, the City may cause all such abatement work to be completed at your expense. You will receive an invoice from the City of Branson for the demolition and associated costs. If the invoice is not paid within thirty (30) days, the matter will be turned over to the Branson City Clerk's office and either a special tax bill will be issued to you for the costs associated therewith (as more particularly described in Section 22-215 of the Code) and/or such other appropriate actions as provided by law. If the City Clerk issues a special tax bill, said tax bill shall be a lien against the Property as well as a personal debt obligation owed by you to the City

Please be advised that, pursuant to Section 22-209 of the Code, you may have the right to appeal from these findings, and this order, to the Building Code Board of Appeals within thirty (30) days from receipt of this order.

**IT IS SO ORDERED.**

  
\_\_\_\_\_  
Joel Hornickel  
Interim Director of Planning and Development

9/12/13  
Date

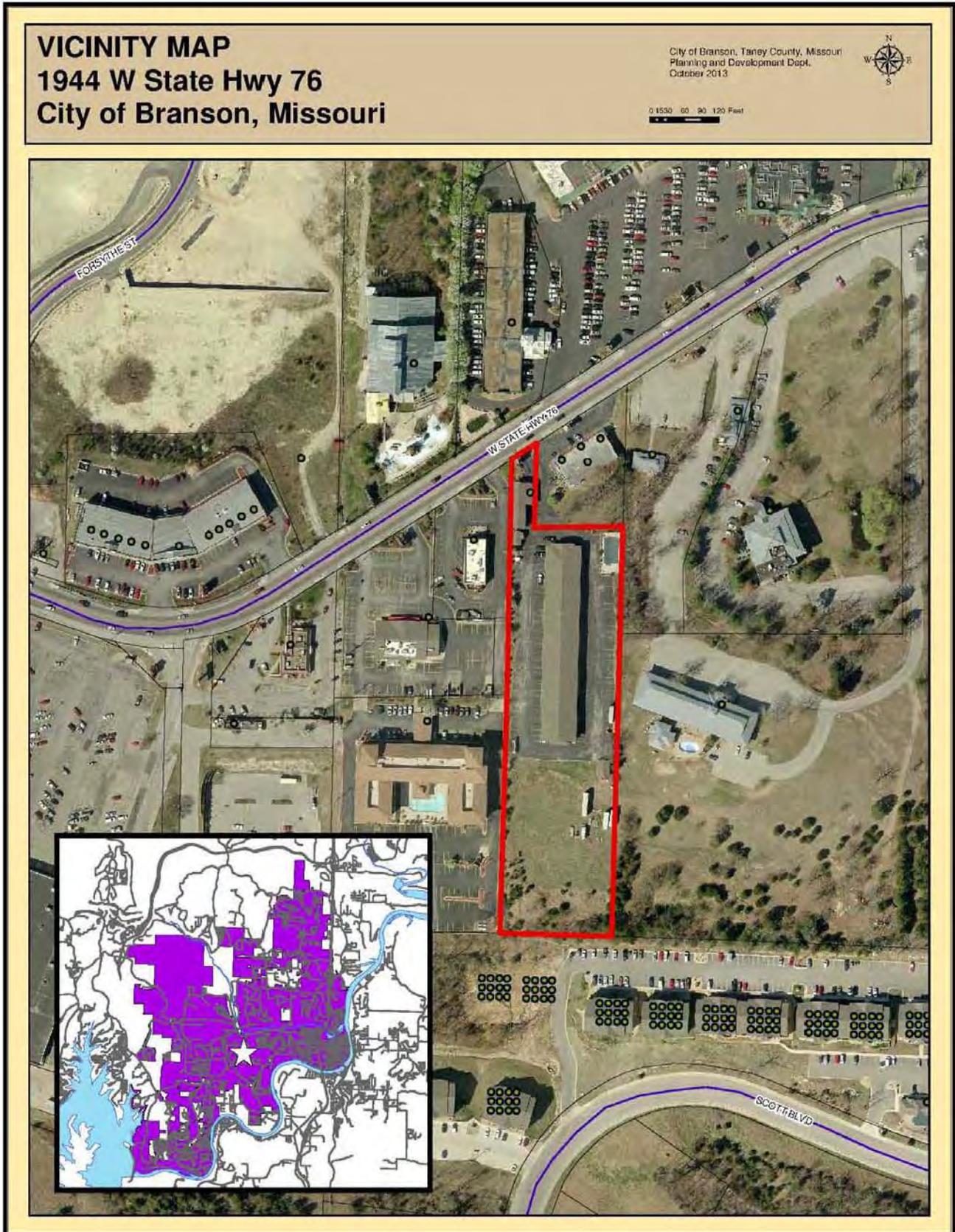
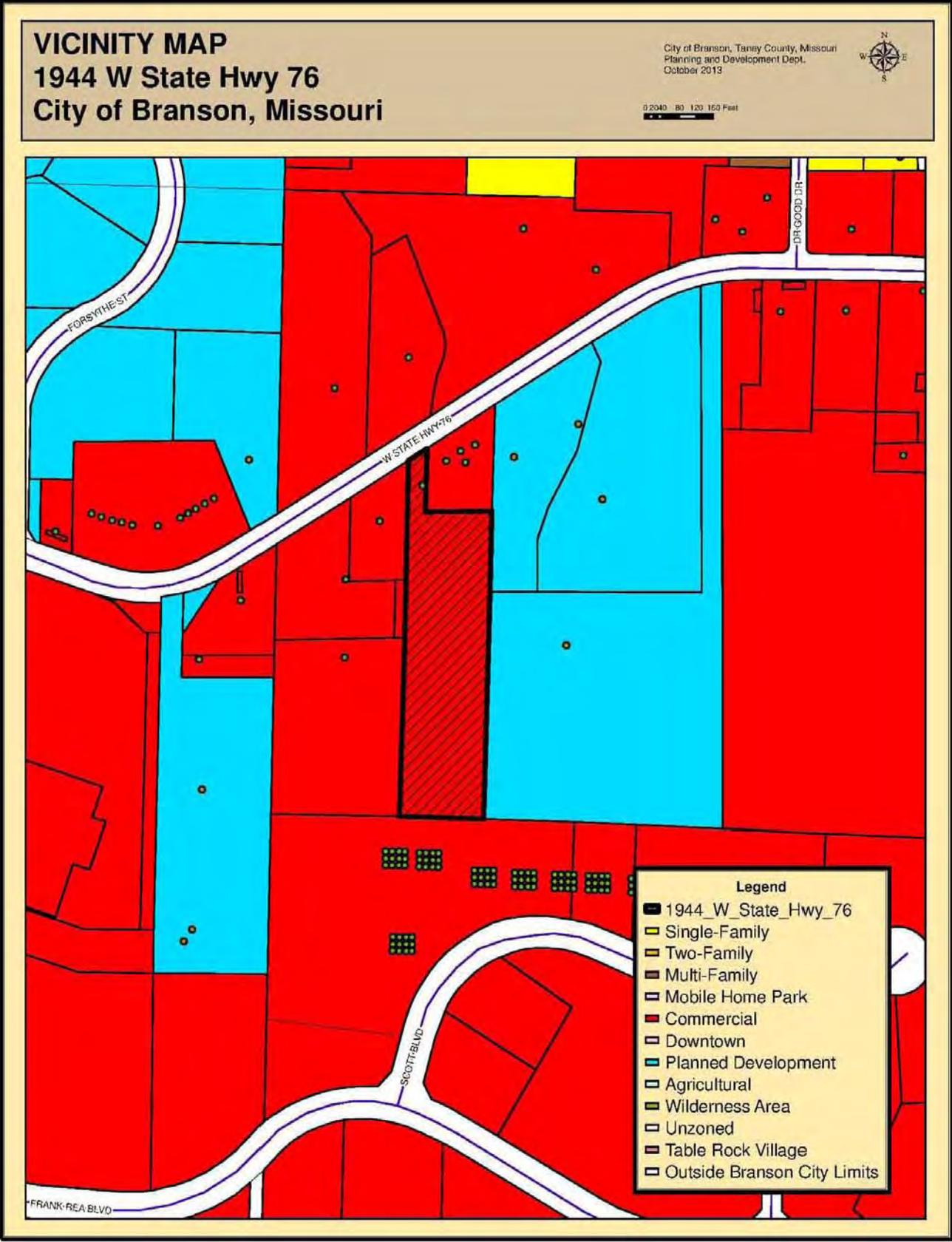


Exhibit 2.2



**FINDING OF NUISANCE AND  
ORDER OF ABATEMENT**

COPY

September 13, 2013

*SENT VIA FIRST CLASS REGULAR MAIL AND  
CERTIFIED MAIL, RETURN RECEIPT REQUESTED ARTICLE NUMBERS 7011 3500 0001 5441 0305 and  
7011 3500 0001 5441 0299*

Inn-2 LLC  
dba Jr's Motor Inn  
P.O. Box 2635  
Springfield, MO 65801

Rocky Mountain Management, LLC  
c/o Brad Poppie  
3350 Ashworth  
Littleton, CO 80126

**RE: PROPERTY LOCATED: 1944 W. STATE HIGHWAY 76, BRANSON, MO**

Dear Owner:

On July 26, 2013, violations of the City of Branson Municipal Code (hereafter called "Code"), Chapter 22, the Dangerous Building Ordinance, were found with respect to the property with the address referenced above. The property is legally described on **EXHIBIT "1"**, attached hereto. By letter dated February 15, 2013, you were given notice of the existence of said violations and were ordered to correct the conditions constituting said violations by no later than thirty (30) days after receiving said Notice and Order. However, you have failed to correct the conditions constituting said violations. A copy of the Notice and Order containing a description of the conditions that constitute said violations is on file in the Planning and Development Department located at 110 West Maddux, Suite 215, Branson, Missouri.

By letter dated July 15, 2013, you were given notice the Director of Planning and Development would convene a hearing on this matter. A copy of said Notice of Hearing is on file in the Planning and Development Department located at 110 West Maddux Street, Suite 215, Branson, Missouri.

Pursuant to Section 22-208 of the Code, the undersigned Interim Director of Planning and Development convened a hearing on this matter at 10:00 a.m. on July 26, 2013. The City of Branson (hereafter called "City") was represented by the City's attorney of record, William Duston. Mr. Duston presented exhibits, all of which were admitted into evidence of the hearing. Robert Paulson, legal counsel and representative for Inn-2, LLC, provided comments concerning the property and the administrative action. Andrew Bennett, legal counsel and representative for Rocky Mountain Management LLC, provided comments concerning the property and the administrative action. Upon conclusion of the evidence, the matter was taken under advisement. Now on this date, after review of the evidence and the Code, the Interim Director of Planning and Development makes the following findings of fact, conclusions of law, and order.

**FINDINGS OF FACT**

On the basis of competent and substantial evidence presented at said hearing, and pursuant to Section 22-208 of the Code, the undersigned Interim Director of Planning and Development finds as follows:

## Exhibit 3.2

1. The facts as stated in City of Branson Fire & Rescue Investigation reports, which are attached hereto as **EXHIBIT "2" and "3"**, are true. No objection was made to these reports.
2. The Interim Director of Planning and Development also finds that INN-2, LLC had formal and sufficient notice of the July 26, 2013 hearing. No objection was made to these reports.
3. Structural Engineer Ronald Hamme's report and conclusions (**EXHIBIT "4"**) are taken as true. No objection was made to his report.
4. The building inspector found that due to a combination of a tornado event which occurred on February 29, 2012 and a fire event which occurred on September 8, 2012, the main structure on the property contained the following conditions: portions of the roof and second floor ceiling joists/trusses sustained heavy damage from fire extending upward into all the members of the trusses and into the decking on the underside of the roof; drywall from the ceiling and walls were fallen down on the floor; heavy damage from smoke and heat was found on the ceiling and down the walls in the hallway area and one of the bedrooms; the building has been exposed to the elements and all of the interior finishes have been compromised; the mechanical and electrical systems have also been damaged; the entrance canopy is missing the two end columns; and trash and debris were found inside and outside of the structure. Based on these findings the structure has the following conditions which make it a "Dangerous Building" as defined in Section 22-200:
  - (3) the floor or the roof is overloaded or of insufficient strength to be reasonably safe for the purpose used; and
  - (4) portions, members, or appurtenances thereof have been damaged so that the structural strength or stability of any portion of the structure/building threatens the life, health, safety, or property of the occupants or public; and
  - (5) portions, members, appurtenances, or ornamentation thereof, is of insufficient strength or stability so that it threatens the life, health, safety, or property of the occupants or public; and
  - (6) the building or structure, or any portion thereof is likely to partially or completely collapse; and
  - (7) the building or structure, or any portion thereof, is so unsafe for the purpose for which it is being used, so as to threaten the life, health, or safety of the occupants or public; and
  - (9) the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings; and

### Exhibit 3.3

(10) the building or structure has been so damaged (for whatever cause) so as to become dangerous to life, safety, or the general health and welfare of the occupants or the public; and

(13) the building or structure is in violation of the city's building regulations or adopted code, or any other laws or ordinances that protects the life, health, and safety of the occupants or public, as further described below:

- a. Branson Municipal Code, Chapter 58-294(1)(2)(3) – Accumulation of rubbish
- b. Branson Municipal Code, Chapter 58-294(2) – Standing water / breeding mosquitos
- c. 2009 International Property Maintenance Code, Section 108.1.1 – Unsafe structures
- d. 2009 International Property Maintenance Code, Section 108.1.3 – Structures unfit for human occupancy
- e. 2009 International Property Maintenance Code, Section 108.1.5 – Dangerous structures
- f. 2009 International Property Maintenance Code, Section 301.3 – Vacant structures and land
- g. 2009 International Property Maintenance Code, Section 302.7 – Lack of maintenance of accessory structure
- h. 2009 International Property Maintenance Code, Section 304.1.1 – Exterior structure; unsafe conditions
- i. 2009 International Property Maintenance Code, Section 304.2 – Exterior structure; lack of protective treatments
- j. 2009 International Property Maintenance Code, Section – 304.6 – Exterior walls
- k. 2009 International Property Maintenance Code, Section 304.7 – Roofs and drainage
- l. 2009 International Property Maintenance Code, Section 304.13 – Window and door frames
- m. 2009 International Property Maintenance Code, Section 304.13.1 – Window glazing
- n. 2009 International Property Maintenance Code, Section 304.15 – Doors
- o. 2009 International Property Maintenance Code, Section 305.1 – Interior structure; lack of maintenance
- p. 2009 International Property Maintenance Code, Section 305.3 – Interior surfaces

## Exhibit 3.4

- q. 2009 International Property Maintenance Code, Section 305.4 – Stairs and walking surfaces
  - r. 2009 International Property Maintenance Code, Section 305.6 – Interior doors
  - s. 2009 International Property Maintenance Code, Section 306.1 – Structural components
  - t. 2009 International Property Maintenance Code, Section 603.1 – Mechanical appliances
  - u. 2009 International Property Maintenance Code, Section 604.1 – Electrical facilities
  - v. 2009 International Property Maintenance Code, Section 605.1 – Electrical equipment
- (15) the building or structure is determined to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease; and
- (16) the building or structure is determined to be a fire hazard.

The City of Branson, its inspectors, employees and agents have properly followed and complied with all of the procedures required under Chapter 22 of the Branson Municipal Code. Inn-2 LLC has not complied with the Notice and Order issued February 15, 2013 by bringing the structure into compliance with the City's building codes, regulations and ordinances.

5. The Notice and Order was issued on a reasonable basis and is within the standards set forth in Chapter 22 of the Branson Municipal Code.
6. INN-2 LLC, DBA: JR's Motor Inn, P.O. Box 2635, is listed as the owner of said property according to the records of the Taney County Missouri Assessor's Office.
7. The Interim Director of Planning and Development properly has jurisdiction over the matter.

### CONCLUSIONS OF LAW

1. Fourth Class cities are given the power to pass ordinances for the prevention and abatement of nuisances by Missouri Statute 79.370. *State ex. Rel Danfels v. Kasten*, 382 S.W.2d 714 (Mo.App. 1964), held that this statute applies nuisance to situations that already exist.
2. The structure's conditions violate the following subsections of Branson Municipal Code Sections 22-200 (definition of "Dangerous Building" as explained in Paragraph 4 of the Findings of Fact above), 58-294(1)-(3), and Sections 108, 301, 302, 304, 305, 306, 603, 604 and 605 of the 2009 International Property Maintenance Code (IPMC), as adopted by Section 22-181 of the Code, and is, therefore, a dangerous building under the terms of the Code.
3. The City has adopted Sections 22-200 of the Branson Municipal Code under the authority granted to the City by the State Legislature to address Dangerous Buildings.

Exhibit 3.5

**ORDER**

You are hereby ordered to vacate the structure and abate all of the conditions that constitute violations of Chapter 22, the 2009 International Property Maintenance Code and Chapter 58 (as described above) by demolishing the structure, removing and properly disposing of all building materials, and removing and disposing of all contents of said building debris in compliance with Chapter 22 and all other provisions of the Code. The exterior property must be cleared of all rubbish. All such work of abatement must be substantially completed within thirty (30) days from the receipt of this notice.

In the event you fail to substantially complete the abatement work in compliance herewith within thirty (30) days, the City may cause all such abatement work to be completed at your expense. You will receive an invoice from the City of Branson for the demolition and associated costs. If the invoice is not paid within thirty (30) days, the matter will be turned over to the Branson City Clerk's office and either a special tax bill will be issued to you for the costs associated therewith (as more particularly described in Section 22-215 of the Code) and/or such other appropriate actions as provided by law. If the City Clerk issues a special tax bill, said tax bill shall be a lien against the Property as well as a personal debt obligation owed by you to the City

Please be advised that, pursuant to Section 22-209 of the Code, you may have the right to appeal from these findings, and this order, to the Building Code Board of Appeals within thirty (30) days from receipt of this order.

**IT IS SO ORDERED.**

  
Joel Hornickel  
Interim Director of Planning and Development

7/12/13  
Date

EXHIBIT 1.

Hogan Land Title  
INFORMATIONAL TITLE REPORT

Report No.: 1303306

1. Effective date: **March 15, 2013 at 08:00 AM**
2. The estate or interest in the land described or referred to in this Report is Fee Simple.
3. Title to the Fee Simple estate or interest in the land as of the Effective Date vested in:

**INN-2, LLC**

4. The land referred to in this Report is situated in the County of TANEY, State of Missouri, and is described as follows:

ALL THAT PART OF PLOT TWO (2) OF LOT NINE (9) OF THE NORTHWEST QUARTER (NW1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION SIX (6), TOWNSHIP TWENTY-TWO (22) NORTH, RANGE TWENTY-ONE (21) WEST, EXCEPT THAT PART DESCRIBED AS: BEGINNING AT THE NORTHEAST CORNER OF SAID PLOT TWO (2); THENCE SOUTH 256.91 FEET; THENCE WEST 160 FEET; THENCE NORTH 150 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF MISSOURI STATE HIGHWAY #76; THENCE NORTHEASTERLY ALONG SAID RIGHT-OF-WAY 192.43 FEET TO THE POINT OF BEGINNING, INI TANEY COUNTY, MISSOURI.

Hogan Land Title Company  
1605 E. Sunshine  
Springfield, MO 65804  
Tel 417 882-3000  
www.hoganltitle.com

(1303306.PFD/1303306/13)

Exhibit 3.7

**INFORMATIONAL TITLE REPORT**

(ITEMS OF RECORD)

Report Number: 1303308

The following items are disclosed by the public record of the County reflected on this report. These items are being shown for informational purposes only:

1. The lien of real estate taxes or assessments imposed on the Title by a governmental authority due or payable, but unpaid for the year 2013 and all subsequent years.  
Tax ID# 17-3.0-06-002-006-014.000      VL: \$470,600      TX: \$23,692.83
2. Water Line Easement as set out in Book 238, at Page 958, Recorder's Office, TANEY County, Missouri.
3. Easement as set out in Book 268, at Page 915, Recorder's Office, TANEY County, Missouri.
4. Easement as set out in Book 268, at Page 916, Recorder's Office, TANEY County, Missouri.
5. Memorandum of Agreement to TCA Cable TV of Missouri as set out in Book 419, at Page 055, Recorder's Office, TANEY County, Missouri.
6. Notes of Lis Pendens for Case #10AF-CC00768, satisfaction of Judgment filed November 28, 2011, as set out in Book 2010, at Page 47029, Recorder's Office, TANEY County, Missouri.
7. Financing Statement between J.R.'S MOTOR INN, INC., A MISSOURI CORPORATION, Debtor and GREAT SOUTHERN BANK, Secured Party, filed APRIL 24, 2002, in Book 397, at Page 6715, Recorder's Office, TANEY County, Missouri; AND AMENDMENT recorded in Book 2012, at Page 24231, Recorder's Office, TANEY County, Missouri.
8. Notice of Lis Pendens filed January 2, 2013 in Book 2013, at Page 00001, Recorder's Office, TANEY County, Missouri.
9. The liability of the Company under this informational report shall not exceed \$1000.
10. NOTE: This Report is not an opinion of title, nor is it a commitment to insure title. This Report is furnished for reference purposes only and should not be relied upon as a commitment to insure title to the premises herein described. If title insurance coverage is desired, application should be made through this office for a title insurance commitment in an amount to be agreed upon, and the prospective insureds must be identified.

Hogan Land Title Company  
1805 E. Sunshine  
Springfield, MO. 65804  
Tel 417 882-3000  
www.hoganlto.com

(1303308.PFD/1303306/13)

Exhibit 3.8



CITY OF BRANSON FIRE & RESCUE  
INVESTIGATION REPORT



EXHIBIT 2.

<b>Incident Number:</b> 12-2454		<b>Case Name:</b> JR's Motor Inn	
<b>Street Address:</b> 1944 W. Highway 76			
<b>City:</b> Branson		<b>County:</b> Taney	
<b>Date/Occurrence:</b> 9/8/12	<b>Time:</b> 0409	<b>Day:</b> Saturday	
<b>Date/Requested:</b> 9/8/12	<b>Time:</b> 0500	<b>Day:</b> Saturday	
<b>Weather at Occurrence:</b> Clear, Cool			
<b>CAUSE/TYPE:</b> Undetermined			<b>Total Loss:</b> \$56,188.00
<b>Utilities in Service:</b> Electricity:      Natural Gas:      LP-gas:      Wood:      Fuel oil:      None: X			
<b>STATUS:</b> Closed:      Confidential:      Criminal Info:      Warrant App.:		Unclassified: X      Non-Criminal:	
<b>ARRESTS:</b>		<b>OFFENSE:</b>	
<b>Construction Type:</b>	Fire-Resistive: Heavy timber:	Noncombustible: Wood frame: X	Ordinary: Vehicle:      Levels: 2
<b>Occupancy Type:</b>	Assembly: Ambulatory health care: Residential board & care: Storage:	Educational: Detention/Correctional: Mercantile: Mixed:	Day care: Residential: Motel Business: Industrial: Other:
<b>Estimated loss:</b> \$56,188.00	Occupied: Vacant: X	<b>Smoke detectors present:</b> Unknown	
<b>Fatalities/Injuries:</b>	No. Civilian Fatalities: No. Civilian Injuries:	No. Fire Fighter Fatalities: No. Fire Fighter Injuries:	
<b>Copies to:</b> (Enter agency names)	Police Dept.	Building Dept.	
	State Fire Marshal	Health Dept.	
	Other:		
<b>Assisting Investigator(s):</b>	Investigator: Investigator:	Investigator: Investigator:	
<b>Investigator:</b> Dennis Brunner		<b>Technical Services Division Chief:</b> Randy Fogle	

Exhibit 3.9

<b>Owner #1</b>		<b>Owner and Occupant same:</b>						
<i>First:</i> Brad				<i>Last:</i> Popple				
<i>Address:</i> 3350 Ashworth Ave.								
<i>City:</i> Highland Ranch		<i>State:</i> CO		<i>Phone:</i> 720-982-2000		<i>Race:</i>	<i>Sex:</i>	<i>Age:</i>
<i>DOB:</i>		<i>POB:</i>		<i>Marital Status:</i>		<i>SSN/DLN:</i>		
<i>Occupation:</i> Doctor				<i>Employer:</i>				
<i>DBA:</i>								
<i>Insurance</i>		<i>Amount</i>		<i>Company</i>		<i>Agency</i>		
<i>Structure:</i>		Uninsured						
<i>Contents:</i>		Uninsured						

<b>Owner #2</b>								
<i>First:</i>				<i>Last:</i>				
<i>Address:</i>								
<i>City:</i>		<i>State:</i>		<i>Phone:</i>		<i>Race:</i>	<i>Sex:</i>	<i>Age:</i>
<i>DOB:</i>		<i>POB:</i>		<i>Marital Status:</i>		<i>SSN/DLN:</i>		
<i>Occupation:</i>				<i>Employer:</i>				
<i>DBA:</i>								
<i>Insurance</i>		<i>Amount</i>		<i>Company</i>		<i>Agency</i>		
<i>Structure:</i>								
<i>Contents:</i>								

<b>Owner #3</b>								
<i>First:</i>				<i>Last:</i>				
<i>Address:</i>								
<i>City:</i>		<i>State:</i>		<i>Phone:</i>		<i>Race:</i>	<i>Sex:</i>	<i>Age:</i>
<i>DOB:</i>		<i>POB:</i>		<i>Marital Status:</i>		<i>SSN/DLN:</i>		
<i>Occupation:</i>				<i>Employer:</i>				
<i>DBA:</i>								
<i>Insurance</i>		<i>Amount</i>		<i>Company</i>		<i>Agency</i>		
<i>Structure:</i>								
<i>Contents:</i>								



**CITY OF BRANSON FIRE & RESCUE**  
**CASE ACTIVITY REPORT**



<b>Incident Number:</b> 12-2454	<b>Date:</b> 9/8/12
<b>Case Name:</b> JR's Motor Inn	
<b>Case Activity:</b> Fire Investigation	<b>Date of Activity:</b> 9/8/12

Exterior Examination

An examination of the A-Side of the structure revealed no damage from fire, smoke or heat. An examination of the B-Side of the structure revealed moderate damage from fire and smoke on the second floor only. Minor damage was noted above a walk door located to the front of the building on the second floor of the B-Side due to smoke and heat exiting the doorway. Moderate damage from fire and heat was noted above a window located in the center of the second floor of the B-Side. Moderate to heavy damage was noted all around a window located on the second floor of the B-Side near the B-C corner with heavy damage to the soffit and eave area of the roof. An Examination of the C-Side of the structure revealed minor to moderate damage from fire and smoke on the second floor and extending down a stairway to the first floor. Minor to moderate damage was noted all around a window located on the C-Side near the C-B corner and extended down along the stairway. An examination of the D-Side of the structure revealed minor damage from fire and smoke. The damage was confined to an area above a second floor window on the D-Side near the D-C corner.

