

# Courtland Boulevard Success Story

By Scott Holbrook

If you drive down Courtland Boulevard in Shaker Heights, you'll pass a parade of grand historic homes dating to the 1920s. You wouldn't be able to guess which one hid for years, a disaster of neglect and purposeful destruction on its inside.

The residence at 2834 Courtland Boulevard has a gracious Tudor exterior that conceals a sorry interior tangle, in need of both thorough restoration and thoughtful modernization. Just as tangled are the legal complications that led to Cleveland Restoration Society's stewardship of this important property.

The story begins with the last resident of the home, who fell on

hard times and, while still living there and defaulting on his mortgage, neglected the maintenance of the home. Ultimately, the owner abandoned the property, but not before systemically gutting the house of anything of value, including appliances, cabinets, light fixtures, radiators, all plumbing, and every other piece of metal in the house.

The City of Shaker Heights declared the home a nuisance, and uninhabitable, but the bank holding the mortgage declined to make any repairs on the home. Instead, it sat on the house, paying only the property taxes to avoid losing its status as first lienholder on the property. In doing so, it was also postponing foreclosing on the property, for obtaining the home

through foreclosure would trigger the bank's responsibility to fix it.

The bank also expressed interest in demolishing the home, another way to avoid the expensive work of saving this historic gem, one of the four original Van Sweringen demonstration homes in Shaker Heights. The bank wanted to make a quick buck selling a vacant lot and wash its hands of the matter. To the bank, the Courtland house was no more than a bad debt on its books.

Shaker Heights acted swiftly to grant temporary landmark status to the home, effectively staying any moves to demolish the property. The City then immediately turned to Cleveland Restoration Society for legal and professional help.

CRS found a complex web of



Photo by Michael Fleenor



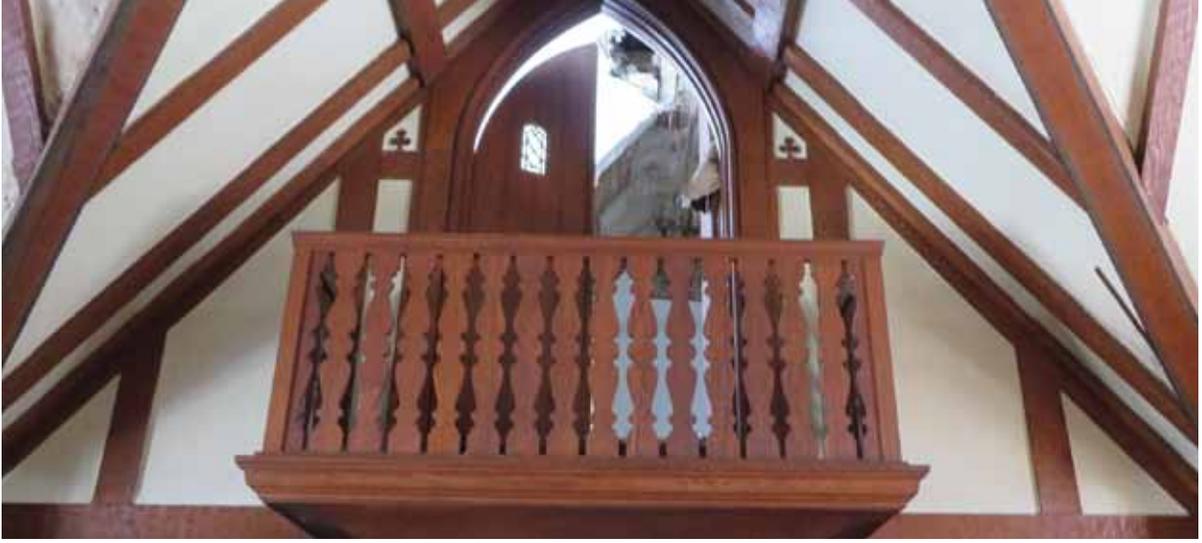
legal claims upon the property, and an uncharted route for resolving them. In addition to the mortgagee bank, a number of smaller lienholders, including unpaid contractors, laid claim to interests in the home. To save the home, CRS had to secure a primary legal interest in the property, which would allow it to do the work the other lienholders were unwilling to do.

