

## REQUEST FOR LITIGATION APPROVAL

Tenant Name:	Village Mart	Date Submitted:	11/12/2009
ID Number(s):	108428-30343-18138 & 108428-30343-18138	Submitted By:	Bob Matousek
Property Name:	American Way		
City and State:	Memphis, TN	JV Name (if applicable):	JJA

Forward for Sign-off:

	Sign/Date
Phil Salem	[Signature] 12/13/09
A/R Approval:	[Signature] 12/13/09

	Sign/Date
Paul Freddo	
Robin Walker-Gibbons	[Signature]
Steven Dorsky	
Anthony Vodicka	
David Dieterle	[Signature]
Christian Melgard	
Erik Christopher	
Marc Hays	
Bryan Zabell	
Bill Read	
James Bold	
Ken Stern	
Jason Chwojdak	

NO EVICTION

General AR Information	
Current Balance:	\$66,190.12
Reserve:	\$4,998.00
Default Date:	11/5/09
Balance at Default:	\$52,398.57
Last Pmt Received:	\$12,943.92
Date of Last Pmt:	10/10/2009

Cross to 8150

	Sign/Date
Loren Henry	
Amy Dorrian (DRA)	
Mindy Connett (Cole)	
Peter Janoff	

Has Tenant requested Rent relief?	No
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**Comments:**

Tenant has absolutely no intention on wanting to pay on outstanding balance. Tenant feels that they do not owe anything, yet has not taken the time to dispute the charges that we have produced to them on more than 1 occasion. The tenant has 2 active leases at American Way Center. The RPM in June- Tom Hunter had addressed the issues with the tenant and he basically said we would not receive payment on those charges. We have defaulted tenant 5 times. Talked to new RPM Valise Ramsdell 11/11/09 and she advised to push to eviction if they are not paying, as resolution may not happen. Please note that there are 2 active leases (18138/18139) and a Dark lease which still has open charges (20436) for Village mart in American way, all owned by the same person. While the tenant has paid RTB, there are still past months where RTB is still open. In my last conversation, I offered an updated aging (which I still sent), but tenant was not concerned.

TENANT DETAILED AGED DELINQUENCY  
 Developers Diversified Realty  
 All Company  
 As of 12 November 2009

CC	Company	Tenant Number	Lease Number	Lease Type	Invoice Date	Bill Code	Original Amount	Total Open	Any to 0 Days	0 to 30 Days	31 to 60 Days	61 to 90 Days	90 to 120 Days	Over 120 Days
<b>VILLAGE MART</b>														
A03	30343	108428	00018138	ST	01/01/2008	CAM	1,418.98	143.75						143.75
A03	30343	108428	00018138	ST	06/17/2008	CAP	4,113.83	4,113.83						4,113.83
A03	30343	108428	00018138	ST	06/17/2008	REP	-0.08	-0.08						-0.08
A03	30343	108428	00018138	ST	01/01/2009	CAM	2,293.76	2,293.76						2,293.76
A03	30343	108428	00018138	ST	01/01/2009	RET	1,482.77	1,482.77						1,482.77
A03	30343	108428	00018138	ST	01/01/2009	RTB	6,396.88	6,396.88						6,396.88
A03	30343	108428	00018138	ST	02/01/2009	CAM	2,293.76	1,446.48						1,446.48
A03	30343	108428	00018138	ST	03/01/2009	CAM	2,293.76	1,446.48						1,446.48
A03	30343	108428	00018138	ST	03/13/2009	CAP	7,268.09	7,268.09						7,268.09
A03	30343	108428	00018138	ST	03/13/2009	REP	-268.08	-268.08						-268.08
A03	30343	108428	00018138	ST	04/01/2009	CAM	2,293.76	1,446.48						1,446.48
A03	30343	108428	00018138	ST	05/01/2009	CAM	2,293.76	1,446.48						1,446.48
A03	30343	108428	00018138	ST	06/01/2009	CAM	2,293.76	1,446.48						1,446.48
A03	30343	108428	00018138	ST	07/01/2009	CAM	2,293.76	556.14		2,293.76				556.14
A03	30343	108428	00018138	ST	08/01/2009	CAM	2,293.76	2,293.76					2,293.76	2,293.76
A03	30343	108428	00018138	ST	08/01/2009	RET	592.43	592.43					592.43	592.43
A03	30343	108428	00018138	ST	08/01/2009	RTB	6,396.88	6,396.88					6,396.88	6,396.88
A03	30343	108428	00018138	ST	09/01/2009	CAM	2,293.76	556.14			556.14			556.14
A03	30343	108428	00018138	ST	10/01/2009	CAM	2,293.76	556.14			556.14			556.14
A03	30343	108428	00018138	ST	11/01/2009	CAM	2,293.76	2,293.76		2,293.76				2,293.76
A03	30343	108428	00018138	ST	11/01/2009	RET	592.43	592.43		592.43				592.43
A03	30343	108428	00018138	ST	11/01/2009	RTB	6,396.88	6,396.88		6,396.88				6,396.88
<b>Total for Lease Number 00018138</b>								<b>9,283.07</b>	<b>556.14</b>	<b>556.14</b>	<b>9,283.07</b>	<b>29,219.46</b>		
<b>VILLAGE MART</b>														
A03	30343	108428	00018139	ST	01/17/2007	RET	5,729.43	1,245.00						1,245.00
A03	30343	108428	00018139	ST	06/17/2008	CAP	2,155.94	2,155.94						2,155.94
A03	30343	108428	00018139	ST	06/17/2008	REP	0.04	0.04						0.04
A03	30343	108428	00018139	ST	01/01/2009	CAM	1,202.07	758.05						758.05
A03	30343	108428	00018139	ST	02/01/2009	CAM	1,202.07	758.05						758.05
A03	30343	108428	00018139	ST	03/01/2009	CAM	1,202.07	758.05						758.05
A03	30343	108428	00018139	ST	03/13/2009	CAP	3,808.97	3,808.97						3,808.97
A03	30343	108428	00018139	ST	03/13/2009	REP	-140.41	-140.41						-140.41
A03	30343	108428	00018139	ST	04/01/2009	CAM	1,202.07	758.05						758.05
A03	30343	108428	00018139	ST	05/01/2009	CAM	1,202.07	758.11						758.11
A03	30343	108428	00018139	ST	06/01/2009	CAM	1,202.07	758.05						758.05
A03	30343	108428	00018139	ST	07/01/2009	CAM	1,202.07	291.47						291.47
A03	30343	108428	00018139	ST	08/01/2009	CAM	1,202.07	291.47						291.47
<b>Total for Lease Number 00018139</b>								<b>48,897.88</b>	<b>556.14</b>	<b>556.14</b>	<b>9,283.07</b>	<b>29,219.46</b>		