Interior Examination

The Interior examination began in the first floor office and breakfast room. No damage from fire or smoke was found on this floor. The second floor living quarters examination began in the living room/kitchen area. Heavy damage from smoke and heat was found on the ceiling and down the walls. A line of demarcation was found to within 24" of the floor in these rooms. An examination of the hallway leading from the living room to the bedrooms revealed heavy damage from smoke and heat. Most of the drywall from the ceiling and walls in this area had fallen down on the floor. The ceiling joist/trusses in this area were undamaged on the bottom side and had minor to moderate damage from fire on the top side. The wall studs had little damage. Bedroom #2 was located off of the hallway. An examination of this room revealed heavy damage from heat and smoke. Most of the drywall from the ceiling and walls in the room had fallen down on the floor. Moderate damage from fire was found which was confined to the top side of the ceiling joist/trusses and extended into the truss members and the decking on the underside of the roof. The bottom side of the ceiling joists/trusses and wall studs had little damage from fire. A mattress and box springs was found in this room and had been consumed by fire. Bedroom #1 was located at the end of the hallway. An examination of this room revealed heavy damage from heat and smoke with minor to moderate damage from fire. The drywall from the ceiling and walls in this room had fallen down on the floor. A mattress and box springs was found on the floor of this room and had been consumed by fire. The wall studs in this room revealed minor to moderate damage from fire. The ceiling joists/trusses had heavy damage from fire extending upward into all the members of the trusses and into the decking on the underside of the roof. The fire had self-vented out of the roof in this area.

Exhibit 3.11



**CITY OF BRANSON FIRE & RESCUE**  
**CASE ACTIVITY REPORT**



<i>Incident Number:</i> 12-2454	<i>Date:</i> 9/8/12
<i>Case Name:</i> JR's Motor Inn	
<i>Case Activity:</i> Fire Investigation (continued)	<i>Date of Activity:</i> 9/8/12

Conclusion

No utilities were present in the structure at the time of the fire.

The cause of the fire is UNDETERMINED at this time. Possible contributing factors include:

- The building was unoccupied at the time of the fire but was unsecured from trespass by any individuals.
- Severe thunderstorms with intense cloud to ground lightning were present in the area from 1730-1800 and again from 1900-1930, prior to the fire being discovered.

Due to the lack of damage to the floor and wall components in the living quarters and the heavy fire damage to the roof components, particularly the lack of damage to the underside of the ceiling joist members while the top side of the members sustained heavy damage, the point of origin has been determined to likely be in the attic area, possibly above bedroom #1.

<i>Copies to:</i>	
<i>Investigator:</i> Dennis Brunner	<i>Technical Services Division Chief:</i> Randy Fogle



**CITY OF BRANSON FIRE & RESCUE**  
**CASE ACTIVITY REPORT**



<b>Incident Number:</b> 12-2454	<b>Date:</b> 9/8/12
<b>Case Name:</b> JR's Motor Inn	
<b>Case Activity:</b> Fire Report	<b>Date of Activity:</b> 9/8/12

Units responded at 0409 to a structure fire at JR's Motor Inn. I was requested by Fire Chief Martin to respond for investigation at 0500. I arrived on scene at 0514 and met with the incident commander Captain Chris Morgan. He stated that the fire was out and crews were performing salvage and overhaul and that that task should be completed shortly. Upon completion, I investigated the exterior of the structure and then investigated the first floor office area. I then went upstairs to the living quarters for investigation. The fire was confined to the upstairs living quarters with minor to moderate exterior damage from fire above several windows and a doorway on the second floor.

The living quarters area sustained heavy damage from heat and fall down of debris. The fire damage was mainly confined to the roof structure components above both bedrooms and the bathroom. No evidence of a point of origin could be located in the living area due to lack of burning. The roof structure components sustained the heaviest damage from fire indicating a likely point of origin as the attic area. No utilities were present in the building at the time of the fire. Severe thunderstorms with intense cloud to ground lightning were present in the area from 1730-1800 and again from 1900-1930, per the National Weather Service in Springfield Missouri. No cause of the fire could be determined.

<b>Copies to:</b>	
<b>Investigator:</b> Dennis Brunner	<b>Technical Services Division Chief:</b> Randy Fogle

Exhibit 3.13

<b>CITY OF BRANSON FIRE &amp; RESCUE</b>	
<i>PHOTO LOG</i>	
<i>Incident Number:</i> 12-2454	<i>Case Name:</i> JR's Motor Inn
<i>Location:</i> 1944 W. Highway 76	<i>Date of Incident:</i> 9/8/12
<i>Camera:</i> Panasonic Lumix FZ35	<i>Date of Photos:</i> 9/8/12
<i>Investigator:</i> Dennis Brunner	<i>Photos Saved As:</i> 12-2454Photos

<i>Photo #</i>	<i>Subject</i>	<i>Camera Direction</i>
223	A-Side	S
226	B-Side	W
233	B-C Corner	NW
235	D-Side	E
236	Electrical Meter	E
237	C-Side	E
239	Living Room	W
240	Kitchen	S
241	Line of demarcation in living room	W
242	Line of demarcation in living room	W
244	Bedroom #2	E
245	Hallway	S
246	Bathroom	S
247	Mattress & box springs in master bedroom	SW
248	Roof damage in master bedroom	S
249	Corner of master bedroom under heaviest damage to roof structure	SE
250	Roof damage in master bedroom	SW
251	Mattress & box springs in master bedroom	SW
252	Area under heaviest damage to roof structure in master bedroom	SE
254	Roof damage in master bedroom	S
255	Roof damage in master bedroom	S

Exhibit 3.14

<i>Photo #</i>	<i>Subject</i>	<i>Camera Direction</i>
258	Fire damage to top plate in corner of master bedroom	SE
261	Wall studs below possible point of origin	SE
263	Wall studs below possible point of origin	SE
264	Wall Studs	E
265	Roof components in master bedroom	E
267	V-Pattern in hallway	S
29.		
30.		
31.		
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52.		

Exhibit 3.15



P1010223



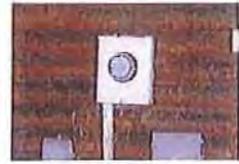
P1010226



P1010233



P1010235



P1010236



P1010237



P1010239



P1010240



P1010241



P1010242



P1010244



P1010245



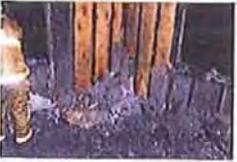
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P1010249



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P1010251



P1010252



P1010254



P1010255



P1010258



P1010261



P1010262



P1010263



P1010264



P1010265



P1010267



CITY OF BRANSON FIRE & RESCUE  
INVESTIGATION REPORT



INCIDENT NUMBER: 12-2454

CASE NAME: JR's Motor Inn      LOCATION: 1944 W. Highway 76      COUNTY: Taney

DATE/Occurrence: 9/8/12      Time: 0409      Day: Saturday      Weather: Clear, Cool

Date/Requested: 9/8/12      Time: 0500      Day: Saturday

**CAUSE: Undertermined**      **OFFENSE:**

STATUS: Closed    Criminal Inf.    Confidential    # of Arrest(s)    Cleared by other:  
Non-Criminal    Unclassified X

Utilities: Electricity     Natural Gas     Fuel Oil     L.P Gas     Wood     None X

**Owner**

First: Brad      Last: Poppie      Address: 3350 Ashworth Ave.  
City: Highland Ranch      State: CO      Phone #: 720-982-2000      Race:    Sex:    Age:    DOB:  
POB:      Marital Status:      DLN:  
Occupation:      Employer:  
DBA:

**Occupant**

First: Unoccupied      Last:      Address:  
City:      State:      Phone #:      Race:    Sex:    Age:    DOB:  
POB:      Marital Status:      DLN:  
Occupation:      Employer:  
DBA:

**Construction**

Construction Type: Wood Frame    Levels: 2      Occupied: No  
Occupancy Type: Motel      Estimated Loss: \$56,188.00

# Injuries Civilian:      # Injuries FF:      #Deaths Civilian:      #Death FF:  
Smoke Detectors Present: Unknown      Smoke Detectors Operational: Unknown

Insurance:      Amount      Company      Agency  
Structure:  
Contents:

Police/Sheriff:      Fire Department:

Copies to:

Exhibit 3.17

<b>A</b> VFD # <u>10702</u> state <u>MO</u> MM <u>09</u> DD <u>08</u> YYYY <u>2012</u> Station <u>1</u> Incident Number <u>12-0002454</u> Exposure <u>000</u>		<input type="checkbox"/> Delete <input type="checkbox"/> Change <input type="checkbox"/> No Activity	NFIRS -1 Basic
<b>B Location*</b> <input type="checkbox"/> Check this box to indicate that the address for this incident is provided on the Wildland Fire Module in Section B "Alternative Location Specification". Use only for Wildland fires. Census Tract <u>    </u>			
<input checked="" type="checkbox"/> Street address <u>1944</u> <u>W</u> <u>STATE HWY 76</u> <u>HWY</u> <small>Number/Milepost Prefix Street or Highway Street Type Suffix</small> <input type="checkbox"/> Intersection <input type="checkbox"/> In front of <input type="checkbox"/> Near of <input type="checkbox"/> Adjacent to <input type="checkbox"/> Directions <small>Apt./Suite/Room City State Zip code</small> <u>BRANSON</u> <u>MO</u> <u>65616</u> <small>Cross street or directions, as applicable</small>			
<b>C Incident Type *</b> <u>111</u> Building fire <small>Incident Type</small>		<b>E1 Date &amp; Times</b> Midnight is 0000 <small>Check boxes if dates are the same as Alarm</small> Month <u>09</u> Day <u>08</u> Year <u>2012</u> Hr <u>04</u> Min <u>09</u> Sec <u>00</u> <small>Alarm * ALWAYS always required</small> <b>E2 Shift &amp; Alarms</b> Local Option <u>A</u> <u>02</u> <u>102</u> <small>Shift or Alarm District Platoon</small>	
<b>D Aid Given or Received*</b> 1 <input checked="" type="checkbox"/> Mutual aid received <u>10701</u> <u>MO</u> <small>Their VFD Their State</small> 2 <input type="checkbox"/> Automatic aid conv. 3 <input type="checkbox"/> Mutual aid given 4 <input type="checkbox"/> Automatic aid given <u>12-1458</u> <small>Their Incident Number</small> 5 <input type="checkbox"/> Other aid given N <input type="checkbox"/> None		<b>E3 Special Studies</b> Local Option <small>Special Study Test Special Study Value</small>	
<b>F Actions Taken *</b> <u>11</u> Extinguishment by fire <small>Primary Action Taken (1)</small> <u>12</u> Salvage & overhaul <small>Additional Action Taken (2)</small> <u>86</u> Investigate <small>Additional Action Taken (3)</small>		<b>G1 Resources *</b> <input checked="" type="checkbox"/> Check this box and skip this section if an Apparatus or Personnel form is used. <small>ARRIVAL required, unless canceled or did not arrive</small> <small>CONTROLLED optional, except for wildland fires</small> <small>LAST UNIT (CANCELED) required except for wildland fires</small> Apparatus <u>0003</u> Personnel <u>0010</u> Other <u>0004</u> <u>0007</u> <input type="checkbox"/> Check box if resource counts include aid received resources.	
<b>G2 Estimated Dollar Losses &amp; Values</b> <small>LOSSES: required for all fires if known. Optional for non fires.</small> None Property \$ <u>    </u> <u>054</u> <u>188</u> Contents \$ <u>    </u> <u>002</u> <u>000</u> <small>PRE-INCIDENT VALUE: optional</small> Property \$ <u>    </u> <u>216</u> <u>752</u> Contents \$ <u>    </u> <u>002</u> <u>000</u>			
<b>Completed Modules</b> <input checked="" type="checkbox"/> Fire-2 <input checked="" type="checkbox"/> Structure-3 <input type="checkbox"/> Civil Fire Gas.-4 <input type="checkbox"/> Fire Serv. Cas.-5 <input type="checkbox"/> EMS-6 <input type="checkbox"/> HazMat-7 <input type="checkbox"/> Wildland Fire-8 <input checked="" type="checkbox"/> Apparatus-9 <input checked="" type="checkbox"/> Personnel-10 <input type="checkbox"/> Arson-11		<b>H1 Casualties</b> None Deaths Injuries Fire <u>    </u> <u>    </u> Service <u>    </u> <u>    </u> Civilian <u>    </u> <u>    </u> <b>H2 Detector</b> <small>Required for Confined Fires.</small> 1 <input type="checkbox"/> Detector alerted occupants 2 <input type="checkbox"/> Detector did not alert them U <input type="checkbox"/> Unknown	
<b>H3 Hazardous Materials Release</b> N <input type="checkbox"/> None 1 <input type="checkbox"/> Natural Gas: also mark, no direction or tank action 2 <input type="checkbox"/> Propane gas: cut th. tank (see in tank tag grill) 3 <input type="checkbox"/> Gasoline: vehicle fuel tank or portable container 4 <input type="checkbox"/> Kerosene: fuel burning equipment or portable storage 5 <input type="checkbox"/> Diesel fuel/fuel oil: vehicle fuel tank or portable 6 <input type="checkbox"/> Household solvents: home/office spill, cleanup only 7 <input type="checkbox"/> Motor oil: from engine or portable container 8 <input type="checkbox"/> Paint: from paint cans totaling < 55 gallons 0 <input type="checkbox"/> Other: special hazard action required or spill > 55gal. Please complete the NFIRS form		<b>I Mixed Use Property</b> NN <input type="checkbox"/> Not Mixed 10 <input type="checkbox"/> Assembly use 20 <input type="checkbox"/> Education use 33 <input type="checkbox"/> Medical use 40 <input type="checkbox"/> Residential use 51 <input type="checkbox"/> Row of stores 53 <input type="checkbox"/> Enclosed mall 58 <input type="checkbox"/> Bus. & Residential 59 <input type="checkbox"/> Office use 60 <input type="checkbox"/> Industrial use 63 <input type="checkbox"/> Military use 65 <input type="checkbox"/> Farm use 00 <input type="checkbox"/> Other mixed use	
<b>J Property Use* Structures</b> 131 <input type="checkbox"/> Church, place of worship 161 <input type="checkbox"/> Restaurant or cafeteria 162 <input type="checkbox"/> Bar/Tavern or nightclub 213 <input type="checkbox"/> Elementary school or kindergarten 215 <input type="checkbox"/> High school or junior high 241 <input type="checkbox"/> College, adult education 311 <input type="checkbox"/> Care facility for the aged 331 <input type="checkbox"/> Hospital Outside 124 <input type="checkbox"/> Playground or park 655 <input type="checkbox"/> Crops or orchard 669 <input type="checkbox"/> Forest (timberland) 807 <input type="checkbox"/> Outdoor storage area 919 <input type="checkbox"/> Dump or sanitary landfill 931 <input type="checkbox"/> Open land or field 341 <input type="checkbox"/> Clinic, clinic type infirmary 342 <input type="checkbox"/> Doctor/dentist office 361 <input type="checkbox"/> Prison or jail, not juvenile 419 <input type="checkbox"/> 1- or 2-family dwelling 429 <input type="checkbox"/> Multi-family dwelling 439 <input type="checkbox"/> Rooming/boarding house 449 <input checked="" type="checkbox"/> Commercial hotel or motel 459 <input type="checkbox"/> Residential, board and care 464 <input type="checkbox"/> Dormitory/barracks 519 <input type="checkbox"/> Food and beverage sales 936 <input type="checkbox"/> Vacant lot 938 <input type="checkbox"/> Graded/earr for plot of land 946 <input type="checkbox"/> Lake, river, stream 951 <input type="checkbox"/> Railroad right of way 960 <input type="checkbox"/> Other street 961 <input type="checkbox"/> Highway/divided highway 962 <input type="checkbox"/> Residential street/driveway 539 <input type="checkbox"/> Household goods, sales, repairs 579 <input type="checkbox"/> Motor vehicle/boat sales/repair 571 <input type="checkbox"/> Gas or service station 599 <input type="checkbox"/> Business office 615 <input type="checkbox"/> Electric generating plant 629 <input type="checkbox"/> Laboratory/science lab 700 <input type="checkbox"/> Manufacturing plant 819 <input type="checkbox"/> Livestock/poultry storage (barn) 882 <input type="checkbox"/> Non-residential parking garage 891 <input type="checkbox"/> Warehouse 981 <input type="checkbox"/> Construction site 984 <input type="checkbox"/> Industrial plant yard Lookup and enter a Property Use code only if you have NOT checked a Property Use box: Property Use <u>449</u> <u>Hotel/motel, commercial</u> NFIRS-1 Revision 03/11/99			

10702 09/08/2012 12-0002454

<b>K1 Person/Entity Involved</b>									
Local Option		Business name (if applicable)				Area Code		Phone Number	
<input type="checkbox"/> Check this box if same address as incident location. Then skip the three duplicate address lines.		Mr., Ms., Mrs. First Name		MI		Last Name		Suffix	
		Number		Prefix		Street or Highway		Street Type	
		Post Office Box		Apt./Suite/Room		City			
		State		Zip Code					
<input type="checkbox"/> More people involved? Check this box and attach Supplemental Forms (NFIRS-19) as necessary									
<b>K2 Owner</b>									
Local Option		Business name (if applicable)				Area Code		Phone Number	
<input type="checkbox"/> Same as person involved? Then check this box and skip the rest of this section.		Mr., Ms., Mrs. First Name		MI		Last Name		Suffix	
<input type="checkbox"/> Check this box if same address as incident location. Then skip the three duplicate address lines.		Number		Prefix		Street or Highway		Street Type	
		Post Office Box		Apt./Suite/Room		City			
		State		Zip Code					
<b>L Remarks</b>									
Local Option									
09/08/2012 08:30:45 cmorgan									
<p>Engine 1, Truck 2 and Engine 3 responded emergency to a report of a commercial structure fire with fire showing from the roof. Upon arrival, Engine 1 reported heavy flames showing from the Bravo/Charlie corner, requested a 2nd alarm, to backfill all stations, established command and was out for fire attack. Firefighter Privetta was advised to pull the 2 1/2" 200' hand line and initiate an indirect fire attack on the Charlie side while Captain Morgan completed a 360° visual and established a command post. Engine 3 was advised to establish a water supply, park on the Delta side and to pull an attack line to the second floor to initiate an interior attack on the second floor and was assigned Division 2. Engine 3 also supplied water to Engine 1. A second attack line was pulled off of Engine 1 to assist with fire attack. Truck 2 arrived and was placed on the Alpha/Bravo corner and was advised to ladder the roof to initiate vertical ventilation and was assigned the Vent Group designation. Ground ladders were thrown to the second floor for egress points. After the fire was extinguished, WTCPPD personnel assisted with overhaul procedures. Once the overhaul was complete, Fire Marshal Brunner initiated his investigation (See investigation report for determination). All fire units cleared the scene.</p>									
<b>L Authorization</b>									
CMORGAN		MORGAN, CHRISTOPHER E		CP		A1		09 08 2012	
officer in charge IO		signature		Position or rank		Assignment		Month Day Year	
Check box if same as officer in charge.		CMORGAN		MORGAN, CHRISTOPHER E		CP		A1	
<input checked="" type="checkbox"/>		Member making report IO		signature		Position or rank		Assignment	
								09 08 2012	
								Month Day Year	

Exhibit 3.19

<b>A</b> FDIA * <u>10702</u> State * <u>MO</u> Incident date * MM <u>09</u> DD <u>08</u> YYYY <u>2012</u> Station <u>1</u> Incident Number * <u>12-0002454</u> Exposure * <u>000</u>		<input type="checkbox"/> Delete <input type="checkbox"/> Change <input type="checkbox"/> No Activity	<b>NFIRS -2</b> <b>Fire</b>
<b>B Property Details</b> B1 <u>0001</u> <input type="checkbox"/> Not Residential <i>Estimated Number of residential living units in building of origin whether or not all units became involved</i> B2 <u>001</u> <input type="checkbox"/> Buildings not involved <i>Number of buildings involved</i> B3 <input type="checkbox"/> Acres burned (outside fires) <input checked="" type="checkbox"/> None <input type="checkbox"/> Less than one acre		<b>C On-Site Materials or Products</b> <input checked="" type="checkbox"/> None <i>Complete if there were any significant amounts of commercial, industrial, energy or agricultural products or materials on the Property, whether or not they became involved</i> Enter up to three codes. Check one or more boxes for each code entered. On-site material (1) <u>NNN</u>   <u>None</u> On-site material (2) _____ On-site material (3) _____	
<b>D Ignition</b> D1 <u>74</u>   <u>Attic: vacant, crawl</u> <i>Area of fire origin *</i> D2 <u>UU</u>   <u>Undetermined</u> <i>Heat source *</i> D3 <u>17</u>   <u>Structural member or</u> <i>Item first ignited *</i> <input type="checkbox"/> Check box if fire spread was confined to object of origin D4 <u>63</u>   <u>Sawn wood, including</u> <i>Type of material first ignited</i> <input type="checkbox"/> Required only if item first ignited code is 00 or <70		<b>E1 Cause of Ignition</b> <input type="checkbox"/> Check box if this is an exposure report. Skip to section G 1 <input type="checkbox"/> Intentional 2 <input type="checkbox"/> Unintentional 3 <input type="checkbox"/> Failure of equipment or heat source 4 <input type="checkbox"/> Act of nature 5 <input type="checkbox"/> Cause under investigation U <input checked="" type="checkbox"/> Cause undetermined after investigation <b>E2 Factors Contributing To Ignition</b> <u>NN</u>   <u>None</u> <input checked="" type="checkbox"/> None Factor contributing to ignition (1) Factor contributing to ignition (2) _____	
<b>E1 Equipment Involved In Ignition</b> <input checked="" type="checkbox"/> None if Equipment was not involved, skip to Section G <u>NNN</u>   <u>None</u> Equipment involved Brand _____ Model _____ Serial # _____ Year _____		<b>E2 Equipment Power</b> _____ Equipment Power Source <b>E3 Equipment Portability</b> 1 <input type="checkbox"/> Portable 2 <input type="checkbox"/> Stationary Portable equipment normally can be moved by one person, is designed to be used in multiple locations, and requires no tools to install.	
<b>H1 Mobile Property Involved</b> <input checked="" type="checkbox"/> None 1 <input type="checkbox"/> Not involved in ignition, but burned 2 <input type="checkbox"/> Involved in ignition, but did not burn 3 <input type="checkbox"/> Involved in ignition and burned		<b>H2 Mobile Property Type &amp; Make</b> <u>NN</u>   <u>None</u> Mobile property type _____ Mobile property make _____ Mobile property model _____ Year _____ License Plate Number _____ State _____ VIN number _____	
<b>G Fire Suppression Factors</b> Enter up to three codes. <input checked="" type="checkbox"/> None <u>NNN</u>   <u>None</u> Fire suppression factor (1) _____ Fire suppression factor (2) _____ Fire suppression factor (3) _____		<b>Local Use</b> <input type="checkbox"/> Pre-Fire Plan Available Some of the information presented in this report may be based upon reports from other Agencies <input type="checkbox"/> Arson report attached <input type="checkbox"/> Police report attached <input type="checkbox"/> Coroner report attached <input type="checkbox"/> Other reports attached	
NFIRS-2 Revision 01/19/99			

