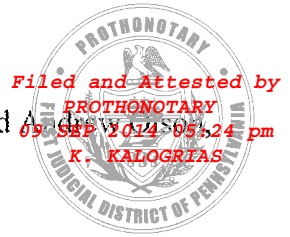


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Intervenor-Petitioners



IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
TRIAL DIVISION – CIVIL

City of Philadelphia	:	April TERM, 2014
C/O GRB LAW	:	
1425 SPRUCE STREET STE 100	:	
PHILADELPHIA PA 19102	:	
Plaintiff	:	
	:	
v.	:	No. 1404T0051
	:	
	:	
LeRoy McCray, Trustee for Claudia	:	
McCray	:	
C/O LORRAINE ROBINSON	:	
5551 WEBSTER STREET	:	
PHILADELPHIA PA 19143	:	
Defendant(s)	:	

**INTERVENOR-PETITIONERS' PETITION TO VACATE RULE TO SHOW CAUSE
ORDER AND ANSWER TO PETITION FOR RULE TO SHOW CAUSE**

Party Filing Petition:

1. Neal Santos and Andrew Olson (“Intervenor-Petitioners”), representing Farm 51, hereby submit this Answer to the Petition for Rule to Show Cause initiated by the City of Philadelphia (“City”) and the Goering Rutter and Boehm law firm (“GRB”) regarding the real property located at and known as 5103 Chester Avenue, Philadelphia, PA 19146 (the “Property” or “5103 Chester Avenue”), requesting that this Court vacate the Rule to Show

Cause Order issued by the Court on April 25, 2014, and deny the City's Petition for Rule to Show Cause.

2. Intervenor-Petitioners have an equitable interest in the Property because they own the two properties adjacent to the Property and by virtue of six years of stewardship of the Property through operation of Farm 51, located on the Property and 5105 Chester Avenue. On August 12, 2014, Intervenor-Petitioners' petition to Intervene was granted and they were afforded 30 days to respond to the Rule to Show Cause in this matter.
3. Having only recently been provided an opportunity to participate, Intervenor-Petitioners now seek an opportunity to bring to close existing negotiations with the City and GRB. All parties are currently working toward an agreement about the method of disposition of the Property that provide an opportunity for Intervenor-Petitioners to acquire the Property, without risk of the Property being purchased prematurely by speculators as can often occur through sheriff's sale.
4. The vacation of the Rule to Show Cause Order and denial of the Petition for Rule to Show Cause will provide opportunity for an equitable resolution without undue prejudice to the City or GRB.

History of the Property

5. According to the Philadelphia Revenue Department, Leroy McCray is the owner of record of the property. However, Mr. McCray is now believed by Intervenor-Petitioners to be deceased. The owner's widow, Claudia McCray, may or may not still be living.
6. The Property has taxes assessed upon it in the amount of \$27,348.46. The tax burden has been accumulating since 1985.
7. The Property may also have additional municipal and/or mechanics liens assessed on it.

8. When Intervenor-Petitioners moved to the 5100 block of Chester Street in 2008, both the Property and the adjacent parcel at 5105 Chester Avenue, then owned by the City of Philadelphia, had long been abandoned and were threats to the health, safety, and welfare of nearby residents.
9. When Intervenor-Petitioners moved to the block, the Property and the adjacent parcel at 5105 Chester Avenue were sites for short dumping and the deposit of drug paraphernalia. Since 2008, Intervenor-Petitioners have unearthed multiple dangerous items that were buried or deposited on the Property and the neighboring parcel, most notably a loaded gun, bags of bullets, and stolen license plates.
10. When Intervenor-Petitioners moved to the block, weed trees of over twenty-five feet tall had taken over both properties. Due to an ongoing lack of maintenance, the sidewalk adjacent to the Property had become impassible because of weed trees growing up from cracks in the pavement. For years, neighbors were afraid to walk on the side of the street past the Property because one never knew who or what was in the weeds.
11. In 2008, upon moving to the neighborhood, Intervenor-Petitioners began the long process of revitalizing the Property and 5105 Chester Avenue, with the enthusiastic assistance and support of the surrounding community.
12. The demolition of the former homes on the Property and 5105 Chester Avenue was not conducted properly and the site not properly back-leveled. Thus, Intervenor-Petitioners spent a week with a pickax, breaking up the concrete foundations. At their own cost, Intervenor-Petitioners obtained a contractor to truck out several tons of rubble.
13. In addition to removing the foundations and leveling the site, Intervenor-Petitioners put in years of work to transform each property, working with community members to bring in over

80 yards of soil, construct raised beds, erect fencing, and maintain the properties as safe spaces.

