2216-CV15057

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IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT KANSAS CITY

EAST 23RD STREET PAC NEIGHBORHOOD ASSOCIATION
3809 E 25th Street
Kansas City, Missouri 64127
Plaintiff,

v.

Case No.:

Division No.:

TERESA CURE,
2015 Spruce Avenue
Kansas City, Missouri 64127

BOBBY CURE (DECEASED)

MARINER FINANCE, LLC
CSC-LAWYERS INCORPORATING SERVICE COMPANY, REGISTERED AGENT
221 Bolivar Street
Jefferson City, Missouri 65151

MISSOURI HEALTHNET DIVISION
TEFRA LIEN RECOVERIES
615 Howerton Court
Jefferson City, Missouri 65109

MAYNARD JORDAN
10411 W 55th Street
Shawnee, Kansas 66203

All of the unknown heirs, devisees, grantees, assigns, donees, alienees, legatees, administrators, executors, guardians, mortgagees, trustees, and legal representatives and all other persons, corporations or successors claiming by, through or under any one or more of the afore named defendants,

and

All other persons and entities unknown, claiming any right, title, estate, lien, or

Electronically Filed - Jackson - Kansas City - July 01, 2022 - 04:22 PM

interest in the real property described in this Petition, adverse to Plaintiff's ownership, or any cloud on Plaintiff's title thereto,	)
Defendants.	)

VERIFIED PETITION FOR TEMPORARY POSSESSION OF REAL PROPERTY AND COURT ADMINISTRATOR'S DEED

COMES NOW, Plaintiff, East 23rd Street PAC Neighborhood Association ("**Plaintiff**"), by and through undersigned counsel, and for its Petition against Teresa Cure, Bobby Cure, Mariner Finance, LLC, MO HealthNet Division, and Maynard Jordan; all of the unknown heirs, devisees, grantees, assigns, donees, alienees, legatees, administrators, executors, guardians, mortgagees, trustees, and legal representatives and all other persons, corporations or successors claiming by, through or under any one or more of the afore-named defendants, and all other persons and entities unknown, claiming any right, title, estate, lien, or interest in the real property described in this Petition, adverse to Plaintiff's ownership, or any cloud on Plaintiff's title thereto (collectively the "**Defendants**"), states and alleges as follows:

1. This is a civil action on behalf of Plaintiff to have the Court find the real property located at 2015 Spruce Avenue, Kansas City, Jackson County, Missouri 64127 meets the conditions to be declared abandoned as set forth in §§ 447.620 to 447.640, RSMo (2018)1. Plaintiff seeks temporary possession of the Property in order to rehabilitate it as provided for under §§ 447.620 to 447.640. Plaintiff further seeks a Court Administrator's Deed conveying title to the same real Property to Plaintiff upon completion of rehabilitation if no owner of record regains possession pursuant to §§ 447.620 to 447.640.

JURISDICTION AND VENUE

Electronically Filed - Jackson - Kansas City - July 01, 2022 - 04:22 PM

2. This Court has jurisdiction pursuant to § 447.624.

3. Venue is proper in this Court pursuant to § 447.624 and because the Property is located in Jackson County, Missouri.

PARTIES

4. Plaintiff, with its address at 3809 E 25th Street, Kansas City, Jackson County, Missouri 64127, is a validly organized, Missouri non-profit corporation as defined in section 447.620(5), and has been in continuous good standing with the Missouri Secretary of State for at least six months prior to the filing of this Petition. Plaintiff's purpose includes the provision or enhancement of housing opportunities in the East 23rd Street PAC Neighborhood.

5. Plaintiff's boundaries as a neighborhood association are: Truman Road to the North, Interstate 70 to the West, Van Brunt Boulevard to the East, and Interstate 70 to the South, all of which are in Kansas City, Jackson County, Missouri.

6. Defendant Teresa Cure, is a natural person, who upon information and belief may be served at her last known address: 2015 Spruce Avenue, Kansas City, Missouri 64127.

7. Upon information and belief, defendant Bobby Cure died a resident of Jackson County, Missouri on February 7, 2016.

8. Defendants Bobby Cure and Teresa Cure, as husband and wife, are the owners of record of the parcel of real property at issue in this matter and of all the improvements thereon. Said property is legally described as:

> **Lot 116 and the South 35 feet of Lot 117, WINCHESTER PLACE, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof.**
>
> Commonly Known As: 2015 Spruce Avenue, Kansas City, Missouri 64127
> Parcel ID: 28-520-29-07-00-0-00-000
>
> (Collectively the "**Property**")

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9. The Property was deeded to Defendants Bobby Cure and Teresa Cure, as husband and wife, through a Quit Claim Deed that was recorded with the Jackson County, Missouri Recorder of Deeds on or about February 8, 2008, as instrument number 2008E0014646.

10. Defendant Maynard Jordan is a former owner of the property and former spouse of Teresa Cure and therefore may hold an interest in the property.