Two decades ago, CRS had successfully saved a few residences in the city of Cleveland by invoking Ohio Revised Code Section 3767.41, which allows nonprofit entities with the goal of improving housing conditions in the county to be appointed receiver of residential properties that are a public nuisance. This appointment as receiver gives the nonprofit the invest money in the property to abate the nuisance, and gives that investment a primary position over other lienholders.

In those cases, the innovative legal action by CRS was uncontested. This time, still to date one of the first times in Cuyahoga County the statute has been used to save a historically significant residence, there was the added complication of other interested parties who were not cooperative.

CRS, represented pro bono by myself, my partner Patrick Lewis, and our law firm BakerHostetler, made concerted efforts to negotiate with the bank and the minor lienholders to assign their liens to CRS or release them outright. The bank was unresponsive, so CRS brought the matter to court for a formal declaration of nuisance and for an injunction appointing CRS as receiver.

The bank then took an aggressive posture, opposing this action by CRS and BakerHostetler. The law firm and CRS prepped exten-



Photos by Michael Fleenor

sively for the injunction hearing seeking a formal declaration of nuisance and CRS's appointment as receiver, preparing fact and expert witnesses, including CRS Trustee Michael Chesler and Chief Operating Officer Tom Jorgensen. Just before the November 2014 court hearing, the bank finally gave up on tearing down house and consented to an agreed court order in which it quickly approved of CRS's appointment as receiver and, for a nominal sum, assigned to CRS its interest in the house.

This remarkable and groundbreaking result has enabled CRS to oversee and fund immediate work, underway now, to make the property habitable and ready for sale to a new, responsible buyer. The wrecking ball has been defeated, and a historic home saved. ♦



## The History of the 2834 Courtland Boulevard

By Michael Fleenor

The property located at 2834 Courtland Boulevard in Shaker Heights was one of the first four demonstration homes commissioned by The Van Sweringen Company. Completed in 1922, the house was designed by the prestigious architectural firm Howell & Thomas and built by W.W. Jepson. These first demonstration homes designed by Howell & Thomas (the others can be found at 2833 Courtland, 19300 Shaker, and 19600 Shaker) are all located at the intersection of Shaker and Courtland Boulevards, within walking distance of the transit stop. This was the end of the line going east on Shaker Boulevard until 1928, when the line was extended to Warrensville Center Road. Demonstration homes were built on speculation in order to demonstrate the quality of design and construction one could expect in this new, higher-end development.

The Van Sweringen brothers mandated high design standards and only allowed English, Colonial and French styles. 2834 Courtland Boulevard is an English design of brick, stucco and half-timbering, with scrolling acanthus leaves, Tudor roses and thistles incorporated into stucco elements and wood carvings. The home is 4,738 square feet, with a master bedroom expansion and a large library added in 1933 and a breakfast room added in 1992. The home is sited on a large lot and has an in-ground swimming pool.

The first owner of 2834 Courtland Boulevard was Colonel William A. Colston, who had been director of finance of the Interstate Commerce Commission when he was appointed vice president and general counsel of the New York, Chicago & St. Louis Railroad. In that new role, Colston would come to argue before the Interstate Commerce Commission on behalf of the Van Sweringens, to allow the merger of five separate railroads into the Nickel Plate System. Colonel Colston's family coat of arms is incorporated into the exterior stucco over the garage and in the stained and leaded glass windows in the library. The Colston family remained in the house until 1950. Since that time, there have been seven owners of the property. The Cleveland Restoration Society is hopeful that our work to stabilize this important property will secure its future by helping to get it in the hands of an owner who can rehabilitate it.