<b>I1 Structure Type *</b> If fire was in enclosed building or a portable/mobile structure complete the rest of this form 1 <input checked="" type="checkbox"/> Enclosed Building 2 <input type="checkbox"/> Portable/mobile structure 3 <input type="checkbox"/> Open structure 4 <input type="checkbox"/> Air supported structure 5 <input type="checkbox"/> Tent 6 <input type="checkbox"/> Open platform (e.g. piers) 7 <input type="checkbox"/> Underground structure (work areas) 8 <input type="checkbox"/> Connective structure (e.g. bridges) 0 <input type="checkbox"/> Other type of structure		<b>I2 Building Status *</b> 1 <input type="checkbox"/> Under construction 2 <input type="checkbox"/> Occupied & operating 3 <input type="checkbox"/> Idle, not routinely used 4 <input type="checkbox"/> Under major renovation 5 <input checked="" type="checkbox"/> Vacant and secured 6 <input type="checkbox"/> Vacant and unsecured 7 <input type="checkbox"/> Being demolished 0 <input type="checkbox"/> Other U <input type="checkbox"/> Undetermined		<b>I3 Building * Height</b> Count the ROOF as part of the highest story [ 002 ] Total number of stories at or above grade [ ] Total number of stories below grade		<b>I4 Main Floor Size*</b> NFIRS-3 Structure Fire [ ] , [ 001 ] , [ 748 ] Total square feet OR [ ] , [ ] BY [ ] , [ ] Length in feet Width in feet	
<b>J1 Fire Origin *</b> [ 002 ] <input type="checkbox"/> Below Grade Story of fire origin		<b>J3 Number of Stories Damaged By Flame</b> Count the ROOF as part of the highest story [ ] Number of stories w/ minor damage (1 to 24) (flame damage) [ 001 ] Number of stories w/ significant damage (25 to 49) (flame damage) [ ] Number of stories w/ heavy damage (50 to 74) (flame damage) [ ] Number of stories w/ extreme damage (75 to 100) (flame damage)		<b>K Material Contributing Most To Flame Spread</b> <input type="checkbox"/> Check if no flame spread OR same as material first ignited OR unable to determine Skip To Section L <b>K1</b> [ ] [ ] Item contributing most to flame spread <b>K2</b> [ ] [ ] Type of material contributing most of flame spread Required only if item code is 00 or 70			
<b>J2 Fire Spread *</b> 1 <input type="checkbox"/> Confined to object of origin 2 <input type="checkbox"/> Confined to room of origin 3 <input type="checkbox"/> Confined to floor of origin 4 <input checked="" type="checkbox"/> Confined to building of origin 5 <input type="checkbox"/> Beyond building of origin		<b>L1 Presence of Detectors *</b> (In area of the fire) N <input checked="" type="checkbox"/> None Present Skip to section M 1 <input type="checkbox"/> Present U <input type="checkbox"/> Undetermined		<b>L3 Detector Power Supply</b> 1 <input type="checkbox"/> Battery only 2 <input type="checkbox"/> Hardwire only 3 <input type="checkbox"/> Plug in 4 <input type="checkbox"/> Hardwire with battery 5 <input type="checkbox"/> Plug in with battery 6 <input type="checkbox"/> Mechanical 7 <input type="checkbox"/> Multiple detectors & power supplies 0 <input type="checkbox"/> Other U <input type="checkbox"/> Undetermined			
<b>L2 Detector Type</b> 1 <input type="checkbox"/> Smoke 2 <input type="checkbox"/> Heat 3 <input type="checkbox"/> Combination smoke - heat 4 <input type="checkbox"/> Sprinkler, water flow detection 5 <input type="checkbox"/> More than 1 type present 0 <input type="checkbox"/> Other U <input type="checkbox"/> Undetermined		<b>L4 Detector Operation</b> 1 <input type="checkbox"/> Fire too small to activate 2 <input type="checkbox"/> Operated (Complete Section L5) 3 <input type="checkbox"/> Failed to Operate (Complete Section L6) U <input type="checkbox"/> Undetermined		<b>L5 Detector Effectiveness</b> Required if detector operated 1 <input type="checkbox"/> Alerted occupants, occupants responded 2 <input type="checkbox"/> Occupants failed to respond 3 <input type="checkbox"/> There were no occupants 4 <input type="checkbox"/> Failed to alert occupants U <input type="checkbox"/> Undetermined			
<b>M1 Presence of Automatic Extinguishment System *</b> N <input checked="" type="checkbox"/> None Present Complete rest of Section M 1 <input type="checkbox"/> Present		<b>M2 Type of Automatic Extinguishment System *</b> Required if fire was within designed range of AES 1 <input type="checkbox"/> Wet pipe sprinkler 2 <input type="checkbox"/> Dry pipe sprinkler 3 <input type="checkbox"/> Other sprinkler system 4 <input type="checkbox"/> Dry chemical system 5 <input type="checkbox"/> Foam system 6 <input type="checkbox"/> Halogen type system 7 <input type="checkbox"/> Carbon dioxide (CO <sub>2</sub> ) system 0 <input type="checkbox"/> Other special hazard system U <input type="checkbox"/> Undetermined		<b>M3 Automatic Extinguishment System Operation</b> Required if fire was within designed range 1 <input type="checkbox"/> Operated & effective (Go to M4) 2 <input type="checkbox"/> Operated & not effective (M4) 3 <input type="checkbox"/> Fire too small to activate 4 <input type="checkbox"/> Failed to operate (Go to M5) 0 <input type="checkbox"/> Other U <input type="checkbox"/> Undetermined			
		<b>M4 Number of Sprinkler Heads Operating</b> Required if system operated [ ] Number of sprinkler heads operating		<b>M5 Automatic Extinguishment System Failure Reason</b> Required if system failed 1 <input type="checkbox"/> System shut off 2 <input type="checkbox"/> Not enough agent discharged 3 <input type="checkbox"/> Agent discharged but did not reach fire 4 <input type="checkbox"/> Wrong type of system 5 <input type="checkbox"/> Fire not in area protected 6 <input type="checkbox"/> System components damaged 7 <input type="checkbox"/> Lack of maintenance 8 <input type="checkbox"/> Manual intervention 0 <input type="checkbox"/> Other U <input type="checkbox"/> Undetermined NFIRS-3 Revision 01/19/99			

Exhibit 3.21

A										NFIRS - 9 Apparatus or Resources			
FDID * <u>10702</u>		State * <u>MO</u>		MM <u>9</u> DD <u>8</u> YYYY <u>2012</u>		Station <u>1</u>		Incident Number * <u>12-0002454</u>		Exposure * <u>000</u>		<input type="checkbox"/> Delete	<input type="checkbox"/> Change
B Apparatus or * Resource		Date and Times : Check if same as alarm date Month Day Year Hour Min					Sent <input checked="" type="checkbox"/>	Number of * People	Use Check ONE box for each apparatus to indicate its main use at the incident.		Actions Taken		
<u>1</u>	ID <u>C1</u> Type <u>92</u>	Dispatch <input type="checkbox"/>	<u>9</u>	<u>8</u>	<u>2012</u>	<u>04:15</u>	<input checked="" type="checkbox"/>	<u>1</u>	<input type="checkbox"/> Suppression <input type="checkbox"/> EMS <input checked="" type="checkbox"/> Other	<u>  </u>	<u>  </u>	<u>  </u>	<u>  </u>
		Arrival <input type="checkbox"/>	<u>9</u>	<u>8</u>	<u>2012</u>	<u>04:18</u>							
		Clear <input checked="" type="checkbox"/>	<u>9</u>	<u>8</u>	<u>2012</u>	<u>06:54</u>							
<u>2</u>	ID <u>E1</u> Type <u>11</u>	Dispatch <input type="checkbox"/>	<u>9</u>	<u>8</u>	<u>2012</u>	<u>04:09</u>	<input checked="" type="checkbox"/>	<u>3</u>	<input checked="" type="checkbox"/> Suppression <input type="checkbox"/> EMS <input type="checkbox"/> Other	<u>  </u>	<u>  </u>	<u>  </u>	<u>  </u>
		Arrival <input type="checkbox"/>	<u>9</u>	<u>8</u>	<u>2012</u>	<u>04:14</u>							
		Clear <input checked="" type="checkbox"/>	<u>9</u>	<u>8</u>	<u>2012</u>	<u>06:58</u>							
<u>3</u>	ID <u>E3</u> Type <u>11</u>	Dispatch <input type="checkbox"/>	<u>9</u>	<u>8</u>	<u>2012</u>	<u>04:09</u>	<input checked="" type="checkbox"/>	<u>4</u>	<input checked="" type="checkbox"/> Suppression <input type="checkbox"/> EMS <input type="checkbox"/> Other	<u>  </u>	<u>  </u>	<u>  </u>	<u>  </u>
		Arrival <input type="checkbox"/>	<u>9</u>	<u>8</u>	<u>2012</u>	<u>04:17</u>							
		Clear <input checked="" type="checkbox"/>	<u>9</u>	<u>8</u>	<u>2012</u>	<u>06:44</u>							
<u>4</u>	ID <u>E30</u> Type <u>11</u>	Dispatch <input type="checkbox"/>	<u>9</u>	<u>8</u>	<u>2012</u>	<u>04:47</u>	<input checked="" type="checkbox"/>	<u>2</u>	<input type="checkbox"/> Suppression <input type="checkbox"/> EMS <input checked="" type="checkbox"/> Other	<u>  </u>	<u>  </u>	<u>  </u>	<u>  </u>
		Arrival <input type="checkbox"/>	<u>9</u>	<u>8</u>	<u>2012</u>	<u>04:53</u>							
		Clear <input checked="" type="checkbox"/>	<u>9</u>	<u>8</u>	<u>2012</u>	<u>05:49</u>							
<u>5</u>	ID <u>EM1</u> Type <u>92</u>	Dispatch <input type="checkbox"/>	<u>9</u>	<u>8</u>	<u>2012</u>	<u>05:13</u>	<input checked="" type="checkbox"/>	<u>1</u>	<input type="checkbox"/> Suppression <input type="checkbox"/> EMS <input checked="" type="checkbox"/> Other	<u>  </u>	<u>  </u>	<u>  </u>	<u>  </u>
		Arrival <input type="checkbox"/>	<u>9</u>	<u>8</u>	<u>2012</u>	<u>05:17</u>							
		Clear <input checked="" type="checkbox"/>	<u>9</u>	<u>8</u>	<u>2012</u>	<u>06:58</u>							
<u>6</u>	ID <u>POV</u> Type <u>99</u>	Dispatch <input checked="" type="checkbox"/>	<u>9</u>	<u>8</u>	<u>2012</u>	<u>04:09</u>	<input checked="" type="checkbox"/>	<u>3</u>	<input type="checkbox"/> Suppression <input type="checkbox"/> EMS <input checked="" type="checkbox"/> Other	<u>  </u>	<u>  </u>	<u>  </u>	<u>  </u>
		Arrival <input checked="" type="checkbox"/>	<u>9</u>	<u>8</u>	<u>2012</u>	<u>04:14</u>							
		Clear <input checked="" type="checkbox"/>	<u>9</u>	<u>8</u>	<u>2012</u>	<u>06:58</u>							
<u>7</u>	ID <u>T2</u> Type <u>13</u>	Dispatch <input type="checkbox"/>	<u>9</u>	<u>8</u>	<u>2012</u>	<u>04:09</u>	<input checked="" type="checkbox"/>	<u>3</u>	<input checked="" type="checkbox"/> Suppression <input type="checkbox"/> EMS <input type="checkbox"/> Other	<u>  </u>	<u>  </u>	<u>  </u>	<u>  </u>
		Arrival <input type="checkbox"/>	<u>9</u>	<u>8</u>	<u>2012</u>	<u>04:17</u>							
		Clear <input checked="" type="checkbox"/>	<u>9</u>	<u>8</u>	<u>2012</u>	<u>06:25</u>							
<u>8</u>	ID <u>  </u> Type <u>  </u>	Dispatch <input type="checkbox"/>	<u>  </u>	<u>  </u>	<u>  </u>	<u>  </u>	<input type="checkbox"/>	<u>  </u>	<input type="checkbox"/> Suppression <input type="checkbox"/> EMS <input type="checkbox"/> Other	<u>  </u>	<u>  </u>	<u>  </u>	<u>  </u>
		Arrival <input type="checkbox"/>	<u>  </u>	<u>  </u>	<u>  </u>	<u>  </u>							
		Clear <input type="checkbox"/>	<u>  </u>	<u>  </u>	<u>  </u>	<u>  </u>							
<u>9</u>	ID <u>  </u> Type <u>  </u>	Dispatch <input type="checkbox"/>	<u>  </u>	<u>  </u>	<u>  </u>	<u>  </u>	<input type="checkbox"/>	<u>  </u>	<input type="checkbox"/> Suppression <input type="checkbox"/> EMS <input type="checkbox"/> Other	<u>  </u>	<u>  </u>	<u>  </u>	<u>  </u>
		Arrival <input type="checkbox"/>	<u>  </u>	<u>  </u>	<u>  </u>	<u>  </u>							
		Clear <input type="checkbox"/>	<u>  </u>	<u>  </u>	<u>  </u>	<u>  </u>							

Type of Apparatus or Resources		
Ground Fire Suppression	Marine Equipment	More Apparatus? Use Additional Sheets
11 Engine	51 Fire boat with pump	
12 Truck or aerial	52 Boat, no pump	
13 Quint	50 Marine apparatus, other	
14 Tanker & pumper combination	Support Equipment	
16 Brush truck	61 Breathing apparatus support	Other
17 ARF (Aircraft Rescue and Firefighting)	62 Light and air unit	91 Mobile command post
10 Ground fire suppression, other	60 Support apparatus, other	92 Chief officer car
Heavy Ground Equipment	Medical & Rescue	93 HazMat unit
21 Dozer or plow	71 Rescue unit	94 Type 1 hand crew
22 Tractor	72 Urban Search & rescue unit	95 Type 2 hand crew
24 Tanker or tender	73 High angle rescue unit	99 Privately owned vehicle
20 Heavy equipment, other	75 BLS unit	00 Other apparatus/resource
Aircraft	76 ALS unit	
41 Aircraft: fixed wing tanker	70 Medical and rescue unit, other	NR None
42 Helitanker		UU Undetermined
43 Helicopter		
40 Aircraft, other		

NFIRS-9 Revision 11/17/98

Exhibit 3.22

A													
FDID * <u>10702</u>		State * <u>MO</u>		Incident Date * MM DD YYYY <u>9 8 2012</u>		Station <u>1</u>		Incident Number * <u>12-0002454</u>		Exposure * <u>000</u>		<input type="checkbox"/> Delete <input type="checkbox"/> Change NFIRS - 10 Personnel	
B Apparatus or Resource *		Date and Times				Sent	Number of *	Use		Actions Taken			
Use codes listed below		Check if same as alarm data				<input checked="" type="checkbox"/>	People	Check ONE box for each apparatus to indicate its main use at the incident.		List up to 4 actions for each apparatus and each personnel.			
<u>1</u>	ID <u>C1</u>	Dispatch <input type="checkbox"/>	<u>9</u>	<u>8</u>	<u>2012</u>	<u>04:15</u>	Sent <input checked="" type="checkbox"/>	<u>1</u>	<input type="checkbox"/> Suppression	<input type="checkbox"/>	<input type="checkbox"/>		
	Type <u>92</u>	Arrival <input type="checkbox"/>	<u>9</u>	<u>8</u>	<u>2012</u>	<u>04:18</u>	<input checked="" type="checkbox"/>		<input type="checkbox"/> EMS	<input type="checkbox"/>	<input type="checkbox"/>		
		Clear <input checked="" type="checkbox"/>	<u>9</u>	<u>8</u>	<u>2012</u>	<u>06:54</u>			<input checked="" type="checkbox"/> Other	<input type="checkbox"/>	<input type="checkbox"/>		
Personnel ID	Name	Rank or Grade	Attend	Action Taken	Action Taken	Action Taken	Action Taken						
TMARTIN	MARTIN, THEODORE	FC	<input checked="" type="checkbox"/>										
<u>2</u>	ID <u>E1</u>	Dispatch <input type="checkbox"/>	<u>9</u>	<u>8</u>	<u>2012</u>	<u>04:09</u>	Sent <input checked="" type="checkbox"/>	<u>3</u>	<input checked="" type="checkbox"/> Suppression	<input type="checkbox"/>	<input type="checkbox"/>		
	Type <u>11</u>	Arrival <input type="checkbox"/>	<u>9</u>	<u>8</u>	<u>2012</u>	<u>04:14</u>	<input checked="" type="checkbox"/>		<input type="checkbox"/> EMS	<input type="checkbox"/>	<input type="checkbox"/>		
		Clear <input checked="" type="checkbox"/>	<u>9</u>	<u>8</u>	<u>2012</u>	<u>06:58</u>			<input type="checkbox"/> Other	<input type="checkbox"/>	<input type="checkbox"/>		
Personnel ID	Name	Rank or Grade	Attend	Action Taken	Action Taken	Action Taken	Action Taken						
CMORGAN	MORGAN, CHRISTOPHER	CP	<input checked="" type="checkbox"/>										
JGAGNEPAIN	GAGNEPAIN, JASON	ENG	<input checked="" type="checkbox"/>										
ZPRIVETTE	PRIVETTE, ZACHARY	FF	<input checked="" type="checkbox"/>										
<u>3</u>	ID <u>E3</u>	Dispatch <input type="checkbox"/>	<u>9</u>	<u>8</u>	<u>2012</u>	<u>04:09</u>	Sent <input checked="" type="checkbox"/>	<u>4</u>	<input checked="" type="checkbox"/> Suppression	<input type="checkbox"/>	<input type="checkbox"/>		
	Type <u>11</u>	Arrival <input type="checkbox"/>	<u>9</u>	<u>8</u>	<u>2012</u>	<u>04:17</u>	<input checked="" type="checkbox"/>		<input type="checkbox"/> EMS	<input type="checkbox"/>	<input type="checkbox"/>		
		Clear <input checked="" type="checkbox"/>	<u>9</u>	<u>8</u>	<u>2012</u>	<u>06:44</u>			<input type="checkbox"/> Other	<input type="checkbox"/>	<input type="checkbox"/>		
Personnel ID	Name	Rank or Grade	Attend	Action Taken	Action Taken	Action Taken	Action Taken						
DGREGORY	GREGORY, DONALD	FF	<input checked="" type="checkbox"/>										
DHEMBREE	HEMBREE, DARRYL	ENG	<input checked="" type="checkbox"/>										
DORLE	ORLE, DOUGLAS	CP	<input checked="" type="checkbox"/>										
RIVEY	IVEY, RICHARD	FF	<input checked="" type="checkbox"/>										

NFIRS-10 Revision 11/17/98

Exhibit 3.23

A															
10702 *		MO *		MM DD YYYY 9   8   2012		1		12-0002454 *		000		<input type="checkbox"/> Delete		NFIRS - 10 Personnel	
10702 *		MO *		MM DD YYYY 9   8   2012		1		12-0002454 *		000		<input type="checkbox"/> Delete		NFIRS - 10 Personnel	
B Apparatus or Resource *		Date and Times				Sent	Number of *	Use	Actions Taken						
Use codes listed below		Check if exact as alarm date				<input checked="" type="checkbox"/>	People	Check ONE box for each apparatus to indicate its main use at the incident.	List up to 4 actions for each apparatus and each personnel.						
1 ID E30		Dispatch	<input type="checkbox"/>	9   8   2012	04:47	Sent		<input type="checkbox"/> Suppression							
Type 11		Arrival	<input type="checkbox"/>	9   8   2012	04:53	<input checked="" type="checkbox"/>	2	<input type="checkbox"/> EMS							
		Clear	<input checked="" type="checkbox"/>	9   8   2012	05:49			<input checked="" type="checkbox"/> Other							
Personnel ID	Name	Rank or Grade	Attend	Action Taken	Action Taken	Action Taken	Action Taken								
JWHITWORTH PHARKINS	WHITWORTH, JERRY HARKINS, PAUL	FF CP	<input checked="" type="checkbox"/>	X											
2 ID EM1		Dispatch	<input type="checkbox"/>	9   8   2012	05:13	Sent		<input type="checkbox"/> Suppression							
Type 92		Arrival	<input type="checkbox"/>	9   8   2012	05:17	<input checked="" type="checkbox"/>	1	<input type="checkbox"/> EMS							
		Clear	<input checked="" type="checkbox"/>	9   8   2012	06:58			<input checked="" type="checkbox"/> Other							
Personnel ID	Name	Rank or Grade	Attend	Action Taken	Action Taken	Action Taken	Action Taken								
DBRUNNER	BRUNNER, CARL	EM	<input checked="" type="checkbox"/>	X											
3 ID POV		Dispatch	<input checked="" type="checkbox"/>	9   8   2012	04:09	Sent		<input type="checkbox"/> Suppression							
Type 99		Arrival	<input checked="" type="checkbox"/>	9   8   2012	04:14	<input checked="" type="checkbox"/>	3	<input type="checkbox"/> EMS							
		Clear	<input checked="" type="checkbox"/>	9   8   2012	06:58			<input checked="" type="checkbox"/> Other							
Personnel ID	Name	Rank or Grade	Attend	Action Taken	Action Taken	Action Taken	Action Taken								
DBISHOP MWATKINS RDERRY	BISHOP, DANA WATKINS, MORGAN DERRY, RONALD	VOLUNTEER R FF VOLUNTEER R	<input checked="" type="checkbox"/>	X X X											

