

NORTH MEMPHIS

In absence of owners, neighborhood group sues 25 blighted properties directly

By [Julia Baker](#), Daily Memphian

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The lawsuit does not affect any people, instead the plaintiff in the lawsuit asks the court to find that the property is a public nuisance which leads to a plan to fix the property. (Patrick Lantrip/The Daily Memphian)

Before it was abandoned 30 years ago, 1238 Jackson Ave. was a “hot spot” that served as a sundry and a liquor store. It was connected to a pool hall that has since been torn down, said Quincey Morris, executive director of the Klondike/Smokey City Community Development Corp.

The building, located near Interstate 40, is now boarded up with old paint rubbing off the brick exterior, and vegetation is growing on the sides of the building.

'Mighty, mighty Wildcats' sing as renovation of Melrose High begins

Inside the building, the ceilings and walls are damaged; furniture is strewn about everywhere. A sidewalk in front of the building has a large hole that poses a safety risk to pedestrians.

"I can remember when Jackson Avenue was vibrant, and there were businesses open all along the corridor," Morris said. "However, because of many years of neglect and disinvestment, we have some blighted and abandoned properties throughout the neighborhood."

The Neighborhood Preservation Clinic at the University of Memphis Cecil C. Humphreys School of Law has filed environmental lawsuits directly against 25 blighted properties in the North Memphis neighborhood.

Representatives from Klondike/Smokey City CDC and the law school, as well as upper law school students in the legal clinic, spoke about the litigation Wednesday, Nov. 9, as they stood in front of the former store. It's one of the blighted properties in the Tennessee Neighborhood Preservation Act lawsuits filed with the Environmental Court of Shelby County Division 14.

Most of the other 24 properties in the litigation are residential, but two or three, like the one on Jackson Avenue, are commercial.

State of Tennessee, County of Shelby	
CIVIL WARRANT NO. _____	
To Any Lawful Officer to Execute and Return:	
Summon to appear before the Environmental Court of Shelby County, Tennessee, Division XIV, Shelby County Criminal Justice Center, 201 Poplar Avenue, Memphis, Tennessee	
1238 Jackson Avenue, Memphis, Shelby County, Tennessee 38107, Parcel ID No. 021090 00015C	
Defendant	
1238 Jackson Avenue, Memphis, TN 38107	
Address	
On December 13, 2022 at 10:00 a.m. to answer in a civil action brought by the Plaintiff, Klondike Smokey City Community Development Corporation, whose address is 943 Yollintine Avenue, Memphis, TN 38107, for failure to comply with applicable local ordinances and for abatement of a public nuisance located at 1238 Jackson Avenue, Memphis, TN 38107, pursuant to the Tennessee Neighborhood Preservation Act ("Act"), Tenn. Code Ann. § 13-6-101 et seq. and the International Property Maintenance Code for Memphis. Plaintiff will request the entry of the Order of Compliance attached hereto along with a judgment for attorney's fees and costs pursuant to the Act.	
Issued this _____ day of _____ 20__	Klondike Smokey City Community Development Corp.
	By: Daniel Schaffzin, Esquire BPR No. 028601 Associate Professor of Law Co-Director, Neighborhood Preservation Clinic
JOE W. BROWN, Clerk	By: Brigid Welsh, Esquire BPR No. 032428 Staff Attorney, Neighborhood Preservation Clinic
By: _____ Deputy Clerk	University of Memphis School of Law Neighborhood Preservation Clinic 1 North Front Street, Suite 101 Memphis, TN 38103
	NOTE: Main Contact Person for this matter is: Daniel M. Schaffzin, Esquire Phone: (901) 678-5056 E-Mail: Danny.S@memphis.edu
JUDGMENT FOR	
_____ and Cost	
of suit and litigation taxes, for which Execution may issue.	
This _____ day _____ 20__	Patrick M. Dandridge, Environmental Court Judge

Read the full case document [here](#). (Courtesy University of Memphis Neighborhood Preservation Clinic)

Cleanup group talks long-term and short-term fixes for blight, illegal dumping

In the past, the Klondike/Smokey City CDC has maintained and stabilized more than 300 other vacant properties, most often with help from the city. But this is the first time the organization has taken legal action against any properties, Morris said.