14. For almost six years, Intervenor-Petitioners have now operated Farm 51, a community-based market farm, on the Property and 5105 Chester Avenue.

Demonstration of Petitioner's Equitable Interest in the Property

15. Intervenor-Petitioners have an equitable interest in the real property involved in this tax lien foreclosure action on the Property.

16. Since 2009, Intervenor-Petitioners have operated Farm 51, described in detail above.

17. Intervenor-Petitioners have resided on the same block throughout this period. In 2012, Intervenor-Petitioners purchased the parcel next to Farm 51, 5107 Chester Avenue and maintain that address as their domicile. Prior to their purchase of 5107 Chester Avenue, Intervenor-Petitioners resided on the same block at 5101 Chester Avenue.

18. In 2013, Intervenor-Petitioners purchased 5105 Chester Avenue from the City through the City's "sidelot" program.

19. Intervenor-Petitioners continue to operate Farm 51 on the Property and 5105 Chester Avenue.

20. Intervenor-Petitioners founded Farm 51 as a response to the widespread abandonment of vacant parcels in Southwest Philadelphia and throughout the city. As described above, prior to Intervenor-Petitioners' creation of Farm 51, both the Property and 5105 Chester Avenue had long served as dumping grounds for trash, resulting in both safety hazards and eyesores for the neighborhood.

21. Intervenor-Petitioners also founded Farm 51 to revitalize and rebuild the community by providing an inexpensive and community based method to provide local, affordable, and healthy food to residents in a low wealth and historically disinvested neighborhood.
22. Farm 51 now plays an integral role in bringing together community members, who frequent the farm as a source of sustenance and as a meeting location to engage in educational activities, both of which provide useful professional skills to youths and improve the quality of the community.
23. Farm 51 was an “organic” solution to two citywide problems: vacant land and insufficient access to fresh and affordable food. The community at large has embraced the efforts initiated by Intervenor-Petitioners in building a successful community-based entrepreneurial endeavor. Intervenor-Petitioners have involved residents, local youth in particular, in the revitalization of the Property from Farm 51’s initial stages. Certain youth have been involved in the project for the entirety of its almost six year tenure.
24. For more than six years, Intervenor-Petitioners have invested substantial resources and numerous staff- and volunteer-hours towards improvement and maintenance of the Property for community events, outreach, green space, and gardening under the City Harvest Grower’s Alliance Program of the Pennsylvania Horticultural Society.
25. Intervenor-Petitioners have produced and distributed well over 6,000 pounds of produce to the immediate neighborhood. As of 2014, Intervenor-Petitioners have been granted permission to accept WIC FMNP coupons from the Commonwealth of Pennsylvania for the benefit of immediate neighbors in Southwest Philadelphia, enabling Farm 51 to make its produce more broadly accessible to economically strapped residents.

26. That the Property is at risk places the entire program in jeopardy, and would detrimentally affect those low-income community members that have grown dependent upon both the subsidized food access and community space provided by Farm 51.