NFIRS-10 Revision 11/17/98

10702 08/09/2012 12-0002454

Exhibit 3.24

<b>A</b> FDID * <u>10702</u> *		State * <u>MO</u> *		Incident Date * MM <u>9</u> DD <u>8</u> YYYY <u>2012</u> *		Station <u>1</u>		Incident Number * <u>12-0002454</u> *		Exposure * <u>000</u>		<input type="checkbox"/> Delete <input type="checkbox"/> Change		NFIRS - 10 Personnel	
<b>B</b> Apparatus or Resource * <small>Use codes listed below</small>		Date and Times <small>Check if same as alarm date</small> Month Day Year Hours/mins				Sent <input checked="" type="checkbox"/>	Number of * People	Use <small>Check one box for each apparatus to indicate its main use at this incident.</small>			Actions Taken <small>List up to 4 actions for each apparatus and each personnel.</small>				
1 ID <u>T2</u> Type <u>13</u>		Dispatch <input type="checkbox"/>	<u>9</u> <u>8</u> <u>2012</u> <u>04:09</u>	Arrival <input type="checkbox"/>	<u>9</u> <u>8</u> <u>2012</u> <u>04:17</u>	Clear <input checked="" type="checkbox"/>	<u>9</u> <u>8</u> <u>2012</u> <u>06:25</u>	Sent <input checked="" type="checkbox"/>	<u>3</u>	<input checked="" type="checkbox"/> Suppression	<input type="checkbox"/> EMS	<input type="checkbox"/> Other	<input type="checkbox"/>	<input type="checkbox"/>	
Personnel ID	Name			Rank or Grade	Attend	Action Taken	Action Taken	Action Taken	Action Taken	Action Taken	Action Taken	Action Taken	Action Taken	Action Taken	
DETZ	DETZ, DAVID			CP	X										
DHALL	HALL, DUSTIN			FF	X										
NJONES	JONES, NATHANAEL			ENG	X										
2 ID _____ Type _____		Dispatch <input type="checkbox"/>	_____	Arrival <input type="checkbox"/>	_____	Clear <input type="checkbox"/>	_____	Sent <input type="checkbox"/>	_____	<input type="checkbox"/> Suppression	<input type="checkbox"/> EMS	<input type="checkbox"/> Other	<input type="checkbox"/>	<input type="checkbox"/>	
Personnel ID	Name			Rank or Grade	Attend	Action Taken	Action Taken	Action Taken	Action Taken	Action Taken	Action Taken	Action Taken	Action Taken	Action Taken	
					<input type="checkbox"/>										
					<input type="checkbox"/>										
					<input type="checkbox"/>										
					<input type="checkbox"/>										
					<input type="checkbox"/>										
					<input type="checkbox"/>										
3 ID _____ Type _____		Dispatch <input type="checkbox"/>	_____	Arrival <input type="checkbox"/>	_____	Clear <input type="checkbox"/>	_____	Sent <input type="checkbox"/>	_____	<input type="checkbox"/> Suppression	<input type="checkbox"/> EMS	<input type="checkbox"/> Other	<input type="checkbox"/>	<input type="checkbox"/>	
Personnel ID	Name			Rank or Grade	Attend	Action Taken	Action Taken	Action Taken	Action Taken	Action Taken	Action Taken	Action Taken	Action Taken	Action Taken	
					<input type="checkbox"/>										
					<input type="checkbox"/>										
					<input type="checkbox"/>										
					<input type="checkbox"/>										
					<input type="checkbox"/>										
					<input type="checkbox"/>										
					<input type="checkbox"/>										

Exhibit 3.25

<b>A</b>	<input type="text" value="10702"/> <small>FDID *</small>	<input type="text" value="MO"/> <small>State *</small>	<input type="text" value="9"/> <small>MM</small>	<input type="text" value="8"/> <small>DD</small>	<input type="text" value="2012"/> <small>YYYY</small>	<input type="text" value="1"/> <small>Station</small>	<input type="text" value="12-0002454"/> <small>Incident Number *</small>	<input type="text" value="000"/> <small>Exposure *</small>	<input type="checkbox"/> Delete <input type="checkbox"/> Change	<b>Insurance and \$Loss</b>
<b>B Estimated Dollar Loss &amp; Value</b>										
	<small>Pra-Incident Value</small>	<small>Estimated Loss</small>	<small>Insured Amount</small>	<small>Settlement Amount</small>						
Buildings	\$216,752.00	\$54,188.00	\$0.00	\$0.00						
Vehicles	\$0.00	\$0.00	\$0.00	\$0.00						
Contents	\$2,000.00	\$2,000.00	\$0.00	\$0.00						
<b>C Insurance Company</b>										
<input type="text"/> <small>Business name if applicable</small>					<input type="text"/> <small>Contact Name</small>					
<input type="text"/> <small>Street or Highway</small>										
<input type="text"/> <small>Post office box</small>					<input type="text"/> <small>City</small>					
<input type="text"/> <small>State</small>		<input type="text"/> <small>Zip Code</small>			<input type="text"/> <small>Phone Number</small>					
<input type="text"/> <small>Agent Name</small>										
<input type="text"/> <small>Policy Number</small>					<input type="checkbox"/> Buildings <input type="checkbox"/> Vehicles <input type="checkbox"/> Contents <small>Policy Coverage</small>					

Exhibit 3.26

EXHIBIT 4.



January 11<sup>th</sup>, 2013

Keith Crawford  
Planning & Development Department  
110 W. Maddux  
Suite 215  
Branson MO 65616

Re: JR's Motor Inn 1944 West 76 Branson MO

Dear Mr. Crawford:

On January 7<sup>th</sup>, 2013, I inspected the above referenced property with respect to the overall condition of the structure due to damage from an earlier tornado and a more recent fire.

The following photos show the exterior of the hotel.



**2025 W. SUNSHINE ST. STE. 124  
SPRINGFIELD, MO 65807  
417-731-3001**

Exhibit 3.27

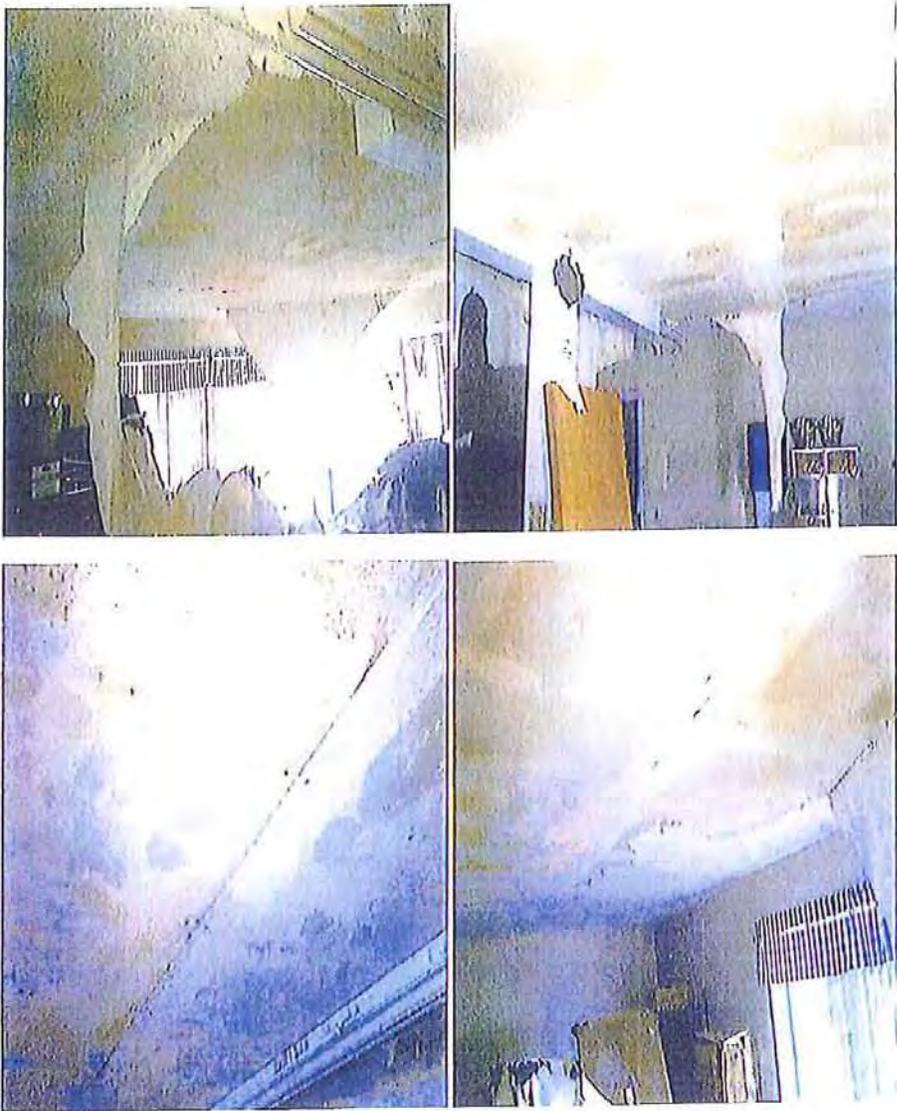
As evident in the photos, this hotel has sustained major damage from a recent fire. The following photos show some of the interior damage.



2025 W. SUNSHINE ST. STE. 124  
SPRINGFIELD, MO 65807  
417-731-3001

Exhibit 3.28

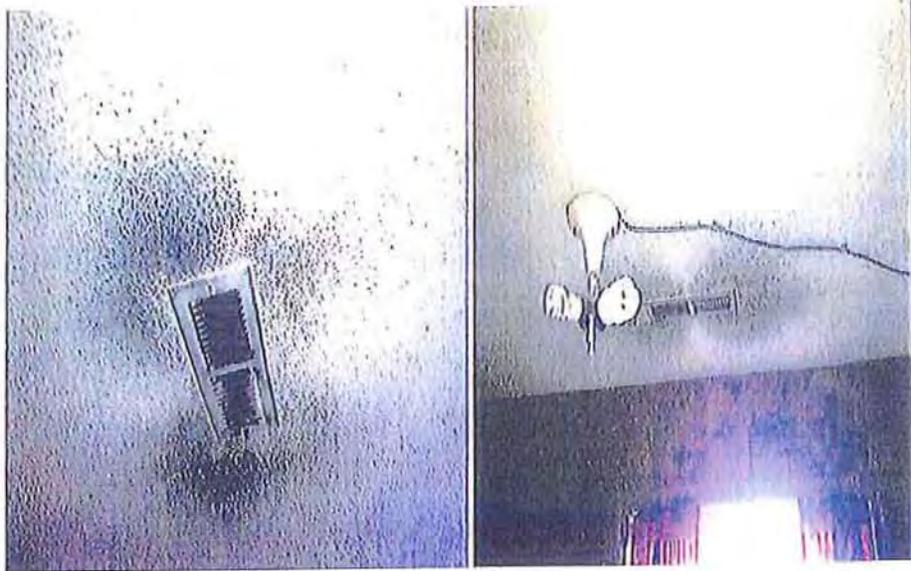
This is a two story wood framed structure that has sustained major fire damage for approximately 1/2 of the structure. In addition to this damage, this structure has been exposed to the elements and all of the interior finishes have been compromised. The following photos show this.



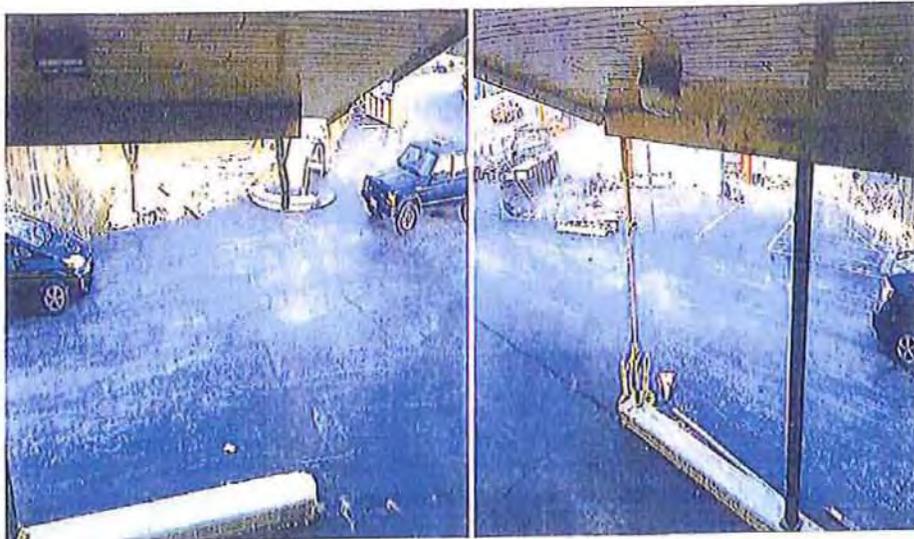
**2025 W. SUNSHINE ST. STE. 124  
SPRINGFIELD, MO 65807  
417-731-3001**

Exhibit 3.29

The mechanical and electrical systems have also been compromised. The following photos show this ductwork.



The following photos show the entrance canopy.



**2025 W. SUNSHINE ST. STE. 124  
SPRINGFIELD, MO 65807  
417-731-3001**

Exhibit 3.30

This canopy is missing the two end columns. This creates a dangerous condition and creates an unstable condition.

**Summary:**

This is a dangerous building, the building itself is unstable and could partially collapse any time. This creates a life safety concern to any one on the property. Due to the scope of work involved in rehabilitating this structure properly, it is most cost effective to demolish this building.

If you have any questions, please feel free to contact me.

Sincerely,



Ronald Hamme, P.E.

Pinnacle Design Consultants



**2025 W. SUNSHINE ST. STE. 124  
SPRINGFIELD, MO 65807  
417-731-3001**

Exhibit 4.1

Exhibit A



January 11<sup>th</sup>, 2013

Keith Crawford  
Planning & Development Department  
110 W. Maddux  
Suite 215  
Branson MO 65616

Re: JR's Motor Inn 1944 West 76 Branson MO

Dear Mr. Crawford:

On January 7<sup>th</sup>, 2013, I inspected the above referenced property with respect to the overall condition of the structure due to damage from an earlier tornado and a more recent fire.

The following photos show the exterior of the hotel.



**2025 W. SUNSHINE ST. STE. 124  
SPRINGFIELD, MO 65807  
417-731-3001**

Exhibit 4.2

As evident in the photos, this hotel has sustained major damage from a recent fire. The following photos show some of the interior damage.



**2025 W. SUNSHINE ST. STE. 124  
SPRINGFIELD, MO 65807  
417-731-3001**

### Exhibit 4.3

This is a two story wood framed structure that has sustained major fire damage for approximately ½ of the structure. In addition to this damage, this structure has been exposed to the elements and all of the interior finishes have been compromised. The following photos show this.



**2025 W. SUNSHINE ST. STE. 124  
SPRINGFIELD, MO 65807  
417-731-3001**

Exhibit 4.4

The mechanical and electrical systems have also been compromised. The following photos show this ductwork.



The following photos show the entrance canopy.



**2025 W. SUNSHINE ST. STE. 124  
SPRINGFIELD, MO 65807  
417-731-3001**

## Exhibit 4.5

This canopy is missing the two end columns. This creates a dangerous condition and creates an unstable condition.

### Summary:

This is a dangerous building, the building itself is unstable and could partially collapse any time. This creates a life safety concern to any one on the property. Due to the scope of work involved in rehabilitating this structure properly, it is most cost effective to demolish this building.

If you have any questions, please feel free to contact me.

Sincerely,



Ronald Hamme, P.E.

Pinnacle Design Consultants



**2025 W. SUNSHINE ST. STE. 124  
SPRINGFIELD, MO 65807  
417-731-3001**

Exhibit 5.1



CITY OF BRANSON FIRE & RESCUE  
**INVESTIGATION REPORT**



Exhibit **B**

<b>Incident Number:</b> 12-2454	<b>Case Name:</b> JR's Motor Inn
<b>Street Address:</b> 1944 W. Highway 76	
<b>City:</b> Branson	<b>County:</b> Taney

<b>Date/Occurrence:</b> 9/8/12	<b>Time:</b> 0409	<b>Day:</b> Saturday
<b>Date/Requested:</b> 9/8/12	<b>Time:</b> 0500	<b>Day:</b> Saturday
<b>Weather at Occurrence:</b> Clear, Cool		

<b>CAUSE/TYPE:</b> Undetermined	<b>Total Loss:</b> \$56,188.00
---------------------------------	--------------------------------

<b>Utilities in Service:</b>	Electricity:	Natural Gas:	LP-gas:	Wood:	Fuel oil:	None: X
------------------------------	--------------	--------------	---------	-------	-----------	---------

<b>STATUS:</b>	Closed:	Confidential:	Criminal Info:	Warrant App.:
	Unclassified: X	Non-Criminal:		

<b>ARRESTS:</b>	<b>OFFENSE:</b>
-----------------	-----------------

<b>Construction Type:</b>	Fire-Resistive: Heavy timber:	Noncombustible: Wood frame: X	Ordinary: Vehicle:	<b>Levels:</b> 2
<b>Occupancy Type:</b>	Assembly: Ambulatory health care: Residential board & care: Storage:	Educational: Detention/Correctional: Mercantile: Mixed:	Day care: Residential: Motel Business: Other:	Health care: Industrial:
<b>Estimated loss:</b> \$56,188.00	<b>Occupied:</b> Vacant: X	<b>Smoke detectors present:</b> Unknown		
<b>Fatalities/Injuries:</b>	No. Civilian Fatalities: No. Civilian Injuries:	No. Fire Fighter Fatalities: No. Fire Fighter Injuries:		

<b>Copies to:</b> (Enter agency names)	Police Dept.	Building Dept.
	State Fire Marshal	Health Dept.
	Other:	

<b>Assisting Investigator(s):</b>	Investigator:	Investigator:
	Investigator:	Investigator:

<b>Investigator:</b> Dennis Brunner	<b>Technical Services Division Chief:</b> Randy Fogle
--	--

Exhibit 5.2

<b>Owner #1</b>		<b>Owner and Occupant same:</b>					
<i>First:</i> Brad				<i>Last:</i> Poppie			
<i>Address:</i> 3350 Ashworth Ave.							
<i>City:</i> Highland Ranch		<i>State:</i> CO	<i>Phone:</i> 720-982-2000		<i>Race:</i>	<i>Sex:</i>	<i>Age:</i>
<i>DOB:</i>		<i>POB:</i>		<i>Marital Status:</i>		<i>SSN/DLN:</i>	
<i>Occupation:</i> Doctor				<i>Employer:</i>			
<i>DBA:</i>							
<i>Insurance</i>	<i>Amount</i>		<i>Company</i>			<i>Agency</i>	
<i>Structure:</i>	Uninsured						
<i>Contents:</i>	Uninsured						

<b>Owner #2</b>							
<i>First:</i>				<i>Last:</i>			
<i>Address:</i>							
<i>City:</i>		<i>State:</i>	<i>Phone:</i>		<i>Race:</i>	<i>Sex:</i>	<i>Age:</i>
<i>DOB:</i>		<i>POB:</i>		<i>Marital Status:</i>		<i>SSN/DLN:</i>	
<i>Occupation:</i>				<i>Employer:</i>			
<i>DBA:</i>							
<i>Insurance</i>	<i>Amount</i>		<i>Company</i>			<i>Agency</i>	
<i>Structure:</i>							
<i>Contents:</i>							

<b>Owner #3</b>							
<i>First:</i>				<i>Last:</i>			
<i>Address:</i>							
<i>City:</i>		<i>State:</i>	<i>Phone:</i>		<i>Race:</i>	<i>Sex:</i>	<i>Age:</i>
<i>DOB:</i>		<i>POB:</i>		<i>Marital Status:</i>		<i>SSN/DLN:</i>	
<i>Occupation:</i>				<i>Employer:</i>			
<i>DBA:</i>							
<i>Insurance</i>	<i>Amount</i>		<i>Company</i>			<i>Agency</i>	
<i>Structure:</i>							
<i>Contents:</i>							



**CITY OF BRANSON FIRE & RESCUE**  
**CASE ACTIVITY REPORT**



<b>Incident Number:</b> 12-2454	<b>Date:</b> 9/8/12
<b>Case Name:</b> JR's Motor Inn	
<b>Case Activity:</b> Fire Investigation	<b>Date of Activity:</b> 9/8/12

Exterior Examination

An examination of the A-Side of the structure revealed no damage from fire, smoke or heat.  
 An examination of the B-Side of the structure revealed moderate damage from fire and smoke on the second floor only. Minor damage was noted above a walk door located to the front of the building on the second floor of the B-Side due to smoke and heat exiting the doorway. Moderate damage from fire and heat was noted above a window located in the center of the second floor of the B-Side. Moderate to heavy damage was noted all around a window located on the second floor of the B-Side near the B-C corner with heavy damage to the soffit and eave area of the roof.  
 An Examination of the C-Side of the structure revealed minor to moderate damage from fire and smoke on the second floor and extending down a stairway to the first floor. Minor to moderate damage was noted all around a window located on the C-Side near the C-B corner and extended down along the stairway.  
 An examination of the D-Side of the structure revealed minor damage from fire and smoke. The damage was confined to an area above a second floor window on the D-Side near the D-C corner.

Interior Examination

The interior examination began in the first floor office and breakfast room. No damage from fire or smoke was found on this floor.  
 The second floor living quarters examination began in the living room/kitchen area. Heavy damage from smoke and heat was found on the ceiling and down the walls. A line of demarcation was found to within 24" of the floor in these rooms.  
 An examination of the hallway leading from the living room to the bedrooms revealed heavy damage from smoke and heat. Most of the drywall from the ceiling and walls in this area had fallen down on the floor. The ceiling joist/trusses in this area were undamaged on the bottom side and had minor to moderate damage from fire on the top side. The wall studs had little damage.  
 Bedroom #2 was located off of the hallway. An examination of this room revealed heavy damage from heat and smoke. Most of the drywall from the ceiling and walls in the room had fallen down on the floor. Moderate damage from fire was found which was confined to the top side of the ceiling joist/trusses and extended into the truss members and the decking on the underside of the roof. The bottom side of the ceiling joists/trusses and wall studs had little damage from fire. A mattress and box springs was found in this room and had been consumed by fire.  
 Bedroom #1 was located at the end of the hallway. An examination of this room revealed heavy damage from heat and smoke with minor to moderate damage from fire. The drywall from the ceiling and walls in this room had fallen down on the floor. A mattress and box springs was found on the floor of this room and had been consumed by fire. The wall studs in this room revealed minor to moderate damage from fire. The ceiling joists/trusses had heavy damage from fire extending upward into all the members of the trusses and into the decking on the underside of the roof. The fire had self-vented out of the roof in this area.

Exhibit 5.4



**CITY OF BRANSON FIRE & RESCUE  
CASE ACTIVITY REPORT**



<b>Incident Number:</b> 12-2454	<b>Date:</b> 9/8/12
<b>Case Name:</b> JR's Motor Inn	
<b>Case Activity:</b> Fire Investigation (continued)	<b>Date of Activity:</b> 9/8/12

Conclusion

No utilities were present in the structure at the time of the fire.

The cause of the fire is UNDETERMINED at this time. Possible contributing factors include:

- The building was unoccupied at the time of the fire but was unsecured from trespass by any individuals.
- Severe thunderstorms with intense cloud to ground lightning were present in the area from 1730-1800 and again from 1900-1930, prior to the fire being discovered.

Due to the lack of damage to the floor and wall components in the living quarters and the heavy fire damage to the roof components, particularly the lack of damage to the underside of the ceiling joist members while the top side of the members sustained heavy damage, the point of origin has been determined to likely be in the attic area, possibly above bedroom #1.

<b>Copies to:</b>	
<b>Investigator:</b> <b>Dennis Brunner</b>	<b>Technical Services Division Chief:</b> <b>Randy Fogle</b>

Exhibit 5.5



**CITY OF BRANSON FIRE & RESCUE  
CASE ACTIVITY REPORT**



<b>Incident Number:</b> 12-2454	<b>Date:</b> 9/8/12
<b>Case Name:</b> JR's Motor Inn	
<b>Case Activity:</b> Fire Report	<b>Date of Activity:</b> 9/8/12

Units responded at 0409 to a structure fire at JR's Motor Inn. I was requested by Fire Chief Martin to respond for investigation at 0500. I arrived on scene at 0514 and met with the incident commander Captain Chris Morgan. He stated that the fire was out and crews were performing salvage and overhaul and that that task should be completed shortly. Upon completion, I investigated the exterior of the structure and then investigated the first floor office area. I then went upstairs to the living quarters for investigation. The fire was confined to the upstairs living quarters with minor to moderate exterior damage from fire above several windows and a doorway on the second floor.

The living quarters area sustained heavy damage from heat and fall down of debris. The fire damage was mainly confined to the roof structure components above both bedrooms and the bathroom. No evidence of a point of origin could be located in the living area due to lack of burning. The roof structure components sustained the heaviest damage from fire indicating a likely point of origin as the attic area. No utilities were present in the building at the time of the fire. Severe thunderstorms with intense cloud to ground lightning were preset in the area from 1730-1800 and again from 1900-1930, per the National Weather Service in Springfield Missouri. No cause of the fire could be determined.