“However, because of many years of neglect and disinvestment, we have some blighted and abandoned properties throughout the neighborhood,” said Quincey Morris, executive director of the Klondike Smokey City Community Development Corp. (Patrick Lantrip/The Daily Memphian)

“This is a last resort because we don’t have the resources to research the title, find the owner and do what’s necessary,” Morris said.

The deed of the building on Jackson Avenue belongs to Egal Mohamed. It was transferred to him in 2005, according to the Shelby County Assessor of Property website.

But Mohamed died at some point, and no one has been maintaining the property, according to Danny Schaffzin, Director of Experiential Learning and Associate Professor of Law at the law school.

The property is one of many that have become vacant and blighted due to the owner's death. Often, the ownership falls into the hands of a family member, but they may not know they have rights to the property.

During the pandemic, many evictions and foreclosures were halted; local tax sales weren't

Other times, the property belongs to a corporation or an individual, typically an investor. They often are not based in Memphis or perhaps not even in the country.

“The story of each individual property is often what holds the key to solving that property, bring it back to life,” Schaffzin said. “There's not a right to blight.

Fundamental property rights are an issue at every point in these cases, even when the owner is, by every indication, by all the outward signs, not doing anything to not only keep the property up but keep it safe and out of everybody else's way.”

Under the NPA, the plaintiff does not sue the owner of the property. Rather, the civil lawsuit is brought directly against the vacant property in question.

Unlike a typical lawsuit, the plaintiff does not seek monetary damages, nor do they wish to seek possession of the property.

Instead, the plaintiff in the lawsuit asks the court to find that the property is a public nuisance. Upon that determination, the court will enter an order that requires the owner of the defendant property to present a written plan to abate its nuisance condition.

Blight Authority plans to acquire 30 properties per month

A property that is considered a public nuisance is one that can pose a health or safety risk or that violates building or other safety codes.



“The story of each individual property is often what holds the key to solving that property, bring it back to life,”
Danny Schaffzin said. (Patrick Lantrip/The Daily Memphian)

“These cases are not about money,” Schaffzin said. “These cases are not about Klondike/Smokey City Community Development Corp. taking these properties. Ideally, once the nuisance condition of these properties is abated, once a property is brought back up to speed, up to productive use, either through demolition, but hopefully through rehabilitation, the cases are dismissed.”

If the owner does not abate the property, a third party receives the property and takes control of it for the purpose of bringing it back to productive and safe use.

Schaffzin said the law students involved with the Neighborhood Preservation Clinic conduct comprehensive title searches and work to find owners. Once owners are found, the students work with them “to return them to paying attention to these properties, and to support efforts” to return the properties to a better condition “to

ensure that they are part of a healthy community, instead of plagues on the community and its residents.”

Southaven increases fines for residential property lack of maintenance

Upper-level law school students spend time weekly in Environmental Court dealing with cases such as these.

The students involved in the litigation of the 25 properties will report to court every four to six weeks.

Hunter Martin is one of the students assisting with some of the city’s more problematic properties. He said the Neighborhood Preservation Clinic has helped him learn and expand his experience in the legal world.

“This clinic has been extremely beneficial, in my perspective, in advancing my abilities to be an advocator, which is the most important part of law school,” he said.