Reasons Why the Court Should Vacate the Rule to Show Cause Order and Deny the Petition for Rule to Show Cause

27. Intervenor-Petitioners ultimately seek the preservation of the Property as a community-based educational farm.
28. GRB has been assigned to collect the debt on the Property.
29. Intervenor-Petitioners first learned of the GRB's actions to collect the debt on the Property—including the City's obtaining of a Rule to Show Cause Order granted by this Court pursuant to this Court's Order in No. 1404T0051 that was docketed on May 9, 2014—on June 7, 2014 by way of a posting at the Property of this Court's Rule to Show Cause Order.
30. GRB informed Petitioner's counsel that it intended to proceed with issuance of a sheriff's sale decree, thus enabling GRB and the Revenue Department to list the property for sheriff's sale, unless Intervenor-Petitioners submitted a motion to intervene.
31. Intervenor-Petitioners have met with staff from the office of District Councilwoman Jannie Blackwell, who indicated the Councilwoman's support for Farm 51 and her office's intent to work with all parties to negotiate a resolution. Staff from Councilwoman Blackwell's office has indicated that the Councilwoman's office is working with GRB and the City on a possible solution that would involve transferring the Property from GRB's collection inventory back to the City's inventory.
32. Intervenor-Petitioners are entitled to a denial of the City's Petition for Rule to Show Cause by virtue of their equitable interest in the Property. Intervenor-Petitioners will be adversely affected, if this action is allowed to proceed and the Property is auctioned at sheriff's sale,

without Intervenor-Petitioners having had an opportunity to negotiate with the City and GRB to come to an equitable compromise in Intervenor-Petitioners' quest to obtain an ownership interest in the Property.

33. Intervenor-Petitioners have not had adequate time to negotiate with the City and GRB because of the lack of notice on the Property until June 7, 2014, and their only recently having been granted their Motion to Intervene on August 13, 2014.
34. Vacation of the Rule to Show Cause Order and denial of the City's Petition for Rule to Show Cause will stay proceedings for sheriff's sale yielding broad benefits for the community at large, which has acquired its own stake in the Property through its civic engagement.
35. Philadelphia's Land Bank Law, passed in December of 2013, contains certain provisions that assist with the targeted development of privately-owned abandoned and tax-delinquent land and would have likely provided Intervenor-Petitioners with assistance to acquire the Property Phila. Code Chap. 16-700 § 16-705(3)(b).
36. Upon information and belief, the Philadelphia Land Bank is committed to preserving projects, like Farm 51, that are using urban agriculture as a tool for community revitalization on land that has been long abandoned and tax-delinquent. The Philadelphia Land Bank will be identifying opportunities for preservation during late fall and early winter of 2014, but will not have the capacity to exercise the appropriate tools until January of 2015.
37. A pending amendment to the Abandoned and Blighted Property Conservatorship Act, Pennsylvania Act 135 of 2008 ("Act 135") 68 P.S. § 1101-11, would amend the statute to include a "vacant lot on which a building has been demolished." 68 P.S. § 1101-11 (pending amendment) available at <http://www.legis.state.pa.us/CFDOCS/Legis/PN/Public/btCheck.cfm?txtType=HTM&sessYr>

=2013&sessInd=0&billBody=H&billTyp=B&billNbr=1363&pn=2086. Such amendment, upon passage, would allow Intervenor-Petitioners to file a Petition for the Appointment of a Conservator for the Property with this Court.

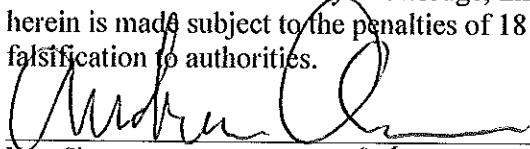
38. Thus, with the additional time afforded by a vacation of the Rule to Show Cause Order and denial of the Petition for Rule to Show Cause, Intervenor-Petitioners will have the opportunity to explore multiple options for preserving the Property as Farm 51.
39. Neither the City, nor any additional parties to this action, will be unduly prejudiced by the delay sought by Intervenor-Petitioners. The Property has been tax delinquent since 1985. The Property and the adjacent 5105 Chester Avenue were both abandoned for years, possibly decades, prior to Intervenor-Petitioners' intervention with community members. There is no compelling reason the Property must go to sheriff's sale without Intervenor-Petitioners having the opportunity to negotiate a solution that could limit the Court's involvement and expenses.

Relief Sought by Intervenor-Petitioners:

40. Intervenor-Petitioners request that the Court vacate the Rule to Show Cause Order, issued on April 24, 2014, and enter an order denying the City's Petition for Rule to Show Cause.
41. If granted a postponement, Intervenor-Petitioners will use the additional time to work with municipal officials, GRB, and the community at large to craft a solution to preserve the Property as Farm 51.
42. In the alternative, Intervenor-Petitioners request that the Court schedule a conference on this Petition, thus facilitating dialogue between all parties under judicial guidance.