<b>Copies to:</b>	
<b>Investigator:</b> Dennis Brunner	<b>Technical Services Division Chief:</b> Randy Fogle

Exhibit 5.6

<b>CITY OF BRANSON FIRE &amp; RESCUE</b>	
<i>PHOTO LOG</i>	
<i>Incident Number:</i> 12-2454	<i>Case Name:</i> JR's Motor Inn
<i>Location:</i> 1944 W. Highway 76	<i>Date of Incident:</i> 9/8/12
<i>Camera:</i> Panasonic Lumix FZ35	<i>Date of Photos:</i> 9/8/12
<i>Investigator:</i> Dennis Brunner	Photos Saved As: 12-2454Photos

<i>Photo #</i>	<i>Subject</i>	<i>Camera Direction</i>
223	A-Side	S
226	B-Side	W
233	B-C Corner	NW
235	D-Side	E
236	Electrical Meter	E
237	C-Side	E
239	Living Room	W
240	Kitchen	S
241	Line of demarcation in living room	W
242	Line of demarcation in living room	W
244	Bedroom #2	E
245	Hallway	S
246	Bathroom	S
247	Mattress & box springs in master bedroom	SW
248	Roof damage in master bedroom	S
249	Corner of master bedroom under heaviest damage to roof structure	SE
250	Roof damage in master bedroom	SW
251	Mattress & box springs in master bedroom	SW
252	Area under heaviest damage to roof structure in master bedroom	SE
254	Roof damage in master bedroom	S
255	Roof damage in master bedroom	S

Exhibit 5.7

<i>Photo #</i>	<i>Subject</i>	<i>Camera Direction</i>
258	Fire damage to top plate in corner of master bedroom	SE
261	Wall studs below possible point of origin	SE
263	Wall studs below possible point of origin	SE
264	Wall Studs	E
265	Roof components in master bedroom	E
267	V-Pattern in hallway	S
29.		
30.		
31.		
32.		
33.		
34.		
35.		
36.		
37.		
38.		
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51.		
52.		

Exhibit 5.8



P1010223



P1010226



P1010233



P1010235



P1010236



P1010237



P1010239



P1010240



P1010241



P1010242



P1010244



P1010245



P1010246



P1010247



P1010248



P1010249



P1010250



P1010251



P1010252



P1010254



P1010255



P1010258



P1010261



P1010262



P1010263



P1010264



P1010265



P1010267



### CITY OF BRANSON FIRE & RESCUE INVESTIGATION REPORT



INCIDENT NUMBER: 12-2454

CASE NAME: JR's Motor Inn                      LOCATION: 1944 W. Highway 76                      COUNTY: Taney

DATE/Occurrence: 9/8/12                      Time: 0409                      Day: Saturday                      Weather: Clear, Cool

Date/Requested: 9/8/12                      Time: 0500                      Day: Saturday

**CAUSE: Undertermined**                      **OFFENSE:**

STATUS: Closed    Criminal Inf.    Confidential    # of Arrest(s)    Cleared by other:  
Non-Criminal    Unclassified X

Utilities: Electricity     Natural Gas     Fuel Oil     LP Gas     Wood     None X

**Owner**

First: Brad                      Last: Poppie                      Address: 3350 Ashworth Ave.  
City: Highland Ranch                      State: CO                      Phone #: 720-982-2000                      Race:    Sex:    Age:    DOB:  
POB:                      Marital Status:                      DLN:  
Occupation:                      Employer:  
DBA:

**Occupant**

First: Unoccupied                      Last:                      Address:  
City:                      State:                      Phone #:                      Race:    Sex:    Age:    DOB:  
POB:                      Marital Status:                      DLN:  
Occupation:                      Employer:  
DBA:

**Construction**

Construction Type: Wood Frame    Levels: 2                      Occupied: No  
Occupancy Type: Motel                      Estimated Loss: \$56,188.00

# Injuries Civilian:                      # Injuries FF:                      #Deaths Civilian:                      #Death FF:  
Smoke Detectors Present: Unknown                      Smoke Detectors Operational: Unknown

Insurance:                      Amount                      Company                      Agency  
Structure:  
Contents:

Police/Sheriff:                      Fire Department:

Copies to:

Exhibit 6.2

<b>A</b>		MM DD YYYY 10702 MO 09 08 2012	Station 1	Incident Number 12-0002454	Exposure 000	<input type="checkbox"/> Delete <input type="checkbox"/> Change <input type="checkbox"/> No Activity	NFIRS -1 Basic			
<b>B Location*</b>										
<input type="checkbox"/> Check this box to indicate that the address for this incident is provided by the Wildland Fire Module in Section 9 "Alternative Location Specification". Use only for Wildland Fires. Census Tract _____										
<input checked="" type="checkbox"/> Street address <input type="checkbox"/> Intersection <input type="checkbox"/> In front of <input type="checkbox"/> Rear of <input type="checkbox"/> Adjacent to <input type="checkbox"/> Directions										
1944 W STATE HWY 76 HWY BRANSON MO 65616 Apt./Suite/Room City State Zip Code Cross street or directions, as applicable										
<b>C Incident Type *</b>			<b>E1 Date &amp; Times</b>			<b>E2 Shift &amp; Alarms</b>				
111 Building fire			Midnight is 0000			Local Option				
Incident Type			Check boxes if dates are the same as Alarm Date.			Shift of Alarm District				
<b>D Aid Given or Received*</b>			ALARM always required			A 02 102				
1 <input checked="" type="checkbox"/> Mutual aid received			Alarm * 09 08 2012 04:09:00			ARRIVAL required, unless canceled or did not arrive				
2 <input type="checkbox"/> Automatic aid recvd.			Date			CONTROLLED Optional, except for wildland fires				
3 <input type="checkbox"/> Mutual aid given			Arrival * 09 08 2012 04:14:15			LAST UNIT CLEARED, required except for wildland fires				
4 <input type="checkbox"/> Automatic aid given			Date			E3 Special Studies				
5 <input type="checkbox"/> Other aid given			Controlled			Local Option				
N <input type="checkbox"/> None			Last Unit Cleared 09 08 2012 06:58:32			Special Study ID# Special Study Value				
<b>F Actions Taken *</b>			<b>G1 Resources *</b>			<b>G2 Estimated Dollar Losses &amp; Values</b>				
11 Extinguishment by fire			<input checked="" type="checkbox"/> Check this box and skip this section if an Apparatus or Personnel form is used.			LOSSES: Required for all fires if known. Optional for non fires.				
12 Salvage & overhaul			Apparatus Personnel			Property \$ _____, 054, 188				
86 Investigate			Suppression 0003 0010			Contents \$ _____, 002, 000				
Completed Modules			EMS _____			PRE-INCIDENT VALUE: Optional				
<input checked="" type="checkbox"/> Fire-2 <input checked="" type="checkbox"/> Structure-3 <input type="checkbox"/> Civil Fire Cas.-4 <input type="checkbox"/> Fire Serv. Cas.-5 <input type="checkbox"/> EMS-6 <input type="checkbox"/> HazMat-7 <input type="checkbox"/> Wildland Fire-8 <input checked="" type="checkbox"/> Apparatus-9 <input checked="" type="checkbox"/> Personnel-10 <input type="checkbox"/> Arson-11			<b>H1* Casualties</b> None Deaths Injuries Fire Service _____ Civilian _____ <b>H2 Detector</b> Required for Confined Fires. 1 <input type="checkbox"/> Detector alerted occupants 2 <input type="checkbox"/> Detector did not alert them U <input type="checkbox"/> Unknown			Property \$ _____, 216, 752 Contents \$ _____, 002, 000				
<b>H3 Hazardous Materials Release</b>			<b>I Mixed Use Property</b>							
N <input type="checkbox"/> None 1 <input type="checkbox"/> Natural Gas: slow leak, no evacuation or hazmat actions 2 <input type="checkbox"/> Propane gas: <21 lb. tank (ex in home BBQ grill) 3 <input type="checkbox"/> Gasoline: vehicle fuel tank or portable container 4 <input type="checkbox"/> Kerosene: fuel heating equipment or portable storage 5 <input type="checkbox"/> Diesel fuel/fuel oil: vehicle fuel tank or portable 6 <input type="checkbox"/> Household solvents: hood/office spill, cleanup only 7 <input type="checkbox"/> Motor oil: from engine or portable container 8 <input type="checkbox"/> Paint: from paint cans totaling < 55 gallons 0 <input type="checkbox"/> Other: Special HazMat solutions required or spill > 55gal., Please complete the HazMat form.			NN <input type="checkbox"/> Not Mixed 10 <input type="checkbox"/> Assembly use 20 <input type="checkbox"/> Education use 33 <input type="checkbox"/> Medical use 40 <input type="checkbox"/> Residential use 51 <input type="checkbox"/> Row of stores 53 <input type="checkbox"/> Enclosed mall 58 <input type="checkbox"/> Bus. & Residential 59 <input type="checkbox"/> Office use 60 <input type="checkbox"/> Industrial use 63 <input type="checkbox"/> Military use 65 <input type="checkbox"/> Farm use 00 <input type="checkbox"/> Other mixed use							
<b>J Property Use* Structures</b>			341 <input type="checkbox"/> Clinic, clinic type infirmary 342 <input type="checkbox"/> Doctor/dentist office 361 <input type="checkbox"/> Prison or jail, not juvenile 419 <input type="checkbox"/> 1- or 2-family dwelling 429 <input type="checkbox"/> Multi-family dwelling 439 <input type="checkbox"/> Rooming/boarding house 449 <input checked="" type="checkbox"/> Commercial hotel or motel 459 <input type="checkbox"/> Residential, board and care 464 <input type="checkbox"/> Dormitory/barracks 519 <input type="checkbox"/> Food and beverage sales 936 <input type="checkbox"/> Vacant lot 938 <input type="checkbox"/> Graded/care for plot of land 946 <input type="checkbox"/> Lake, river, stream 951 <input type="checkbox"/> Railroad right of way 960 <input type="checkbox"/> Other street 961 <input type="checkbox"/> Highway/divided highway 962 <input type="checkbox"/> Residential street/driveway			539 <input type="checkbox"/> Household goods, sales, repairs 579 <input type="checkbox"/> Motor vehicle/boat sales/repair 571 <input type="checkbox"/> Gas or service station 599 <input type="checkbox"/> Business office 615 <input type="checkbox"/> Electric generating plant 629 <input type="checkbox"/> Laboratory/science lab 700 <input type="checkbox"/> Manufacturing plant 819 <input type="checkbox"/> Livestock/poultry storage (barn) 882 <input type="checkbox"/> Non-residential parking garage 891 <input type="checkbox"/> Warehouse 981 <input type="checkbox"/> Construction site 984 <input type="checkbox"/> Industrial plant yard			Lookup and enter a Property Use code only if you have NOT checked a Property Use box: Property Use 449 Hotel/motel, commercial NFIRS-1 Revision 03/11/99	

Exhibit 6.3

<b>K1 Person/Entity Involved</b>									
Local Option		Business name (if applicable)				Area Code		Phone Number	
<input type="checkbox"/> Check this box if same address as incident location. Then skip the three duplicate address lines.									
Mr., Ms., Mrs.		First Name			MI	Last Name			Suffix
Number		Prefix	Street or Highway				Street Type	Suffix	
Post Office Box			Apt./Suite/Room		City				
State		Zip Code							
<input type="checkbox"/> More people involved? Check this box and Attach Supplemental Forms (NFIRS-1S) as necessary									
<b>K2 Owner</b>									
Local Option		Business name (if applicable)				Area Code		Phone Number	
<input type="checkbox"/> Same as person involved? Then check this box and skip the rest of this section.									
<input type="checkbox"/> Check this box if same address as incident location. Then skip the three duplicate address lines.									
Mr., Ms., Mrs.		First Name			MI	Last Name			Suffix
Number		Prefix	Street or Highway				Street Type	Suffix	
Post Office Box			Apt./Suite/Room		City				
State		Zip Code							
<b>L Remarks</b>									
Local Option									
09/08/2012 08:30:45 cmorgan									
<p>Engine 1, Truck 2 and Engine 3 responded emergency to a report of a commercial structure fire with fire showing from the roof. Upon arrival, Engine 1 reported heavy flames showing from the Bravo/Charlie corner, requested a 2nd alarm, to backfill all stations, established command and was out for fire attack. Firefighter Privette was advised to pull the 2 1/2" 200' hand line and initiate an indirect fire attack on the Charlie side while Captain Morgan completed a 360* visual and established a command post. Engine 3 was advised to establish a water supply, park on the Delta side and to pull an attack line to the second floor to initiate an interior attack on the second floor and was assigned Division 2. Engine 3 also supplied water to Engine 1. A second attack line was pulled off of Engine 1 to assist with fire attack. Truck 2 arrived and was placed on the Alpha/Bravo corner and was advised to ladder the roof to initiate vertical ventilation and was assigned the Vent Group designation. Ground ladders were thrown to the second floor for egress points. After the fire was extinguished, WTCFPD personnel assisted with overhaul procedures. Once the overhaul was complete, Fire Marshal Brunner initiated his investigation (See investigation report for determination). All fire units cleared the scene.</p>									
<b>L Authorization</b>									
CMORGAN		MORGAN, CHRISTOPHER E			CP	A1	09	08	2012
Officer in charge ID		Signature			Position or rank	Assignment	Month	Day	Year
<input checked="" type="checkbox"/> Check box if same as Officer in charge.									
CMORGAN		MORGAN, CHRISTOPHER E			CP	A1	09	08	2012
Member making report ID		Signature			Position or rank	Assignment	Month	Day	Year

Exhibit 6.4

<b>A</b> FDNR <input type="text" value="10702"/> * State <input type="text" value="MO"/> * Incident Date <input type="text" value="09"/> <input type="text" value="08"/> <input type="text" value="2012"/> Station <input type="text" value="1"/> Incident Number <input type="text" value="12-0002454"/> * Exposure <input type="text" value="000"/> *		<input type="checkbox"/> Delete <input type="checkbox"/> Change <input type="checkbox"/> No Activity	NFIRS -2 Fire
<b>B Property Details</b>  <b>B1</b> <input type="text" value="0001"/> <input type="checkbox"/> Not Residential Estimated Number of residential living units in building of origin whether or not all units became involved		<b>C On-Site Materials or Products</b> <input checked="" type="checkbox"/> None Complete if there were any significant amounts of commercial, industrial, energy or agricultural products or materials on the Property, whether or not they became involved. Enter up to three codes. Check one or more boxes for each code entered.	
<b>B2</b> <input type="text" value="001"/> <input type="checkbox"/> Buildings not involved Number of buildings involved		1 <input type="checkbox"/> Bulk storage or warehousing 2 <input type="checkbox"/> Processing or manufacturing 3 <input type="checkbox"/> Packaged goods for sale 4 <input type="checkbox"/> Repair or service	
<b>B3</b> <input type="text"/> <input checked="" type="checkbox"/> None Acres burned (outside fires) <input type="checkbox"/> Less than one acre		1 <input type="checkbox"/> Bulk storage or warehousing 2 <input type="checkbox"/> Processing or manufacturing 3 <input type="checkbox"/> Packaged goods for sale 4 <input type="checkbox"/> Repair or service	
<b>D Ignition</b>  <b>D1</b> <input type="text" value="74"/> <input type="text" value="Attic: vacant, crawl"/> Area of fire origin *		<b>E1 Cause of Ignition</b> <input type="checkbox"/> Check box if this is an exposure report. Skip to section G. 1 <input type="checkbox"/> Intentional 2 <input type="checkbox"/> Unintentional 3 <input type="checkbox"/> Failure of equipment or heat source 4 <input type="checkbox"/> Act of nature 5 <input type="checkbox"/> Cause under investigation U <input checked="" type="checkbox"/> Cause undetermined after investigation	
<b>D2</b> <input type="text" value="UU"/> <input type="text" value="Undetermined"/> Heat source *		<b>E2 Factors Contributing To Ignition</b> <input type="text" value="NN"/> <input type="text" value="None"/> <input checked="" type="checkbox"/> None Factor contributing to ignition (1)	
<b>D3</b> <input type="text" value="17"/> <input type="text" value="Structural member or"/> Item first ignited * <input type="checkbox"/> Check Box if fire spread was confined to object of origin		<b>E3 Human Factors Contributing To Ignition</b> Check all applicable boxes 1 <input type="checkbox"/> Asleep <input checked="" type="checkbox"/> None 2 <input type="checkbox"/> Possibly impaired by alcohol or drugs 3 <input type="checkbox"/> Unattended person 4 <input type="checkbox"/> Possibly mental disabled 5 <input type="checkbox"/> Physically Disabled 6 <input type="checkbox"/> Multiple persons involved	
<b>D4</b> <input type="text" value="63"/> <input type="text" value="Sawn wood, including"/> Type of material first ignited Required only if item first ignited code is 00 or <70		7 <input type="checkbox"/> Age was a factor Estimated age of person involved <input type="text"/> 1 <input type="checkbox"/> Male 2 <input type="checkbox"/> Female	
<b>F1 Equipment Involved In Ignition</b> <input checked="" type="checkbox"/> None IF Equipment was not involved, Skip to Section G <input type="text" value="NNN"/> <input type="text" value="None"/> Equipment involved		<b>F2 Equipment Power</b> <input type="text"/> <input type="text"/> Equipment Power Source	
Brand <input type="text"/> Model <input type="text"/> Serial # <input type="text"/> Year <input type="text"/>		<b>F3 Equipment Portability</b> 1 <input type="checkbox"/> Portable 2 <input type="checkbox"/> Stationary Portable equipment normally can be moved by one person, is designed to be use in multiple locations, and requires no tools to install.	
<b>G Fire Suppression Factors</b> Enter up to three codes. <input checked="" type="checkbox"/> None <input type="text" value="NNN"/> <input type="text" value="None"/> Fire suppression factor (1)		<input type="text"/> <input type="text"/> Fire suppression factor (2)	
<input type="text"/> <input type="text"/> Fire suppression factor (3)		<b>H1 Mobile Property Involved</b> <input checked="" type="checkbox"/> None 1 <input type="checkbox"/> Not involved in ignition, but burned 2 <input type="checkbox"/> Involved in ignition, but did not burn 3 <input type="checkbox"/> Involved in ignition and burned	
<b>H2 Mobile Property Type &amp; Make</b> <input type="text" value="NN"/> <input type="text" value="None"/> Mobile property type		<b>Local Use</b> <input type="checkbox"/> Pre-Fire Plan Available Some of the information presented in this report may be based upon reports from other Agencies <input type="checkbox"/> Arson report attached <input type="checkbox"/> Police report attached <input type="checkbox"/> Coroner report attached <input type="checkbox"/> Other reports attached	
<input type="text"/> <input type="text"/> Mobile property make		<input type="text"/> <input type="text"/> Year	
<input type="text"/> <input type="text"/> <input type="text"/> License Plate Number State VIN Number		NFIRS-2 Revision 01/19/99	

Exhibit 6.5

<b>I1 Structure Type *</b> <small>If fire was in enclosed building or a portable/mobile structure complete the rest of this form</small> 1 <input checked="" type="checkbox"/> Enclosed Building 2 <input type="checkbox"/> Portable/mobile structure 3 <input type="checkbox"/> Open structure 4 <input type="checkbox"/> Air supported structure 5 <input type="checkbox"/> Tent 6 <input type="checkbox"/> Open platform (e.g. piers) 7 <input type="checkbox"/> Underground structure (work areas) 8 <input type="checkbox"/> Connective structure (e.g. fences) 0 <input type="checkbox"/> Other type of structure	<b>I2 Building Status *</b> 1 <input type="checkbox"/> Under construction 2 <input type="checkbox"/> Occupied & operating 3 <input type="checkbox"/> Idle, not routinely used 4 <input type="checkbox"/> Under major renovation 5 <input checked="" type="checkbox"/> Vacant and secured 6 <input type="checkbox"/> Vacant and unsecured 7 <input type="checkbox"/> Being demolished 0 <input type="checkbox"/> Other U <input type="checkbox"/> Undetermined	<b>I3 Building* Height</b> <small>Count the ROOF as part of the highest story</small> [ 002 ] <small>Total number of stories at or above grade</small>  [     ] <small>Total number of stories below grade</small>	<b>I4 Main Floor Size*</b> <span style="float:right">NFIRS-3 Structure Fire</span> [     ], [ 001 ], [ 748 ] <small>Total square feet</small> OR [     ], [     ] BY [     ], [     ] <small>Length in feet                      Width in feet</small>
<b>J1 Fire Origin *</b> [ 002 ] <input type="checkbox"/> Below Grade <small>Story of fire origin</small>  <b>J2 Fire Spread *</b> 1 <input type="checkbox"/> Confined to object of origin 2 <input type="checkbox"/> Confined to room of origin 3 <input type="checkbox"/> Confined to floor of origin 4 <input checked="" type="checkbox"/> Confined to building of origin 5 <input type="checkbox"/> Beyond building of origin	<b>J3 Number of Stories Damaged By Flame</b> <small>Count the ROOF as part of the highest story</small> [     ] Number of stories w/ minor damage (1 to 24% flame damage) [ 001 ] Number of stories w/ significant damage (25 to 49% flame damage) [     ] Number of stories w/ heavy damage (50 to 74% flame damage) [     ] Number of stories w/ extreme damage (75 to 100% flame damage)	<b>K Material Contributing Most To Flame Spread</b> <input type="checkbox"/> Check if no flame spread OR same as material first ignited OR unable to determine <span style="float:right">Skip To Section L</span> K1 [     ] <small>Item contributing most to flame spread</small> K2 [     ] <small>Type of material contributing most of flame spread                      Required only if item contributing code is 00 or 90</small>	
<b>L1 Presence of Detectors *</b> <small>(In area of the fire)</small> N <input checked="" type="checkbox"/> None Present <span style="border: 1px solid black; padding: 2px;">Skip to section M</span> 1 <input type="checkbox"/> Present U <input type="checkbox"/> Undetermined	<b>L3 Detector Power Supply</b> 1 <input type="checkbox"/> Battery only 2 <input type="checkbox"/> Hardwire only 3 <input type="checkbox"/> Plug in 4 <input type="checkbox"/> Hardwire with battery 5 <input type="checkbox"/> Plug in with battery 6 <input type="checkbox"/> Mechanical 7 <input type="checkbox"/> Multiple detectors & power supplies 0 <input type="checkbox"/> Other U <input type="checkbox"/> Undetermined	<b>L5 Detector Effectiveness</b> <small>Required if detector operated</small> 1 <input type="checkbox"/> Alerted Occupants, occupants responded 2 <input type="checkbox"/> Occupants failed to respond 3 <input type="checkbox"/> There were no occupants 4 <input type="checkbox"/> Failed to alert occupants U <input type="checkbox"/> Undetermined	
<b>L2 Detector Type</b> 1 <input type="checkbox"/> Smoke 2 <input type="checkbox"/> Heat 3 <input type="checkbox"/> Combination smoke - heat 4 <input type="checkbox"/> Sprinkler, water flow detection 5 <input type="checkbox"/> More than 1 type present 0 <input type="checkbox"/> Other U <input type="checkbox"/> Undetermined	<b>L4 Detector Operation</b> 1 <input type="checkbox"/> Fire too small to activate 2 <input type="checkbox"/> Operated (Complete Section L5) 3 <input type="checkbox"/> Failed to Operate (Complete Section L6) U <input type="checkbox"/> Undetermined	<b>L6 Detector Failure Reason</b> <small>Required if detector failed to operate</small> 1 <input type="checkbox"/> Power failure, shutoff or disconnect 2 <input type="checkbox"/> Improper installation or placement 3 <input type="checkbox"/> Defective 4 <input type="checkbox"/> Lack of maintenance, includes cleaning 5 <input type="checkbox"/> Battery missing or disconnected 6 <input type="checkbox"/> Battery discharged or dead 0 <input type="checkbox"/> Other U <input type="checkbox"/> Undetermined	
<b>M1 Presence of Automatic Extinguishment System *</b> N <input checked="" type="checkbox"/> None Present <span style="border: 1px solid black; padding: 2px;">Complete rest of Section M</span> 1 <input type="checkbox"/> Present	<b>M2 Type of Automatic Extinguishment System *</b> <small>Required if fire was within designed range of AES</small> 1 <input type="checkbox"/> Wet pipe sprinkler 2 <input type="checkbox"/> Dry pipe sprinkler 3 <input type="checkbox"/> Other sprinkler system 4 <input type="checkbox"/> Dry chemical system 5 <input type="checkbox"/> Foam system 6 <input type="checkbox"/> Halogen type system 7 <input type="checkbox"/> Carbon dioxide (CO <sub>2</sub> ) system 0 <input type="checkbox"/> Other special hazard system U <input type="checkbox"/> Undetermined	<b>M3 Automatic Extinguishment System Operation</b> <small>Required if fire was within designed range</small> 1 <input type="checkbox"/> Operated & effective (Go to M4) 2 <input type="checkbox"/> Operated & not effective (M4) 3 <input type="checkbox"/> Fire too small to activate 4 <input type="checkbox"/> Failed to operate (Go to M5) 0 <input type="checkbox"/> Other U <input type="checkbox"/> Undetermined	<b>M5 Automatic Extinguishment System Failure Reason</b> <small>Required if system failed</small> 1 <input type="checkbox"/> System shut off 2 <input type="checkbox"/> Not enough agent discharged 3 <input type="checkbox"/> Agent discharged but did not reach fire 4 <input type="checkbox"/> Wrong type of system 5 <input type="checkbox"/> Fire not in area protected 6 <input type="checkbox"/> System components damaged 7 <input type="checkbox"/> Lack of maintenance 8 <input type="checkbox"/> Manual Intervention 0 <input type="checkbox"/> Other U <input type="checkbox"/> Undetermined <small>NFIRS-3 Revision 01/19/99</small>
<b>M4 Number of Sprinkler Heads Operating</b> <small>Required if system operated</small> [     ] <small>Number of sprinkler heads operating</small>			