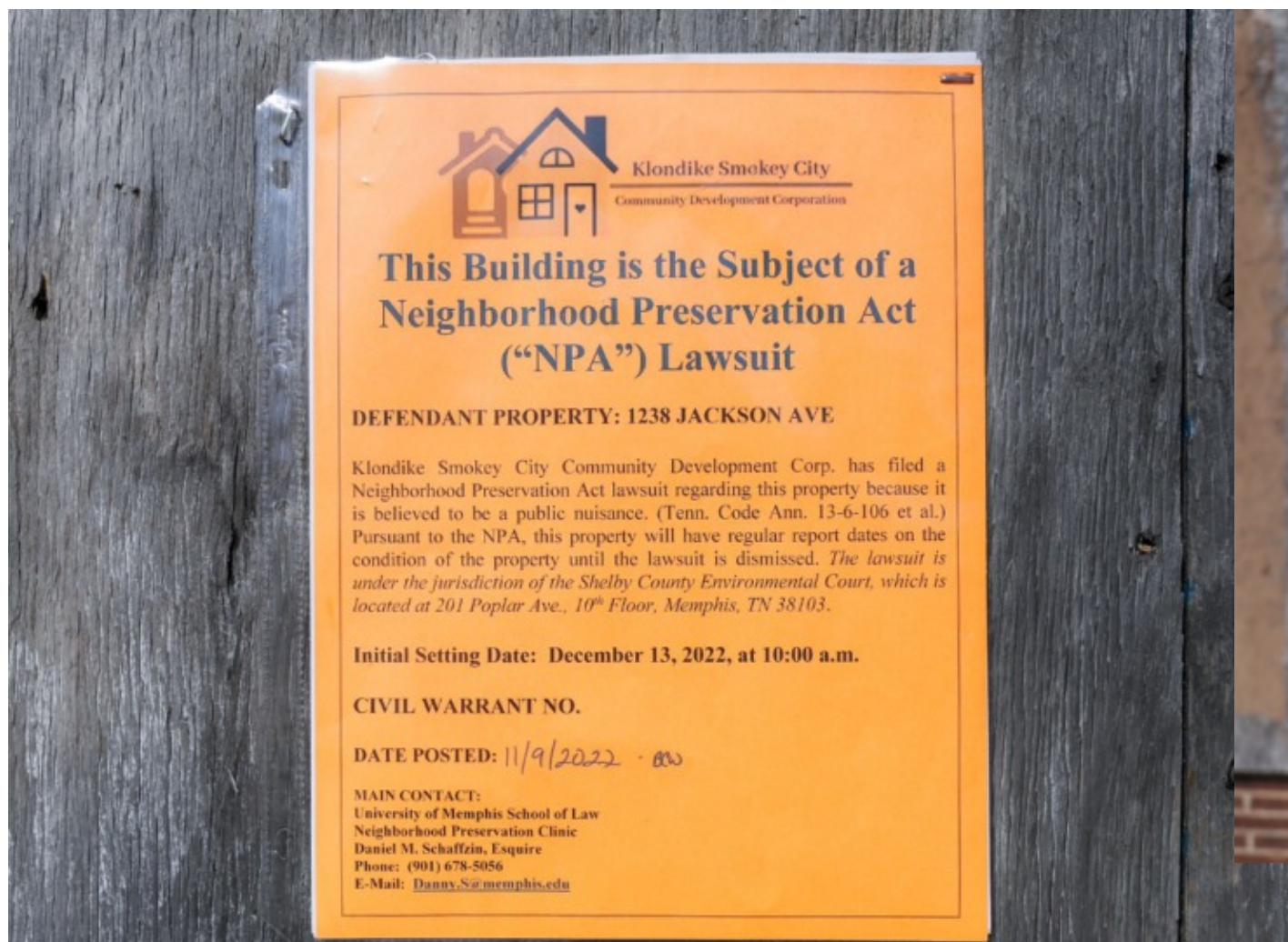
The Neighborhood Preservation Clinic has dealt with more than 1,000 cases since its January 2015 launch.

Local developer to build 12 homes, increase area value by \$1 million

The Klondike/Smokey City CDC has begun an Adopt-a-Curb program, where residents who participate are asked to clean up a curb in their area.

The neighborhood organization is planning a Nov. 19 event at Tom Lee’s house, 923 Mansfield, where participants will put up decorative boards and kick off the Adopt-a-Curb program.

Recently, during a two-month litter initiative, the CDC collected 890 bags of trash and 68 tires.



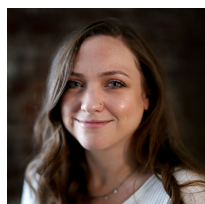
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Julia Baker

Julia Baker covers criminal justice for The Daily Memphian. A lifelong Memphian, Julia graduated from the University of Memphis in 2021. Other publications and organizations she has written for include Chalkbeat, Memphis Flyer, Memphis Parent magazine and Memphis magazine.