VERIFICATION

This Petition is verified by me. I understand that the statements contained in this Petition are true and correct to the best of my knowledge, information and belief. I understand that the statement herein is made subject to the penalties of 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities.



Your Signature

Andrew Olson

Print Your Name

5107 Chester Ave 19143

Address- No Post Office Boxes

3122

Last Four Digits of you Social Security Number

08-19-1979

Birth Date

206.388.7500

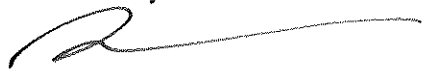
Telephone Number Where You Can be Reached by the Court or Plaintiff's Counsel

Rules of Service:

Intervenor-Petitioners understand that they must present proof of service at the hearing. Intervenor-Petitioners must provide immediately a complete copy of the motion package documents to Plaintiff's counsel by a method which proves that it was served such as the following:

- Hand delivery at the office of the Plaintiff's counsel,
- Fax the Petition with confirmation that it was received,
- Deliver the Petition by overnight courier service (Federal express, UPS, DHL, Airborne Express, or US Postal Service Express Mail)

Intervenor-Petitioners understand that if it does not have proof that it complied with this requirement, that the Answer and Petition may be dismissed by the Court.



Amy Laura Cahn

Attorney for Intervenor-Petitioners

OF COUNSEL:

Public Interest Law Center of Philadelphia
1709 Benjamin Franklin Parkway, 2nd Floor
Philadelphia PA 19103
215-627-7100

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
TRIAL DIVISION – CIVIL

City of Philadelphia	:	April TERM, 2014
C/O GRB LAW	:	
1425 SPRUCE STREET STE 100	:	
PHILADELPHIA PA 19102	:	
Plaintiff	:	
	:	
v.	:	No. 1404T0051
	:	
LeRoy McCray, Trustee for Claudia	:	
McCray	:	
C/O LORRAINE ROBINSON	:	
5551 WEBSTER STREET	:	
PHILADELPHIA PA 19143	:	
Defendant(s)	:	

ORDER

AND NOW, this _____ day of _____, _____ upon consideration of the Intervenor-Petitioners' Petition To Vacate Rule To Show Cause Order and Answer To Petition For Rule To Show Cause it is hereby **ORDERED AND DECREED** that:

A hearing will be held in the Philadelphia County Court of Common Pleas in City Hall, in Courtroom _____ on _____, at _____ A.M./ P.M. before The Honorable _____, with respect to this matter. The Petitioners must appear on that date and at that time to present evidence as to the reasons(s) that the Petition should be granted. Petitioners shall bring all documents to the hearing to support their case.

The Petitioners shall immediately serve a copy of the Petition, the proposed Order, and all supporting papers upon Plaintiff's attorney personally, by facsimile, or by courier service. On the date of the hearing, Petitioner must provide the Court an Affidavit of Service.

BY THE COURT:

J.

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
TRIAL DIVISION – CIVIL

City of Philadelphia	:	April TERM, 2014
C/O GRB LAW	:	
1425 SPRUCE STREET STE 100	:	
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Plaintiff	:	
	:	
v.	:	No. 1404T0051
	:	
	:	
LeRoy McCray, Trustee for Claudia	:	
McCray	:	
5551 WEBSTER STREET	:	
PHILADELPHIA PA 19143	:	
Defendant(s)	:	

ORDER

AND NOW, this _____ day of _____, _____ upon consideration of the Intervenor-Petitioners' Petition To Vacate Rule To Show Cause Order and Answer To Petition For Rule To Show Cause and it appearing that good cause exists for the **GRANTING** of such Petition, it is hereby **ORDERED AND DECREED** that:

1. The Petition for Rule to Show Cause is hereby **DENIED**.
2. The Rule to Show Cause Order issued by this Court on DATE is hereby **VACATED**.

BY THE COURT:

J.