Exhibit 6.6

A										NFIRS - 9 Apparatus or Resources			
FDID <b>10702</b>		State <b>MO</b>		Incident Date <b>9/8/2012</b>		Station <b>1</b>		Incident Number <b>12-0002454</b>		Exposure <b>000</b>		<input type="checkbox"/> Delete <input type="checkbox"/> Change	
B Apparatus or * Resource		Date and Times <small>Check if same as alarm date</small>				Sent	Number of * People	Use <small>Check OWS box for each apparatus to indicate its main use at the incident.</small>		Actions Taken			
		Dispatch	Month	Day	Year	Hour	Min						
1	ID <b>C1</b> Type <b>92</b>	Dispatch <input type="checkbox"/>	9	8	2012	04	15	<input checked="" type="checkbox"/>	1	<input type="checkbox"/> Suppression	<input type="checkbox"/>	<input type="checkbox"/>	
		Arrival <input type="checkbox"/>	9	8	2012	04	18			<input type="checkbox"/> EMS	<input type="checkbox"/>	<input type="checkbox"/>	
		Clear <input checked="" type="checkbox"/>	9	8	2012	06	54			<input checked="" type="checkbox"/> Other	<input type="checkbox"/>	<input type="checkbox"/>	
2	ID <b>E1</b> Type <b>11</b>	Dispatch <input type="checkbox"/>	9	8	2012	04	09	<input checked="" type="checkbox"/>	3	<input checked="" type="checkbox"/> Suppression	<input type="checkbox"/>	<input type="checkbox"/>	
		Arrival <input type="checkbox"/>	9	8	2012	04	14			<input type="checkbox"/> EMS	<input type="checkbox"/>	<input type="checkbox"/>	
		Clear <input checked="" type="checkbox"/>	9	8	2012	06	58			<input type="checkbox"/> Other	<input type="checkbox"/>	<input type="checkbox"/>	
3	ID <b>E3</b> Type <b>11</b>	Dispatch <input type="checkbox"/>	9	8	2012	04	09	<input checked="" type="checkbox"/>	4	<input checked="" type="checkbox"/> Suppression	<input type="checkbox"/>	<input type="checkbox"/>	
		Arrival <input type="checkbox"/>	9	8	2012	04	17			<input type="checkbox"/> EMS	<input type="checkbox"/>	<input type="checkbox"/>	
		Clear <input checked="" type="checkbox"/>	9	8	2012	06	44			<input type="checkbox"/> Other	<input type="checkbox"/>	<input type="checkbox"/>	
4	ID <b>E30</b> Type <b>11</b>	Dispatch <input type="checkbox"/>	9	8	2012	04	47	<input checked="" type="checkbox"/>	2	<input type="checkbox"/> Suppression	<input type="checkbox"/>	<input type="checkbox"/>	
		Arrival <input type="checkbox"/>	9	8	2012	04	53			<input type="checkbox"/> EMS	<input type="checkbox"/>	<input type="checkbox"/>	
		Clear <input checked="" type="checkbox"/>	9	8	2012	05	49			<input checked="" type="checkbox"/> Other	<input type="checkbox"/>	<input type="checkbox"/>	
5	ID <b>FM1</b> Type <b>92</b>	Dispatch <input type="checkbox"/>	9	8	2012	05	13	<input checked="" type="checkbox"/>	1	<input type="checkbox"/> Suppression	<input type="checkbox"/>	<input type="checkbox"/>	
		Arrival <input type="checkbox"/>	9	8	2012	05	17			<input type="checkbox"/> EMS	<input type="checkbox"/>	<input type="checkbox"/>	
		Clear <input checked="" type="checkbox"/>	9	8	2012	06	58			<input checked="" type="checkbox"/> Other	<input type="checkbox"/>	<input type="checkbox"/>	
6	ID <b>POV</b> Type <b>99</b>	Dispatch <input checked="" type="checkbox"/>	9	8	2012	04	09	<input checked="" type="checkbox"/>	3	<input type="checkbox"/> Suppression	<input type="checkbox"/>	<input type="checkbox"/>	
		Arrival <input checked="" type="checkbox"/>	9	8	2012	04	14			<input type="checkbox"/> EMS	<input type="checkbox"/>	<input type="checkbox"/>	
		Clear <input checked="" type="checkbox"/>	9	8	2012	06	58			<input checked="" type="checkbox"/> Other	<input type="checkbox"/>	<input type="checkbox"/>	
7	ID <b>T2</b> Type <b>13</b>	Dispatch <input type="checkbox"/>	9	8	2012	04	09	<input checked="" type="checkbox"/>	3	<input checked="" type="checkbox"/> Suppression	<input type="checkbox"/>	<input type="checkbox"/>	
		Arrival <input type="checkbox"/>	9	8	2012	04	17			<input type="checkbox"/> EMS	<input type="checkbox"/>	<input type="checkbox"/>	
		Clear <input checked="" type="checkbox"/>	9	8	2012	06	25			<input type="checkbox"/> Other	<input type="checkbox"/>	<input type="checkbox"/>	
8	ID <input type="text"/> Type <input type="text"/>	Dispatch <input type="checkbox"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/> Suppression	<input type="checkbox"/>	<input type="checkbox"/>	
		Arrival <input type="checkbox"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>			<input type="checkbox"/> EMS	<input type="checkbox"/>	<input type="checkbox"/>	
		Clear <input type="checkbox"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>			<input type="checkbox"/> Other	<input type="checkbox"/>	<input type="checkbox"/>	
9	ID <input type="text"/> Type <input type="text"/>	Dispatch <input type="checkbox"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/> Suppression	<input type="checkbox"/>	<input type="checkbox"/>	
		Arrival <input type="checkbox"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>			<input type="checkbox"/> EMS	<input type="checkbox"/>	<input type="checkbox"/>	
		Clear <input type="checkbox"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>			<input type="checkbox"/> Other	<input type="checkbox"/>	<input type="checkbox"/>	

Type of Apparatus or Resources

<p><b>Ground Fire Suppression</b></p> <ul style="list-style-type: none"> <li>11 Engine</li> <li>12 Truck or aerial</li> <li>13 Quint</li> <li>14 Tanker &amp; pumper combination</li> <li>16 Brush truck</li> <li>17 ARF (Aircraft Rescue and Firefighting)</li> <li>10 Ground fire suppression, other</li> </ul> <p><b>Heavy Ground Equipment</b></p> <ul style="list-style-type: none"> <li>21 Dozer or plow</li> <li>22 Tractor</li> <li>24 Tanker or tender</li> <li>20 Heavy equipment, other</li> </ul> <p><b>Aircraft</b></p> <ul style="list-style-type: none"> <li>41 Aircraft: fixed wing tanker</li> <li>42 Helitanker</li> <li>43 Helicopter</li> <li>40 Aircraft, other</li> </ul>	<p><b>Marine Equipment</b></p> <ul style="list-style-type: none"> <li>51 Fire boat with pump</li> <li>52 Boat, no pump</li> <li>50 Marine apparatus, other</li> </ul> <p><b>Support Equipment</b></p> <ul style="list-style-type: none"> <li>61 Breathing apparatus support</li> <li>62 Light and air unit</li> <li>60 Support apparatus, other</li> </ul> <p><b>Medical &amp; Rescue</b></p> <ul style="list-style-type: none"> <li>71 Rescue unit</li> <li>72 Urban Search &amp; rescue unit</li> <li>73 High angle rescue unit</li> <li>75 BLS unit</li> <li>76 ALS unit</li> <li>70 Medical and rescue unit, other</li> </ul>	<div style="border: 1px solid black; padding: 5px; text-align: center;"> <p>More Apparatus? Use Additional Sheets</p> </div> <p><b>Other</b></p> <ul style="list-style-type: none"> <li>91 Mobile command post</li> <li>92 Chief officer car</li> <li>93 HazMat unit</li> <li>94 Type 1 hand crew</li> <li>95 Type 2 hand crew</li> <li>99 Privately owned vehicle</li> <li>00 Other apparatus/resource</li> <li>NN None</li> <li>UU Undetermined</li> </ul>
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NFIRS-9 Revision 11/17/98

Exhibit 6.7

<b>A</b>		FDID *	State *	MM	DD	YYYY	Station	Incident Number *	Exposure *	<input type="checkbox"/> Delete	<input type="checkbox"/> Change	NFIRS - 10 Personnel			
		10702	MO	9	8	2012	1	12-0002454	000						
<b>B Apparatus or Resource</b>		Date and Times <small>Check if same as alarm date</small>					Sent	Number of People	Use	Actions Taken					
<small>Use codes listed below</small>		Month Day Year Hours/mins					<input checked="" type="checkbox"/>		<small>Check ONE box for each apparatus to indicate its main use at the incident.</small>	<small>List up to 4 actions for each apparatus and each personnel.</small>					
1	ID C1 Type 92	Dispatch	<input type="checkbox"/>	9	8	2012	04:15	Sent	<input checked="" type="checkbox"/>	1	<input type="checkbox"/> Suppression	<input type="checkbox"/> EMS	<input checked="" type="checkbox"/> Other	<input type="checkbox"/>	<input type="checkbox"/>
		Arrival	<input type="checkbox"/>	9	8	2012	04:18								
		Clear	<input checked="" type="checkbox"/>	9	8	2012	06:54								
Personnel ID	Name	Rank or Grade	Attend	Action Taken	Action Taken	Action Taken	Action Taken								
TMARTIN	MARTIN, THEODORE	FC	X												
2	ID E1 Type 11	Dispatch	<input type="checkbox"/>	9	8	2012	04:09	Sent	<input checked="" type="checkbox"/>	3	<input checked="" type="checkbox"/> Suppression	<input type="checkbox"/> EMS	<input type="checkbox"/> Other	<input type="checkbox"/>	<input type="checkbox"/>
		Arrival	<input type="checkbox"/>	9	8	2012	04:14								
		Clear	<input checked="" type="checkbox"/>	9	8	2012	06:58								
Personnel ID	Name	Rank or Grade	Attend	Action Taken	Action Taken	Action Taken	Action Taken								
CMORGAN JGAGNEPAIN ZPRIVETTE	MORGAN, CHRISTOPHER GAGNEPAIN, JASON PRIVETTE, ZACHARY	CP ENG FF	X X X												
3	ID E3 Type 11	Dispatch	<input type="checkbox"/>	9	8	2012	04:09	Sent	<input checked="" type="checkbox"/>	4	<input checked="" type="checkbox"/> Suppression	<input type="checkbox"/> EMS	<input type="checkbox"/> Other	<input type="checkbox"/>	<input type="checkbox"/>
		Arrival	<input type="checkbox"/>	9	8	2012	04:17								
		Clear	<input checked="" type="checkbox"/>	9	8	2012	06:44								
Personnel ID	Name	Rank or Grade	Attend	Action Taken	Action Taken	Action Taken	Action Taken								
DGREGORY DHEMBREE DORLE RIVEY	GREGORY, DONALD HEMBREE, DARRYL ORLE, DOUGLAS IVEY, RICHARD	FF ENG CP FF	X X X X												



Exhibit 6.9

<b>A</b>		MM DD YYYY	FDID *		State *	Incident Date *	Station	Incident Number *	Exposure *	<input type="checkbox"/> Delete <input type="checkbox"/> Change	NFIRS - 10 Personnel	
10702		MO	9 8		2012		1	12-0002454	000			
<b>B</b>	Apparatus or Resource	Date and Times <small>Check if same as alarm date</small>					Sent	Number of * People	Use	Actions Taken		
<small>Use codes listed below</small>		<small>Month Day Year Hours/mins</small>					<input checked="" type="checkbox"/>		<small>Check ONE box for each apparatus to indicate its main use at the incident.</small>	<small>List up to 4 actions for each apparatus and each personnel.</small>		
1	ID T2 Type 13	Dispatch	9	8	2012	04:09	Sent	3	<input checked="" type="checkbox"/> Suppression <input type="checkbox"/> EMS <input type="checkbox"/> Other			
		Arrival	9	8	2012	04:17	<input checked="" type="checkbox"/>					
		Clear	<input checked="" type="checkbox"/>	9	8	2012						
Personnel ID	Name	Rank or Grade	Attend	Action Taken	Action Taken	Action Taken	Action Taken					
DETZ	ETZ, DAVID	CP	<input checked="" type="checkbox"/>									
DHALL	HALL, DUSTIN	FF	<input checked="" type="checkbox"/>									
NJONES	JONES, NATHANAEL	ENG	<input checked="" type="checkbox"/>									
2	ID Type	Dispatch					Sent		<input type="checkbox"/> Suppression <input type="checkbox"/> EMS <input type="checkbox"/> Other			
		Arrival					<input type="checkbox"/>					
		Clear	<input type="checkbox"/>									
Personnel ID	Name	Rank or Grade	Attend	Action Taken	Action Taken	Action Taken	Action Taken					
			<input type="checkbox"/>									
			<input type="checkbox"/>									
			<input type="checkbox"/>									
			<input type="checkbox"/>									
			<input type="checkbox"/>									
			<input type="checkbox"/>									
3	ID Type	Dispatch					Sent		<input type="checkbox"/> Suppression <input type="checkbox"/> EMS <input type="checkbox"/> Other			
		Arrival					<input type="checkbox"/>					
		Clear	<input type="checkbox"/>									
Personnel ID	Name	Rank or Grade	Attend	Action Taken	Action Taken	Action Taken	Action Taken					
			<input checked="" type="checkbox"/>									
			<input type="checkbox"/>									
			<input type="checkbox"/>									
			<input type="checkbox"/>									
			<input type="checkbox"/>									
			<input type="checkbox"/>									
			<input type="checkbox"/>									

NFIRS-10 Revision 11/17/98

Branson Fire Department

10702 09/08/2012 12-0002454

Exhibit 6.10

<b>A</b>	FDID * <input type="text" value="10702"/>	State * <input type="text" value="MO"/>	Incident Date * MM DD YYYY <input type="text" value="9"/> <input type="text" value="8"/> <input type="text" value="2012"/>	Station <input type="text" value="1"/>	Incident Number * <input type="text" value="12-0002454"/>	Exposure * <input type="text" value="000"/>	<input type="checkbox"/> Delete <input type="checkbox"/> Change	<b>Insurance and \$Loss</b>
<b>B</b>	<b>Estimated Dollar Loss &amp; Value</b>							
	Pre-Incident Value	Estimated Loss	Insured Amount	Settlement Amount				
Buildings	\$216,752.00	\$54,188.00	\$0.00	\$0.00				
Vehicles	\$0.00	\$0.00	\$0.00	\$0.00				
Contents	\$2,000.00	\$2,000.00	\$0.00	\$0.00				
<b>C</b>	<b>Insurance Company</b>							
	<input type="text"/>				<input type="text"/>			
	Business name if applicable				Contact Name			
	<input type="text"/>							
	Street or highway							
	<input type="text"/>				<input type="text"/>			
	Post office box				City			
	<input type="text"/>	<input type="text"/>	-	<input type="text"/>	<input type="text"/>	-	<input type="text"/>	<input type="text"/>
	State		zip code		Phone Number			
	<input type="text"/>							
	Agent Name							
	<input type="text"/>				<input type="checkbox"/> Buildings <input type="checkbox"/> Vehicles <input type="checkbox"/> Contents			
	Policy Number				Policy Coverage			



**CITY OF BRANSON**  
**Planning & Development**

Exhibit D

110 West Maddux St. • Suite 215 • Branson, Missouri 65616  
 (417) 337-8549 • FAX (417) 334-2391

January 14, 2013

Inn-2 LLC  
 dba: JR's Motor Inn  
 PO Box 2635  
 Springfield, MO 65801  
 Attn: C.L. Carr

Dear Mr. Carr,

I would like to inform you that on January 11, 2013, the City of Branson officially declared the structure known as JR's Motor Inn, located at 1944 W. Hwy 76, Branson, as a dangerous building. On January 7, 2013, a representative of Pinnacle Design Consultants accompanied me onto said property to perform a structural inspection. His conclusion, as documented in a report dated January 11, 2013, states "This is a dangerous building, the building itself is unstable and could partially collapse any time. This creates a life safety concern to any one on the property. Due to the scope of work involved in rehabilitating this structure properly, it is most cost effective to demolish this building."

On January 11, 2013, the structures on the property were posted as dangerous buildings. Due to the un-protected condition of the property and the lack of structural integrity of these buildings, there is significant public life safety exposure. Therefore, you will need to fence off the property within fourteen (14) calendar days from receipt of this letter. If you do not fence the property within this time period, the City of Branson will have the property fenced. Additionally, the City's dangerous building abatement process will be initiated in accordance with Branson Municipal Code, Chapter 22, Article IX, Abatement of Dangerous Buildings. As part of that process, all costs incurred by the City, including the fencing, Title Search, debris removal, demolition, cleanup, etc., will be billed to you.

Thank you, in advance, for your cooperation. If you have any questions, please feel free to contact me at (417) 337-8527.

Regards,

Keith Crawford  
 Code Enforcement Super

File# 12-0498

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to:		B. Received by (Printed Name)	C. Date of Delivery
Inn-2 LLC dba: JR's Motor Inn PO Box 2635 Springfield, MO 65801		[Signature] C.L. Carr Jr	1-17-13
2. Article Number <i>(Transfer from service label)</i>		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
7011 2000 0002 6529 7015		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> G.O.D.	
PS Form 3811, February 2004		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
Domestic Return Receipt		102595-02-M-1	

"The City will encourage the qua



CITY OF **BRANSON**  
Planning & Development

Exhibit €

110 West Maddux St. • Suite 215 • Branson, Missouri 65616  
(417) 337-8549 • FAX (417) 334-2391

## Notice and Order

Pursuant to the City of Branson Municipal Code, Chapter 22, Article IX, the purpose of this Notice and Order is to inform you that on your property at 1944 W. Hwy 76, Branson (J.R.'s Motor Inn), there is a dangerous building, as determined by officials of the City of Branson. All Dangerous Buildings are declared a public nuisance and appropriate remedial action is required.

This property is further described as:

Parcel ID: 17-3.0-06-002-006-014.000  
Brief Tax Description: PT PL 2 LT 9 NW4; City of Branson  
Sec / Twp / Rng: 06/22/21  
Deed Book / Page / Date: 2010-11387 (03/19/10)

Owner(s) of Record: *Inn-2 LLC*  
*dba: JR's Motor Inn*  
*PO Box 2635*  
*Springfield, MO 65801*

On September 8, 2012, a fire severely damaged the main structure on the above described property. On January 7, 2013, representatives of the City of Branson inspected said property and found the structure to be a dangerous building. The conditions associated with the structure, as delineated in the City of Branson Municipal Code, Chapter 22, Article IX, Section 22-200, include, but are not limited to:

- portions, members, or appurtenances thereof have been damaged so that the structural strength or stability of any portion of the structure/building threatens the life, health, safety, or property of the occupants or public
- portions, members, appurtenances, or ornamentation thereof, are of insufficient strength or stability so that it threatens the life, health, safety, or property of the occupants or public
- the building or structure, or any portion thereof are likely to partially or completely collapse
- the floor or the roof is overloaded or of insufficient strength to be reasonably safe for the purpose used
- the building or structure, or any portion thereof, is so unsafe for the purpose for which it is being used, so as to threaten the life, health, or safety of the occupants or public
- the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings
- the building or structure has been so damaged (from whatever cause) so as to become dangerous to life, safety, or the general health and welfare of the occupants or the public
- the building or structure is in violation of the city's building regulations or adopted code, or any other laws or ordinances that protects the life, health, and safety of the occupants or public
- the building or structure is determined to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease
- the building or structure is determined to be a fire hazard

Exhibit 8.2

Additionally, there is an accumulation of rubbish inside the structure and on the exterior property. Overall, these conditions pose a threat to the health, safety and welfare of the public.

In accordance with the 2009 International Property Maintenance Code and the Branson Dangerous Building ordinance, this structure has been declared a dangerous building and cannot be used for human occupancy. It exhibits such conditions that threaten the health, safety and welfare of the public. Therefore, such conditions shall be remedied by either repairing the structure or by demolishing the structure and then removing and properly disposing of all building materials and removing and disposing of all contents of said building. The property must be cleaned of all rubbish and debris.

You are hereby ordered to immediately vacate the structure due to the unsafe condition it imposes, and to begin such remedial actions, as described herein, **within thirty (30) days from receipt of this Notice and Order**, and to proceed continuously without unnecessary delay. A demolition permit must be obtained from the City of Branson Building Department prior to commencing work.

Failure to comply with this Notice and Order will result in a formal hearing before the Director of Planning and Development, and may result in further actions by the City, including, but not limited to, a written Order of Abatement and abatement of all violations by the City.

Issued by:

  
 Jim Lawson  
 Director, Planning & Development

2/15/13  
 Date

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>■ Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input type="checkbox"/> Agent  <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p>
<p>1. Article Addressed to:</p> <p>Inn-2 LLC              dba: JR's Motor Inn              P.O. Box 2635              Springfield, MO 65801</p>	<p>D. Is delivery address different from Item 1? <input type="checkbox"/> Yes              If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number              (Transfer from service label)</p>	<p>7012 3050 0001 9987 5182</p>
<p>PS Form 3811, February 2004</p>	<p>Domestic Return Receipt 102595-02-M-1540</p>



CITY OF BRANSON Planning & Development

Exhibit F

110 West Maddux St. • Suite 215 • Branson, Missouri 65616 (417) 337-8549 • FAX (417) 334-2391

March 14, 2013

Leisuretek LTD, Inc. c/o Gary W. Allman 101 State Drive, Ste. 100 Hollister, MO 65672

RE: NOTICE AND ORDER - 1944 W. STATE HIGHWAY 76, BRANSON, MO

Please find enclosed for your review a copy of a Notice and Order for JR's Motor Inn located at the above reference location.

If you are not a person of interest in this matter, please disregard.

Sincerely,

Handwritten signature of Jim Lawson

Jim Lawson Director

JCL/ss

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also item 4 if Restricted Delivery is desired.
Print your name and address on so that we can return the card to you on the front if space permits.
Attach this card to the back of the envelope.

1. Article Addressed to:

Leisuretek LTD, Inc. c/o Gary Allman 101 State Drive, Ste. 100 Hollister, MO 65672

2. Article Number (Transfer from sender) 70111 2

U.S. Postal Service CERTIFIED MAIL RECEIPT

For delivery information visit our website at www.usps.com

OFFICIAL USE

Table with columns for Postage, Certified Fee, Return Receipt Fee, Restricted Delivery Fee, Total Postage & Fees, and Postmark Here. Includes handwritten values like \$0.66, \$3.10, \$2.55, \$0.00, \$6.31, and 03/15/2013.