11. Defendant Mariner Finance, LLC, has an interest in the Property pursuant to a judgment in the amount of $1,944.72 against Teresa Cure entered on or about November 19, 2018 by the Jackson County Circuit Court in case number 1816-CV21053.

12. Defendant MO HealthNet Division secures an interest in the Property per the certificate of a TEFRA lien filed against Teresa Cure dated September 10, 2019 and recorded on or about September 24, 2019 as Instrument Number 2019E0076845 in the official records of the Jackson County Recorder of Deeds.

13. The unknown heirs, devisees, grantees, assigns, donees, alienees, legatees, administrators, executors, guardians, mortgagees, trustees, and legal representatives and all other persons, corporations or successors claiming by, through or under any one or more of the afore named defendants, and all other persons and entities unknown, claiming any right, title, estate, lien, or interest in the real property described in this Petition, adverse to Plaintiff's ownership, or any cloud on Plaintiff's title thereto are also Defendants to this action as having an unknown legal interest in the Property, the nature of which is unknown, but that any such interest is adverse to Plaintiff.

CAUSE OF ACTION: VIOLATION OF THE ABANDONED HOUSING ACT

14. Plaintiff incorporates by reference the allegations set forth in Paragraphs 1 through 13 of this Petition as if fully set forth herein.

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15. At the time of the filing of this petition the Property is in a nuisance condition and in violation of Chapter 48 ("Nuisances") and Chapter 56 ("Property Maintenance") of the City of Kansas City Code of Ordinances for the following reasons:

a. The guardrail on exterior stairs of the Property is missing;

b. Rank weeds are growing on the Property;

c. There is peeling paint and unprotected surface materials on the property;

d. There are soffits and fascia boards in disrepair;

e. The Property is open to people who are not lawfully allowed to be on the Property and the Property is regularly occupied by people who have no legal right to be on the Property. The City of Kansas City, Missouri has, because of these conditions boarded up the Property numerous times, to attempt to stop illegal activity on the Property, but the boards have been removed and the activity continues; and

f. Litter, trash, refuse and rubbish have collected on the Property.

16. The conditions described in the paragraph above constitute a nuisance and a substantial threat to the life, health or safety of the public, because such conditions:

a. Are in violation of City Ordinances;

b. Encourage vandalism, destruction of the Property, and dumping of trash on the Property and on adjoining properties;

c. Pose a fire hazard;

d. Constitute a breeding ground for rats, insects and similar health hazards;

e. Constitute a gathering place or shelter for trespassers or people who do not own or have any right or proper basis for being on the Property;

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f. Support and encourage the use of Defendant's Property for the commission of crimes; and

g. Cause the surrounding residents' embarrassment, discomfort, frustration, worry, mental anxiety, and mental distress, all of which substantially impair their quiet enjoyment of their homes.

17. The Property has been continuously unoccupied by persons legally entitled to possession of the Property for a period in excess of six months.

18. Jackson County, Missouri has assessed property taxes against the Defendants' Property for the tax years 2018-2021, which are delinquent and owing in the amount of $4,908.11.

19. Plaintiff will submit a plan to the Court to rehabilitate the Property and to abate all codes violations and nuisances on the Property and will promptly move forward with that abatement once the plan is approved by the Court, pursuant to RSMO §§ 447.620 to 447.640.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays this Court: find the Property to meet the conditions to be declared abandoned pursuant to § 447.622, and, upon Plaintiff's showing of a feasible plan and adequate resources for the rehabilitation and management of the Property, enter an order approving the rehabilitation plan and granting temporary possession of the Property to the Plaintiff. Plaintiff further prays that upon completion of said rehabilitation, if no owner has regained possession pursuant to the statutory requirements, this Court enter an order vesting title to the Property in Plaintiff, and directing the Court Administrator to execute a sheriff or Court Administrator's Deed in favor of Plaintiff, and that said sheriff or Court Administrator's Deed shall, pursuant to §§ 44.640, operate to extinguish all existing ownership interests in liens on, and

other interest in the Property, except tax liens. Plaintiff also prays for all court costs incurred herein and for such other relief as the Court deems proper.

Respectfully submitted,

/s/ Alvaro Ontiveros
Alvaro Ontiveros, MO Bar #71645
Legal Aid of Western Missouri
920 Southwest Boulevard
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ATTORNEY FOR PLAINTIFF

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VERIFICATION

STATE OF MISSOURI)
) ss.
COUNTY OF JACKSON)

I, Rachel Riley, President of the East 23rd Street PAC Neighborhood Association, being duly sworn, state and affirm that I have read the above Petition and that the facts and other matters set forth therein are true and correct to the best of my knowledge, information, and belief.

Rachel Riley

Subscribed and sworn to before me, a Notary Public, in and for the said State, this 1st day of July, 2022.

BAILEY WADDELL
NOTARY PUBLIC - NOTARY SEAL
STATE OF MISSOURI
MY COMMISSION EXPIRES JULY 5, 2025
JACKSON COUNTY
COMMISSION #21809457

Notary Public

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