Sent to LEISURETEK LTD % GARY ALLMAN Street, Apt. No. or PO Box No. 101 STATE DR., STE 100 City, State, ZIP+4 HOLLISTER MO 65672

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-15

Cc: Rocky Mountain Management LLC, 300-B East High Street, Jefferson City, MO 65101 Brad Poppie, 3350 Ashworth, Aurora, CO 80126 Robert Walford, 8227 S. Holly Street, Centennial, CO 80122 Robert Paulson, 106 Travis Trail, Branson, MO 65616



CITY OF **BRANSON**  
Planning & Development

110 West Maddux St. • Suite 215 • Branson, Missouri 65616  
(417) 337-8549 • FAX (417) 334-2391

## Notice and Order

Pursuant to the City of Branson Municipal Code, Chapter 22, Article IX, the purpose of this Notice and Order is to inform you that on your property at 1944 W. Hwy 76, Branson (J.R.'s Motor Inn), there is a dangerous building, as determined by officials of the City of Branson. All Dangerous Buildings are declared a public nuisance and appropriate remedial action is required.

This property is further described as:

Parcel ID: 17-3.0-06-002-006-014.000  
Brief Tax Description: PT PL 2 LT 9 NW4; City of Branson  
Sec / Twp / Rng: 06/22/21  
Deed Book / Page / Date: 2010-11387 (03/19/10)

Owner(s) of Record: Inn-2 LLC  
dba: JR's Motor Inn  
PO Box 2635  
Springfield, MO 65801

COPY

On September 8, 2012, a fire severely damaged the main structure on the above described property. On January 7, 2013, representatives of the City of Branson inspected said property and found the structure to be a dangerous building. The conditions associated with the structure, as delineated in the City of Branson Municipal Code, Chapter 22, Article IX, Section 22-200, include, but are not limited to:

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- the building or structure, or any portion thereof, is so unsafe for the purpose for which it is being used, so as to threaten the life, health, or safety of the occupants or public
- the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings
- the building or structure has been so damaged (from whatever cause) so as to become dangerous to life, safety, or the general health and welfare of the occupants or the public
- the building or structure is in violation of the city's building regulations or adopted code, or any other laws or ordinances that protects the life, health, and safety of the occupants or public
- the building or structure is determined to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease
- the building or structure is determined to be a fire hazard

Exhibit 9.3

Additionally, there is an accumulation of rubbish inside the structure and on the exterior property. Overall, these conditions pose a threat to the health, safety and welfare of the public.

In accordance with the 2009 International Property Maintenance Code and the Branson Dangerous Building ordinance, this structure has been declared a dangerous building and cannot be used for human occupancy. It exhibits such conditions that threaten the health, safety and welfare of the public. Therefore, such conditions shall be remedied by either repairing the structure or by demolishing the structure and then removing and properly disposing of all building materials and removing and disposing of all contents of said building. The property must be cleaned of all rubbish and debris.

You are hereby ordered to immediately vacate the structure due to the unsafe condition it imposes, and to begin such remedial actions, as described herein, **within thirty (30) days from receipt of this Notice and Order**, and to proceed continuously without unnecessary delay. A demolition permit must be obtained from the City of Branson Building Department prior to commencing work.

Failure to comply with this Notice and Order will result in a formal hearing before the Director of Planning and Development, and may result in further actions by the City, including, but not limited to, a written Order of Abatement and abatement of all violations by the City.

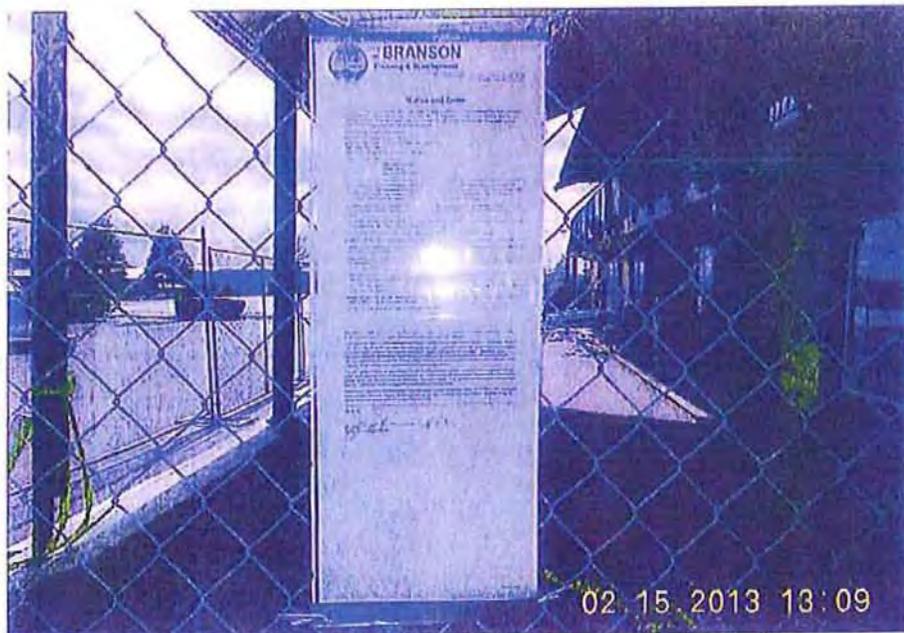
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Issued by:

  
\_\_\_\_\_  
Jim Lawson  
Director, Planning & Development

2/15/13  
\_\_\_\_\_  
Date

Exhibit 9.4





CITY OF BRANSON Planning & Development

Exhibit 6

110 West Maddux St. • Suite 215 • Branson, Missouri 65816 (417) 337-8549 • FAX (417) 334-2391

March 14, 2013

Leisuretek LTD, Inc. c/o Gary W. Allman 101 State Drive, Ste. 100 Hollister, MO 65672

RE: NOTICE AND ORDER – 1944 W. STATE HIGHWAY 76, BRANSON, MO

Please find enclosed for your review a copy of a Notice and Order for JR's Motor Inn located at the above reference location.

If you are not a person of interest in this matter, please disregard.

Sincerely,

Handwritten signature of Jim Lawson

Jim Lawson Director

JCL/ss

Cc: Rocky Mountain Management LLC, 300-B East High Street, Jefferson City, MO 65101 Brad Poppie, 3350 Ashworth, Aurora, CO 80126 Robert Walford, 8227 S. Holly Street, Centennial, CO 80122 Robert Paulson, 106 Travis Trail, Branson, MO 65616

U.S. Postal Service CERTIFIED MAIL RECEIPT. Includes postage fees table, recipient address (BRAD POPPIE, 3350 ASHWORTH, AURORA, CO 80126), and tracking number 7031 2000 0002 6529 7046.



**CITY OF BRANSON**  
**Planning & Development**

110 West Maddux St. • Suite 215 • Branson, Missouri 65616  
(417) 337-8549 • FAX (417) 334-2391

## Notice and Order

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This property is further described as:

Parcel ID: 17-3.0-06-002-006-014.000  
Brief Tax Description: PT PL 2 LT 9 NW4; City of Branson  
Sec / Twp / Rng: 06/22/21  
Deed Book / Page / Date: 2010-11387 (03/19/10)

Owner(s) of Record: *Inn-2 LLC*  
*dba: JR's Motor Inn*  
*PO Box 2635*  
*Springfield, MO 65801*

COPY

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- portions, members, appurtenances, or ornamentation thereof, are of insufficient strength or stability so that it threatens the life, health, safety, or property of the occupants or public
- the building or structure, or any portion thereof are likely to partially or completely collapse
- the floor or the roof is overloaded or of insufficient strength to be reasonably safe for the purpose used
- the building or structure, or any portion thereof, is so unsafe for the purpose for which it is being used, so as to threaten the life, health, or safety of the occupants or public
- the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings
- the building or structure has been so damaged (from whatever cause) so as to become dangerous to life, safety, or the general health and welfare of the occupants or the public
- the building or structure is in violation of the city's building regulations or adopted code, or any other laws or ordinances that protects the life, health, and safety of the occupants or public
- the building or structure is determined to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease
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Exhibit 10.3

Additionally, there is an accumulation of rubbish inside the structure and on the exterior property. Overall, these conditions pose a threat to the health, safety and welfare of the public.

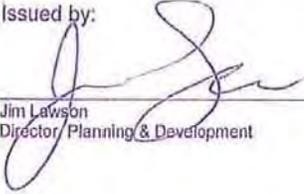
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You are hereby ordered to immediately vacate the structure due to the unsafe condition it imposes, and to begin such remedial actions, as described herein, **within thirty (30) days from receipt of this Notice and Order**, and to proceed continuously without unnecessary delay. A demolition permit must be obtained from the City of Branson Building Department prior to commencing work.

Failure to comply with this Notice and Order will result in a formal hearing before the Director of Planning and Development, and may result in further actions by the City, including, but not limited to, a written Order of Abatement and abatement of all violations by the City.

---

Issued by:

  
\_\_\_\_\_  
Jim Lawson  
Director, Planning & Development

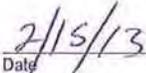
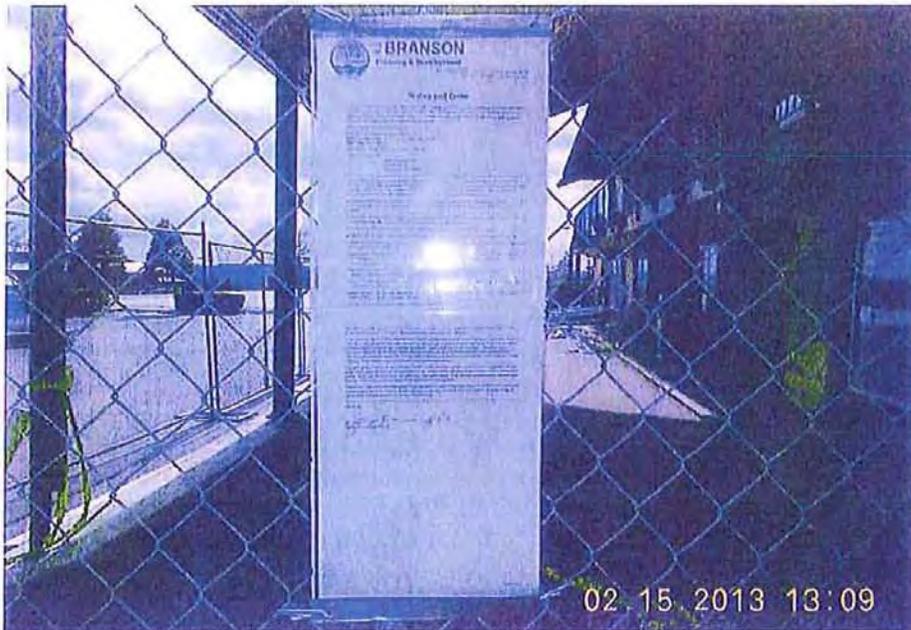
  
\_\_\_\_\_  
Date

Exhibit 10.4





**CITY OF BRANSON**  
 Planning and Development Dept.  
 110 W. Modoux St., Ste. 215  
 Branson, Missouri 65616

UNITED STATES MAIL™



7011 2000 0002 6529 7046

nearest  
 03/15/2013  
**US POSTAGE**  
**\$06.11**  
 FIRST-CLASS MAIL  
 ZIP 65616  
 04111223324

FIRST LETTER LAST 2 NUMBERS OF  
 OF LAST NAME DELIVERY ADDRESS  
 3-22  
 3-27  
 4-6-13

*Handwritten signature*

Brad Poppie  
 3350 Ashworth  
 Aurora, CO 80126

UNITED STATES POSTAL SERVICE  
 1000  
 80126  
 U.S. POSTAGE  
 PAID NO  
 BRANSON MO  
 65616  
 PERMIT  
 578-12  
 \$0.20  
 00 04/07/13  
 RETURN TO SENDER  
 UNCLAIMED  
 UNABLE TO FORWARD  
 EC: 65616285965 \*0249-06709-15-48  
 802 DC 1  
 80126

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Brad Poppie  
 3350 Ashworth  
 Aurora, CO 80126

\$5

**COMPLETE THIS SECTION ON DELIVERY**

- A. Signature  Agent  Addressee  
 X
- B. Received by (Printed Name) C. Date of Delivery
- D. Is delivery address different from item 1?  Yes  No  
 If YES, enter delivery address below:

3. Service Type
- Certified Mail
  - Registered
  - Insured Mail
  - Express Mail
  - Return Receipt for Merchandise
  - C.O.D.
4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number 7011 2000 0002 6529 7046  
 (Transfer from us)

*Handwritten signature*

PS Form 3811, February 2004

Domestic Return Receipt

102896-02-M-1540



CITY OF BRANSON Planning & Development

Exhibit 4

110 West Maddux St. • Suite 215 • Branson, Missouri 65616 (417) 337-8549 • FAX (417) 334-2391

March 14, 2013

Leisuretek LTD, Inc. c/o Gary W. Allman 101 State Drive, Ste. 100 Hollister, MO 65672

RE: NOTICE AND ORDER – 1944 W. STATE HIGHWAY 76, BRANSON, MO

Please find enclosed for your review a copy of a Notice and Order for JR's Motor Inn located at the above reference location.

If you are not a person of interest in this matter, please disregard.

Sincerely,

Handwritten signature of Jim Lawson

Jim Lawson Director

JCL/ss

U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided) OFFICIAL USE table with postage fees and recipient address: ROBERT WALFORD, 8227 S. HOLLY ST., CENTENNIAL, CO 80122

Cc: Rocky Mountain Management LLC, 300-B East High Street, Jefferson City, MO 65101 Brad Poppie, 3350 Ashworth, Aurora, CO 80126 Robert Walford, 8227 S. Holly Street, Centennial, CO 80122 Robert Paulson, 106 Travis Trail, Branson, MO 65616

Exhibit 11.2



**CITY OF BRANSON**  
**Planning & Development**

110 West Maddux St. • Suite 215 • Branson, Missouri 65616  
(417) 337-8549 • FAX (417) 334-2391

## Notice and Order

Pursuant to the City of Branson Municipal Code, Chapter 22, Article IX, the purpose of this Notice and Order is to inform you that on your property at 1944 W. Hwy 76, Branson (J.R.'s Motor Inn), there is a dangerous building, as determined by officials of the City of Branson. All Dangerous Buildings are declared a public nuisance and appropriate remedial action is required.

This property is further described as:

Parcel ID: 17-3.0-06-002-006-014.000  
Brief Tax Description: PT PL 2 LT 9 NW4; City of Branson  
Sec / Twp / Rng: 06/22/21  
Deed Book / Page / Date: 2010-11387 (03/19/10)

Owner(s) of Record: Inn-2 LLC  
dba: JR's Motor Inn  
PO Box 2635  
Springfield, MO 65801

COPY

On September 8, 2012, a fire severely damaged the main structure on the above described property. On January 7, 2013, representatives of the City of Branson inspected said property and found the structure to be a dangerous building. The conditions associated with the structure, as delineated in the City of Branson Municipal Code, Chapter 22, Article IX, Section 22-200, include, but are not limited to:

- portions, members, or appurtenances thereof have been damaged so that the structural strength or stability of any portion of the structure/building threatens the life, health, safety, or property of the occupants or public
- portions, members, appurtenances, or ornamentation thereof, are of insufficient strength or stability so that it threatens the life, health, safety, or property of the occupants or public
- the building or structure, or any portion thereof are likely to partially or completely collapse
- the floor or the roof is overloaded or of insufficient strength to be reasonably safe for the purpose used
- the building or structure, or any portion thereof, is so unsafe for the purpose for which it is being used, so as to threaten the life, health, or safety of the occupants or public
- the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings
- the building or structure has been so damaged (from whatever cause) so as to become dangerous to life, safety, or the general health and welfare of the occupants or the public
- the building or structure is in violation of the city's building regulations or adopted code, or any other laws or ordinances that protects the life, health, and safety of the occupants or public
- the building or structure is determined to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease
- the building or structure is determined to be a fire hazard

### Exhibit 11.3

Additionally, there is an accumulation of rubbish inside the structure and on the exterior property. Overall, these conditions pose a threat to the health, safety and welfare of the public.

In accordance with the 2009 International Property Maintenance Code and the Branson Dangerous Building ordinance, this structure has been declared a dangerous building and cannot be used for human occupancy. It exhibits such conditions that threaten the health, safety and welfare of the public. Therefore, such conditions shall be remedied by either repairing the structure or by demolishing the structure and then removing and properly disposing of all building materials and removing and disposing of all contents of said building. The property must be cleaned of all rubbish and debris.

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Failure to comply with this Notice and Order will result in a formal hearing before the Director of Planning and Development, and may result in further actions by the City, including, but not limited to, a written Order of Abatement and abatement of all violations by the City.

---

Issued by:

  
Jim Lawson  
Director/Planning & Development

2/15/13  
Date

Exhibit 11.4

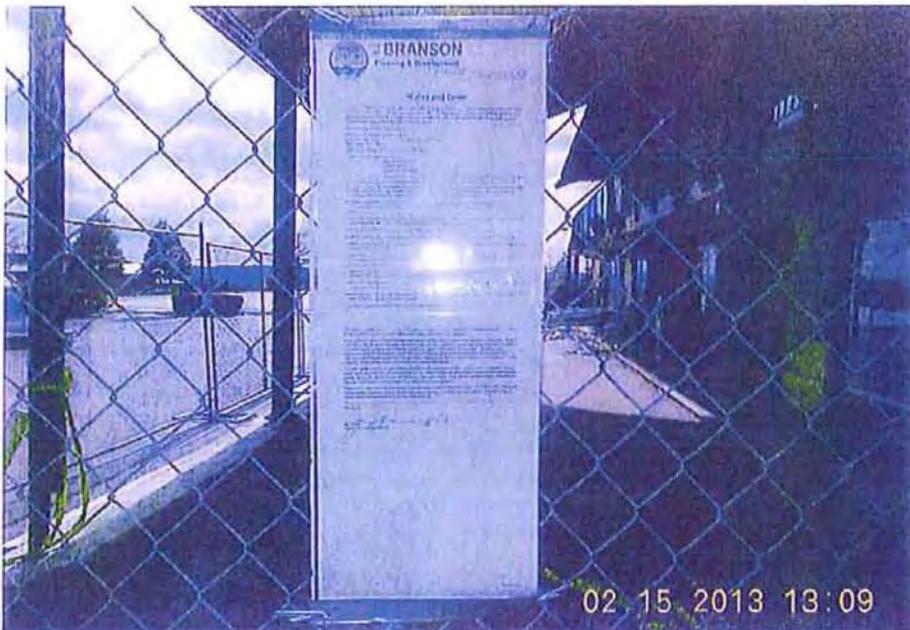
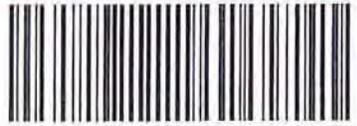


Exhibit 11.5

**CITY OF BRANSON**  
 Planning and Development Dept.  
 110 W. Maddux St., Ste. 215  
 Branson, Missouri 65616



7011 2000 0002 6529 7039

neopost<sup>®</sup>  
 03/15/2013  
**US POSTAGE**

FIRST CLASS MAIL  
**\$06.11<sup>00</sup>**



ZIP 65616  
 041L11223324

Robert Walford  
 8227 S. Holly Street  
 Centennial, CO 80122



U.S. POSTAL  
 PAID  
 BRANSON, MO  
 65616  
 MAR 15, 2013  
 AMOUNT

**\$07.20**

LAST / NEW / DELIVER ADDRESS

1ST N  
 2ND N  
 RE'JR

NIXIE 802 DE J 00 04/18/13

RETURN TO SENDER  
 UNCLAIMED  
 UNABLE TO FORWARD

BC: 65616285965 \*0249-06707-15-40

801288416@8391



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No                      If YES, enter delivery address below:</p>
<p>1. Article Addressed to:</p> <p>Robert Walford                      8227 S. Holly Street                      Centennial, CO 80122</p>	<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from ser) 7011 2000 0002 6529 7039</p>	

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540



**CITY OF BRANSON**  
**Planning & Development**

Exhibit I

110 West Maddux St. • Suite 215 • Branson, Missouri 65616  
 (417) 337-8549 • FAX (417) 334-2391

March 14, 2013

Leisuretek LTD, Inc.  
 c/o Gary W. Allman  
 101 State Drive, Ste. 100  
 Hollister, MO 65672

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)  
 For delivery information visit our website at www.usps.com.  
 BRANSON MO 65616

Postage	\$ 0.66	0805
Certified Fee	\$ 3.10	12
Return Receipt Fee (Endorsement Required)	\$ 2.55	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$ 0.00	
<b>Total Postage &amp; Fees</b>	<b>\$ 6.31</b>	03/15/2013

7011 2000 0002 6529 7022

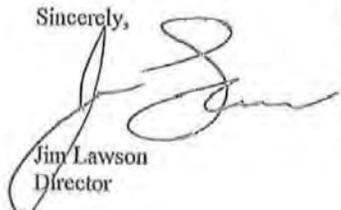
Sent To: **ROBERT PAULSON**  
 Street, Apt. No., or PO Box No.: **106 TRAVIS TRAIL**  
 City, State, ZIP+4: **BRANSON MO 65616**

PS Form 3809, August 2006 See Reverse for Instructions

**RE: NOTICE AND ORDER – 1944 W. STATE HIGHWAY 76, BRANSON, MO**

Please find enclosed for your review a copy of a Notice and Order for JR's Motor Inn located at the above reference location.

If you are not a person of interest in this matter, please disregard.

Sincerely,  
  
 Jim Lawson  
 Director  
  
 JCL/ss

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <b>Robert R Paulson</b></p> <p>C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No                      If YES, enter delivery address below:</p>
<p>1. Article Addressed to:</p> <p><b>Robert Paulson</b>  <b>106 Travis Trail</b>  <b>Branson, MO 65616</b></p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article No. (Transfer): <b>7011 2000 0002 6529 7022</b></p>	

Cc: Rocky Mountain Management LLC, 300-B East High Street, Jefferson City, MO 65101  
 Brad Poppie, 3350 Ashworth, Aurora, CO 80126  
 Robert Walford, 8227 S. Holly Street, Centennial, CO 80122  
 Robert Paulson, 106 Travis Trail, Branson, MO 65616



**CITY OF BRANSON**  
**Planning & Development**

110 West Maddux St. • Suite 215 • Branson, Missouri 65616  
(417) 337-8549 • FAX (417) 334-2391

## Notice and Order

Pursuant to the City of Branson Municipal Code, Chapter 22, Article IX, the purpose of this Notice and Order is to inform you that on your property at 1944 W. Hwy 76, Branson (J.R.'s Motor Inn), there is a dangerous building, as determined by officials of the City of Branson. All Dangerous Buildings are declared a public nuisance and appropriate remedial action is required.

This property is further described as:

Parcel ID: 17-3.0-06-002-006-014.000  
Brief Tax Description: PT PL 2 LT 9 NW4; City of Branson  
Sec / Twp / Rng: 06/22/21  
Deed Book / Page / Date: 2010-11387 (03/19/10)

Owner(s) of Record: Inn-2 LLC  
dba: JR's Motor Inn  
PO Box 2635  
Springfield, MO 65801

COPY

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- the building or structure has been so damaged (from whatever cause) so as to become dangerous to life, safety, or the general health and welfare of the occupants or the public
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- the building or structure is determined to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease
- the building or structure is determined to be a fire hazard

Exhibit 12.3

Additionally, there is an accumulation of rubbish inside the structure and on the exterior property. Overall, these conditions pose a threat to the health, safety and welfare of the public.

In accordance with the 2009 International Property Maintenance Code and the Branson Dangerous Building ordinance, this structure has been declared a dangerous building and cannot be used for human occupancy. It exhibits such conditions that threaten the health, safety and welfare of the public. Therefore, such conditions shall be remedied by either repairing the structure or by demolishing the structure and then removing and properly disposing of all building materials and removing and disposing of all contents of said building. The property must be cleaned of all rubbish and debris.

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---

Issued by:

  
\_\_\_\_\_  
Jim Lawson  
Director, Planning & Development

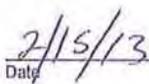
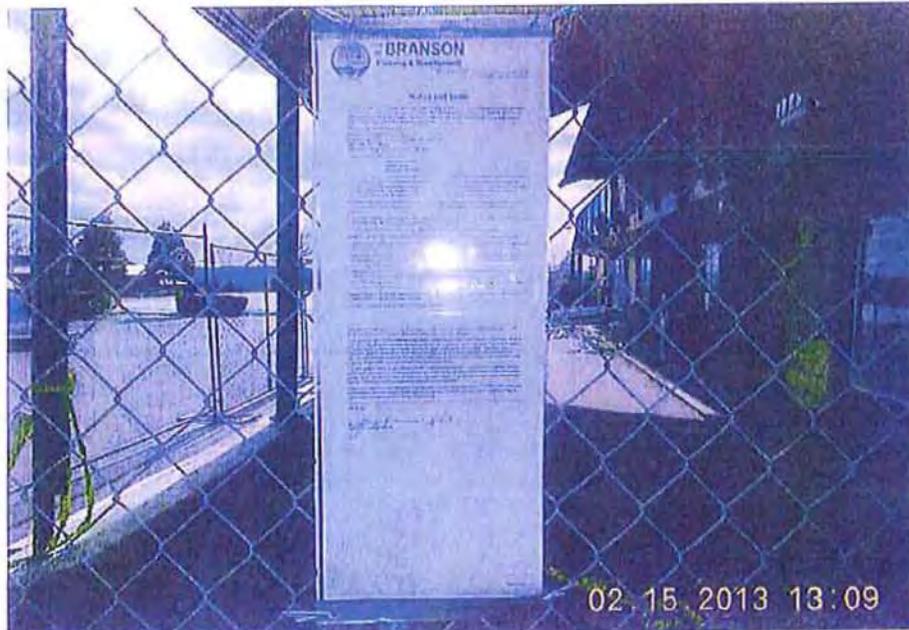
  
\_\_\_\_\_  
Date

Exhibit 12.4



Hogan Land Title  
**INFORMATIONAL TITLE REPORT**

Report No.: 1303306

1. Effective date: **March 15, 2013 at 08:00 AM**
2. The estate or interest in the land described or referred to in this Report is Fee Simple.
3. Title to the Fee Simple estate or interest in the land is at the Effective Date vested in:

**INN-2, LLC**

4. The land referred to in this Report is situated in the County of TANEY, State of Missouri, and is described as follows:

**ALL THAT PART OF PLOT TWO (2) OF LOT NINE (9) OF THE NORTHWEST QUARTER (NW1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION SIX (6), TOWNSHIP TWENTY-TWO (22) NORTH, RANGE TWENTY-ONE (21) WEST, EXCEPT THAT PART DESCRIBED AS: BEGINNING AT THE NORTHEAST CORNER OF SAID PLOT TWO (2); THENCE SOUTH 256.91 FEET; THENCE WEST 160 FEET; THENCE NORTH 150 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF MISSOURI STATE HIGHWAY #76; THENCE NORTHEASTERLY ALONG SAID RIGHT-OF-WAY 192.43 FEET TO THE POINT OF BEGINNING, INI TANEY COUNTY, MISSOURI.**

Hogan Land Title Company  
1605 E. Sunshine  
Springfield, MO 65804  
Tel 417 882-3000  
www.hoganltitle.com

(1303306.PFD/1303306/13)

Exhibit 13.2

**INFORMATIONAL TITLE REPORT**

(ITEMS OF RECORD)

Report Number: 1303300

The following items are disclosed by the public record of the County reflected on this report. These items are being shown for informational purposes only:

1. The lien of real estate taxes or assessments imposed on the Title by a governmental authority due or payable, but unpaid for the year 2013 and all subsequent years.  
  
Tax ID# 17-3.0-06-002-006-014.000      VL: \$470,600      TX: \$23,692.83
2. Water Line Easement as set out in Book 238, at Page 958, Recorder's Office, TANEY County, Missouri.
3. Easement as set out in Book 268, at Page 915, Recorder's Office, TANEY County, Missouri.
4. Easement as set out in Book 268, at Page 916, Recorder's Office, TANEY County, Missouri.
5. Memorandum of Agreement to TCA Cable TV of Missouri as set out in Book 419, at Page 055, Recorder's Office, TANEY County, Missouri.
6. Notes of Lis Pendens for Case #10AF-CC00768, satisfaction of Judgment filed November 28, 2011, as set out in Book 2010, at Page 47029, Recorder's Office, TANEY County, Missouri.
7. Financing Statement between J.R.'S MOTOR INN, INC., A MISSOURI CORPORATION, Debtor and GREAT SOUTHERN BANK, Secured Party, filed APRIL 24, 2002, in Book 397, at Page 6715, Recorder's Office, TANEY County, Missouri; AND AMENDMENT recorded in Book 2012, at Page 24231, Recorder's Office, TANEY County, Missouri.
8. Notice of Lis Pendens filed January 2, 2013 in Book 2013, at Page 00001, Recorder's Office, TANEY County, Missouri.
9. The liability of the Company under this informational report shall not exceed \$1000.
10. **NOTE: This Report is not an opinion of title, nor is it a commitment to insure title. This Report is furnished for reference purposes only and should not be relied upon as a commitment to insure title to the premises herein described. If title insurance coverage is desired, application should be made through this office for a title insurance commitment in an amount to be agreed upon, and the prospective insureds must be identified.**

Hogan Land Title Company  
1805 E. Sunshine  
Springfield, MO. 65804  
Tel 417 882-3000  
www.hoganfile.com

(1303306.PFD/1303306/13)



CITY OF **BRANSON**  
Planning & Development

Exhibit k

110 West Maddux St. • Suite 215 • Branson, Missouri 65616  
(417) 337-8549 • FAX (417) 334-2391

March 14, 2013

Leisuretek LTD, Inc.  
c/o Gary W. Allman  
101 State Drive, Ste. 100  
Hollister, MO 65672

7011 2000 0002 6529 7848

U.S. Postal Service  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

JEFFERSON CITY MO 65101

**OFFICIAL USE**

Postage	\$ 40.66	0805
Certified Fee	3.10	12
Return Receipt Fee (Endorsement Required)	2.55	Postmark Here
Restricted Delivery Fee (Endorsement Required)	0.00	
<b>Total Postage &amp; Fees</b>	<b>\$ 46.31</b>	03/15/2013

Sent To  
Rocky Mtn Management LLC  
Street, Apt. No.  
or PO Box No. 300-B EAST HIGH ST  
City, State, ZIP+4  
JEFFERSON CITY MO 65101

PS Form 3800, August 2006 See Reverse for Instructions

**RE: NOTICE AND ORDER – 1944 W. STATE HIGHWAY 76, BRANSON, MO**

Please find enclosed for your review a copy of a Notice and Order for JR's Motor Inn located at the above reference location.

If you are not a person of interest in this matter, please disregard.

Sincerely,

Jim Lawson  
Director

JCL/ss

**Cc: Rocky Mountain Management LLC, 300-B East High Street, Jefferson City, MO 65101**  
Brad Poppie, 3350 Ashworth, Aurora, CO 80126  
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Robert Paulson, 106 Travis Trail, Branson, MO 65616



CITY OF **BRANSON**  
Planning & Development

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In accordance with the 2009 International Property Maintenance Code and the Branson Dangerous Building ordinance, this structure has been declared a dangerous building and cannot be used for human occupancy. It exhibits such conditions that threaten the health, safety and welfare of the public. Therefore, such conditions shall be remedied by either repairing the structure or by demolishing the structure and then removing and properly disposing of all building materials and removing and disposing of all contents of said building. The property must be cleaned of all rubbish and debris.

You are hereby ordered to immediately vacate the structure due to the unsafe condition it imposes, and to begin such remedial actions, as described herein, **within thirty (30) days from receipt of this Notice and Order**, and to proceed continuously without unnecessary delay. A demolition permit must be obtained from the City of Branson Building Department prior to commencing work.

Failure to comply with this Notice and Order will result in a formal hearing before the Director of Planning and Development, and may result in further actions by the City, including, but not limited to, a written Order of Abatement and abatement of all violations by the City.

---

Issued by:

  
\_\_\_\_\_  
Jim Lawson  
Director, Planning & Development

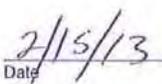
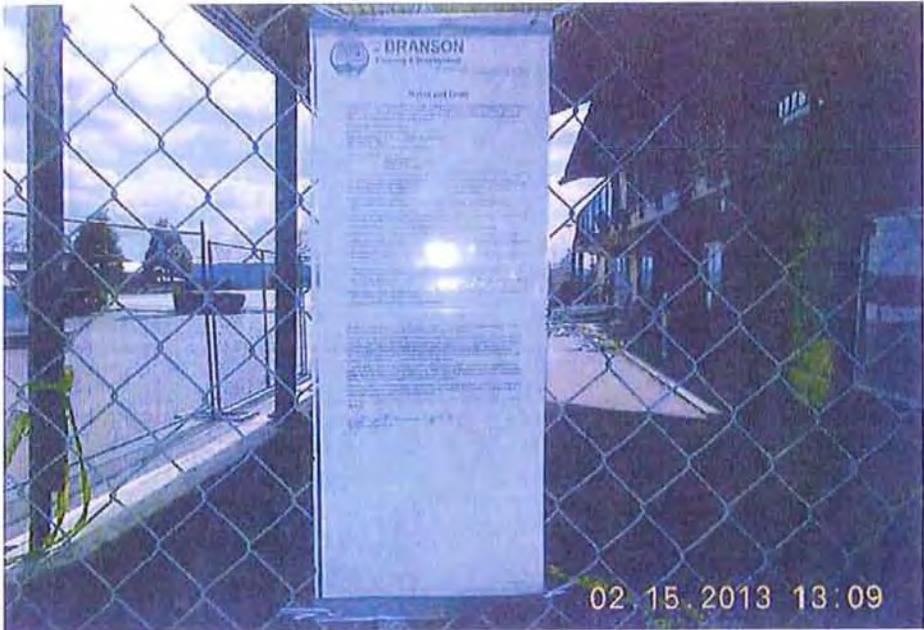
  
\_\_\_\_\_  
Date

Exhibit 14.4





CITY OF BRANSON  
Planning and Development Dept.  
110 W. Maddux St., Ste. 215  
Branson, Missouri 65616

UNITED STATES MAIL



7011 2000 0002 6529 7848

repostable  
03/15/2013  
US POSTAGE  
\$06.110  
ZIP 65616  
04711223324



U.S. POSTAGE  
PAID BY  
BRANSON, MO  
65616  
MAR 15 2013  
AMOUNT  
\$0.20  
00046678-12



Rocky Mountain Management LLC  
300-B East High Street  
Jefferson City, MO 65101

1000  
R5101

Handwritten address and return information on a yellow sticky note.

551 638 824 83 5

THIS CARD IS ONLY VALID FOR THE SERVICE INDICATED ON THE FRONT. IT IS NOT VALID FOR ANY OTHER SERVICE.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Rocky Mountain Management LLC  
300-B East High Street  
Jefferson City, MO 65101

55

COMPLETE THIS SECTION ON DELIVERY

A. Signature  
 Agent  
 Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number 7011 2000 0002 6529 7848  
(Transfer from service)

PS Form 3811, February 2004 Domestic Return Receipt

10255-02-M-1540



CITY OF **BRANSON**  
Planning & Development

Exhibit 1

COPY

110 West Maddux St. • Suite 215 • Branson, Missouri 65616  
(417) 337-8549 • FAX (417) 334-2391

**NOTICE OF HEARING**  
**CITY OF BRANSON**

July 15, 2013

INN-2 LLC  
Dbas: JR's Motor Inn  
P. O. Box 2635  
Springfield, MO 65801

HEARING DATE:	July 26, 2013
HEARING TIME:	10:00 a.m.
HEARING PLACE:	City Hall 110 W. Maddux St. Council Chambers Branson, MO 65616

NOTICE AND ORDER DATED: February 15, 2013  
COMPLIANCE DATE: March 22, 2013  
VIOLATION ADDRESS: 1944 W. State Highway 76, Branson, MO  
ORIGINAL INSPECTION DATE: January 7, 2013

**ATTENTION RESPONSIBLE PARTY/PROPERTY OWNER**

The Director of Planning and Development has determined that full compliance with the above referenced "Notice and Order" has not been achieved as of the "Compliance Date." Therefore, pursuant to Section 22-208 of the City of Branson Municipal Code, **a hearing has been scheduled on July 26, 2013, at 10:00 a.m.** The Hearing will be held at City Hall, 110 W. Maddux Street, Council Chambers, Branson, Missouri.

You are requested to appear before the Director of Planning and Development of the City of Branson to show cause why the buildings, sign structures, and pool located at 1944 W. State Highway 76, Branson, MO, reported to be dangerous should not be repaired or demolished in accordance with the Notice and Order dated February 15, 2013.

Exhibit 15.2

Any party may be represented by counsel and will have the opportunity to be heard.

City inspector(s) will present their evidence stipulating that the building(s) should be declared dangerous. The Director will make written findings of fact from the evidence offered whether or not the building(s) or structure(s) in question is a dangerous building(s).

If the evidence supports a finding based upon competent and substantial evidence that the building(s) or structure(s) is a dangerous building, the Director shall issue a written order of abatement based on such findings of fact, commanding the owner(s) or other responsible party, to repair, vacate, board, or demolish any building(s) or structure(s) found to be a dangerous building and to remove all debris and rubbish from the property.

Provided that any person so notified, shall have the privilege of either vacating and repairing said building(s) or structure(s) (if such repair will comply with the ordinances of the city) or may vacate and demolish said dangerous building(s) at his own risk to prevent the city from acquiring a lien against the land where the dangerous building(s) stands. If the evidence does not support a finding that a building(s) or structure(s) is a dangerous building(s), no order shall be issued.

  
**JIM LAWSON**  
Director of Planning and Development  
City of Branson

7/12/13  
DATE

7011 2000 0002 6529 7992

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

BRANSON MO 65616

Postage	\$ 0.46	0805
Certified Fee	\$ 3.10	09 Postmark Here
Return Receipt Fee (Endorsement Required)	\$ 2.55	
Restricted Delivery Fee (Endorsement Required)	\$ 0.00	
<b>Total Postage &amp; Fees</b>	<b>\$ 6.11</b>	07/15/2013

Sent To  
 ROBERT PAULSON, CITY AT LAW  
 Street, Apt. No., or PO Box No. 106 TRAVIS TRAIL  
 City, State, ZIP+4 BRANSON MO 65616

PS Form 3800, August 2006 See Reverse for Instructions

7011 2000 0002 6529 7978

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

JEFFERSON CITY MO 65101

Postage	\$ 0.46	0805
Certified Fee	\$ 3.10	09 Postmark Here
Return Receipt Fee (Endorsement Required)	\$ 2.55	
Restricted Delivery Fee (Endorsement Required)	\$ 0.00	
<b>Total Postage &amp; Fees</b>	<b>\$ 6.11</b>	07/15/2013

Sent To  
 ROCKY MTL. MANAGEMENT, LLC  
 Street, Apt. No., or PO Box No. 300-B EAST HIGH ST.  
 City, State, ZIP+4 JEFFERSON CITY, MO 65101

PS Form 3800, August 2006 See Reverse for Instructions

7011 2000 0002 6529 8005

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

LITTLETON CO 80122

Postage	\$ 0.46	0805
Certified Fee	\$ 3.10	09 Postmark Here
Return Receipt Fee (Endorsement Required)	\$ 2.55	
Restricted Delivery Fee (Endorsement Required)	\$ 0.00	
<b>Total Postage &amp; Fees</b>	<b>\$ 6.11</b>	07/15/2013

Sent To  
 ROBERT WALFORD  
 Street, Apt. No., or PO Box No. 822-1 S. HOLLY ST.  
 City, State, ZIP+4 CENTENNIAL, CO 80122

PS Form 3800, August 2006 See Reverse for Instructions

7011 2000 0002 6529 8012

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

LITTLETON CO 80126

Postage	\$ 0.46	0805
Certified Fee	\$ 3.10	09 Postmark Here
Return Receipt Fee (Endorsement Required)	\$ 2.55	
Restricted Delivery Fee (Endorsement Required)	\$ 0.00	
<b>Total Postage &amp; Fees</b>	<b>\$ 6.11</b>	07/15/2013

Sent To  
 BRAD POEDIE  
 Street, Apt. No., or PO Box No. 3502 ASHWORTH AVE  
 City, State, ZIP+4 AURORA, CO 80126

PS Form 3800, August 2006 See Reverse for Instructions

7011 3500 0001 5441 2514

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

SPRINGFIELD MO 65801

Postage	\$ 0.46	0805
Certified Fee	\$ 3.10	09 Postmark Here
Return Receipt Fee (Endorsement Required)	\$ 2.55	
Restricted Delivery Fee (Endorsement Required)	\$ 0.00	
<b>Total Postage &amp; Fees</b>	<b>\$ 6.11</b>	07/15/2013

Sent To  
 INN-2 LLC  
 Street, Apt. No., or PO Box No. P.O. BOX 2635  
 City, State, ZIP+4 SPRINGFIELD, MO 65801

PS Form 3800, August 2006 See Reverse for Instructions

7011 2000 0002 6529 7985

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

HOLLISTER MO 65672

Postage	\$ 0.46	0805
Certified Fee	\$ 3.10	09 Postmark Here
Return Receipt Fee (Endorsement Required)	\$ 2.55	
Restricted Delivery Fee (Endorsement Required)	\$ 0.00	
<b>Total Postage &amp; Fees</b>	<b>\$ 6.11</b>	07/15/2013

Sent To  
 LEISURETEK LTD, INC. c/o GARY ALLMAN  
 Street, Apt. No., or PO Box No. 100STATE DR. STE 100  
 City, State, ZIP+4 HOLLISTER, MO 65672

PS Form 3800, August 2006 See Reverse for Instructions

Exhibit \_\_\_\_\_

Exhibit 15.4

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <i>Theresa Sarnard</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Address</p> <p>B. Received by (Printed Name) <i>Theresa Sarnard</i> C. Date of Delivery</p> <p>D. Is delivery address different from Item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>Leisuretek LTD, Inc. c/o Gary Allman 101 State Drive, Ste. 100 Hollister, MO 65672</p>	<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from serv.) <b>7011 2000 0002 6529 7985</b></p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-11</p>	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <i>Jennifer Knight</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Address</p> <p>B. Received by (Printed Name) <i>Jennifer Knight</i> C. Date of Delivery <i>7-16-13</i></p> <p>D. Is delivery address different from Item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>Inn 2 LLC P.O. Box 2635 Springfield, MO 65801</p>	<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from ser) <b>7011 3500 0001 5441 2514</b></p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1640</p>	

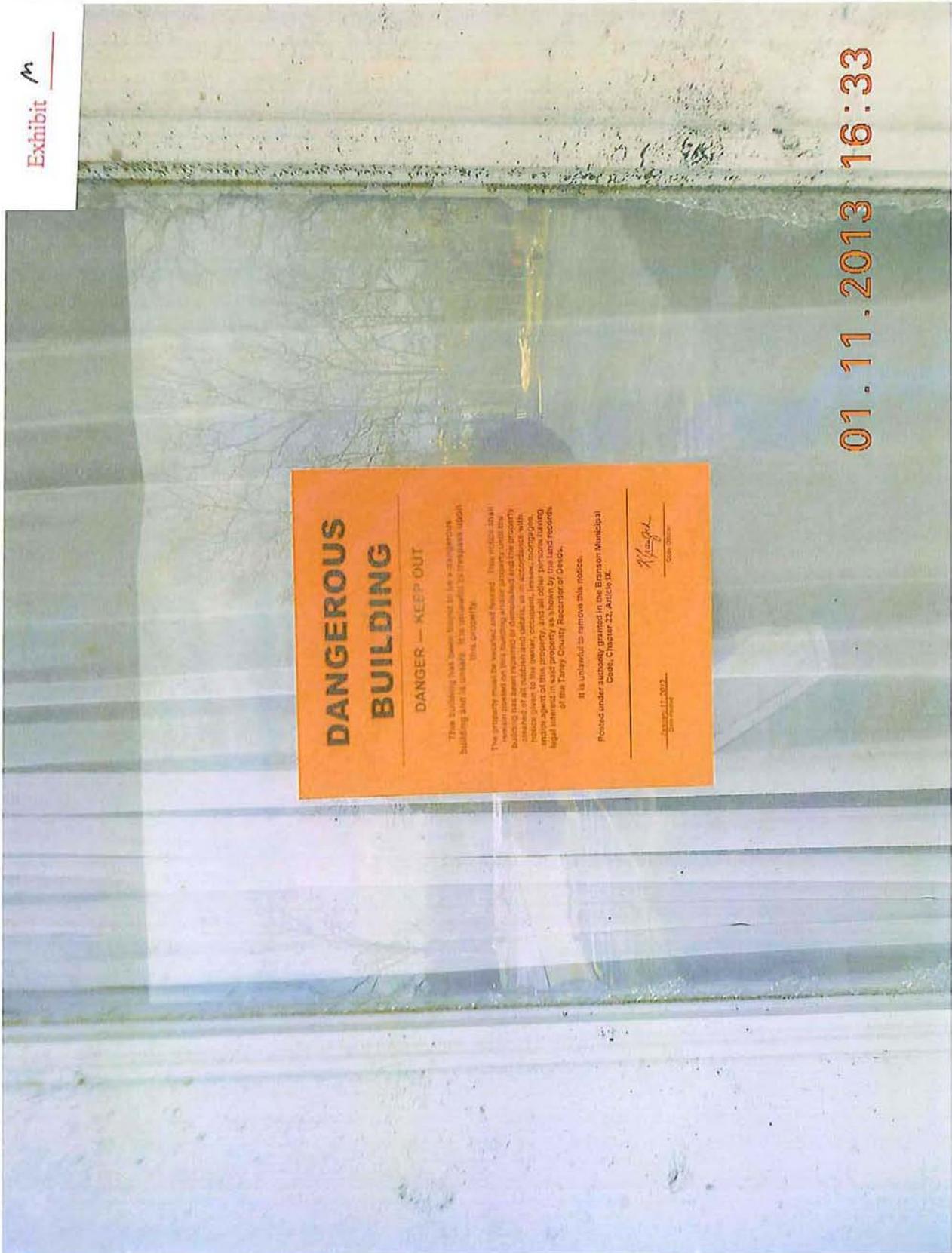


Exhibit 17.1

Exhibit N



# Taney County, MO



Date Created: 10/29/2013

Parcel  
**Parcel ID** 17-3.0-06-002-006-014.000  
**Property Address** 1944 W STATE HWY 76  
**Tax Code** 4CXB  
**Sec/Twp/Rng** 06/22/21  
**Brief Tax Description** PT PL 2 LT 9 NW4; CITY OF BRANSON  
*(Note: Not to be used on legal documents)*  
**School District** Branson  
**Fire District** N/A  
**City** Branson  
**Deed Book/Page/Date** 2010-11387 (03/19/10)

Owner  
 INN-2 LLC  
 DBA: JR'S MOTOR INN  
 PO BOX 2635  
 SPRINGFIELD, MO 65801

Land  
**Lot Dimensions** 47 X 841 IRR  
**Lot Area** 3.5 Acres

Improvements

Number	Description	Year Built	Base Area	Adjusted Area
1-6	Asphalt Paving	1982	52580	52580
1-7	Concrete Paving	1982	1844	1844
2-2	Office	1985	288	306

Valuation

	Improvements	Land	Total	Assessed Total
<b>Residential</b>	\$0	\$0	\$0	\$0
<b>Agricultural</b>	\$0	\$0	\$0	\$0
<b>Commercial</b>	\$42,801	\$257,960	\$300,761	\$96,240
<b>Total</b>				<b>\$96,240</b>

**No data available for the following modules:** Photos. [Click here for help.](#)

**Disclaimer:** Taney County makes every effort to produce and publish the most current and accurate information possible. This data is provided "as is" without warranty or any representation of accuracy, timeliness, or completeness. The burden for determining accuracy, completeness, timeliness, merchantability, and fitness for or the appropriateness for use rests solely on the requester. Taney County makes no warranties, expressed or implied, as to the use of the data. There are no implied warranties of merchantability or fitness for a particular purpose. The requester acknowledges and accepts the limitations of the data, including the fact that the data is dynamic and is in a constant state of maintenance, correction, and update.

Last Data Upload: 10/29/2013 2:49:45 AM