TENANT DETAILED AGED DELINQUENCY  
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 As of 12 November 2009

CC	Company	Tenant Number	Lease Number	Lease Type	Invoice Date	Bill Code	Original Amount	Total Open	Any to 0 Days	0 to 30 Days	31 to 60 Days	61 to 90 Days	90 to 120 Days	Over 120 Days
A03	30343	108428	00018139	ST	09/01/2009	CAM	1,202.07	291.47				291.47		
A03	30343	108428	00018139	ST	10/01/2009	CAM	1,202.07	291.47			291.47			
A03	30343	108428	00018139	ST	11/01/2009	CAM	1,202.07	1,202.07	1,202.07					
A03	30343	108428	00018139	ST	11/01/2009	RET	310.48	310.48	310.48					
A03	30343	108428	00018139	ST	11/01/2009	RTB	2,995.91	2,995.91	2,995.91					
<b>Total for Lease Number 00018139</b>							<b>28,083.13</b>	<b>17,292.24</b>	<b>4,508.46</b>	<b>291.47</b>	<b>291.47</b>	<b>291.47</b>	<b>291.47</b>	<b>11,909.37</b>

MAIN TOTAL:

87,705.50	66,190.12	13,791.53	847.61	847.61	9,574.54	41,128.83
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# Tenant Note

Village Mart (ID# 18139)

Property:	TN-Memphis-American Way	Property Number:	30343
Unit Number:	00008	Lease ID:	18139
Unit Square Feet:	4520	Account Status:	Active

Tenant Name:	Village Mart	Tenant ID:	
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Associated Property 30343 #:	Associated Lease ID:	18138&20436
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Property Name:	American Way	Street Address:	4075 American Way
City:	Memphis	State:	TN
Disposition Date:		New Landlord:	

Lease Expiration:	12/31/2013	Legal Status:	
Litigation Start:		Litigation End:	
Bankruptcy Start:		Bankruptcy End:	

## Quick Comment

## Contact Information

Name:	Phone Number:
Email Address:	Fax number:

Name:	Phone Number:
Email Address:	Fax Number:

## Comments

11/08/2007 ( KATIA CHAMBERS): Default letter sent via cert and reg mail on 11/8/07 for \$25,074.91. 20 day cure.  
11/30/2007 ( SHARON GRANT): Tenant forwarded a copy of check #1579/12,451 not in our system. Forwarded a copy of the check to Sonya Clarke to see if she can locate. Mohamed is ghe contact and he owns 30343-20436, & 30343-18138. He says he has mailed checks for all three locations.  
01/09/2008 ( SHARON GRANT): Resent e-mail this time to Jennifer Ludwig since it is her center. The check is in Batch #70774/12,451.62.  
02/14/2008 ( SHARON GRANT): Resent e-mail for an update on Batch #70774/Check #1579/12,451.00.  
08/05/2008 ( SHARON GRANT): LMF Mohamed at 901-365-3557 with Omar.Requested a Default for this and 30343-18138.  
08/11/2008 ( KIM BITTNER): Default letter mailed 8/12/08 (delay in approval process) for \$19,385.41. 20 day cure.  
Collector: Sharon Grant  
10/02/2008 ( SHARON GRANT): Talked with Ibrahim and he needs copies of RECS with Details on what he is being billed for.  
05/21/2009 ( SHARON GRANT - Property Accounting - Accounts Receivable): Tom Hunter to visit to discuss open balance.  
05/29/09 (TOM HUNTER) Spoke with Abraham, showed him what he owed and tried to explain to him why. Also spoke to his son Mohomad who takes care of the paper work for the business. Mohomad has some questions that I could not answer, so I will call him next week to discuss further. The message I received from Abraham was that DDR was not getting any of this money.  
06/18/2009 ( SHARON GRANT - Accounts Receivable): Tom to speak with son as father was difficult to deal with.

Requested a Default for all three accounts.

06/25/2009 ( KIM BITTNER - Accounts Receivable): Default letter sent for \$52,008.15. 20 day cure. Collector: Sharon Grant

09/14/2009 ( SHAWN K THOMAS - ): Requested a Default for all three accounts.

11/05/2009 ( ROBERT MATOUSEK - Accounts Receivable): Called t#901-365-3557 for Mohammad- Not in, talked to man who said he was his cousin, and he did not want to take a message.

11/05/2009 ( ROBERT MATOUSEK - Accounts Receivable): Reviewed all 3 accounts. Looks as if lease #18138 and 18139 are active, while 20436 is dark. Previous calls, default letters, and visit by the property manager have been unsuccessful. The tenant has been paying RTB on all 3, for the most part, but has missed a couple payments. There is a lot of charges for CAP/CAM/RECs that are still open in which the tenant seems to be shorting, or just not paying. Will continue to call over next couple days, if no response, will request SAM.

11/05/2009 ( KIM BITTNER - Accounts Receivable): Default letter sent for \$52,398.59. 20 day cure.

Collector/Contact: Shane Matthews

11/06/2009 ( ROBERT MATOUSEK - Accounts Receivable): called t#901-365-3557 for Mohammad- when he asked who I was and I told him, he said to call back later as Mohammad was on the other line.

11/11/2009 ( ROBERT MATOUSEK - Accounts Receivable): called t#901-365-3557 for Mohammad- once again, person who answered said he is not in yet. Told me to call back.

11/11/2009 ( ROBERT MATOUSEK - Accounts Receivable): Called t#901-365-3557- tt Mohammad- round and round about the delinquent account. He said he has never missed any payments for RTB, which I pointed out he has on 18138 in Jan and August '09. He claims he is disputing the charges and never received backup to the charges. I explained to him that backup is not required until he formally disputes the amount owed. He does not seem to understand that. I told him I will send the updated aging (he requested to send via email to sales@villagemart.com) and he can take a look at the charges, but he either has to pay or formally dispute what is owed. I am leaving it in his hands once I send the email, if he disputes formally, I told him I would send it for review and have the backup provided to him.

Emailing the updated aging on all 3 leases to sales@villagemart.com

11/11/2009 ( ROBERT MATOUSEK - Accounts Receivable): tt RPM- Valise-

Explained issue and if she should head out to property. She said if tenant is not willing to make payment, we should move forward to SAM.

# Tenant Note

Village Mart (ID# 18138)

Property:	TN-Memphis-American Way	Property Number:	30343
Unit Number:	00006	Lease ID:	18138
Unit Square Feet:	8625	Account Status:	Active

Tenant Name:	Village Mart	Tenant ID:	
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Associated Property 30343 #:	Associated Lease ID:	18139&20436
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Property Name:	American Way	Street Address:	4075 American Way
City:	Memphis	State:	TN
Disposition Date:		New Landlord:	

Lease Expiration:	12/31/2013	Legal Status:	
Litigation Start:		Litigation End:	
Bankruptcy Start:		Bankruptcy End:	

## Quick Comment

## Contact Information

Name:	Phone Number:
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## Comments

11/30/2007 ( SHARON GRANT): Talked to Mohamed at 901-365-3557. He says he mailed a check for Dec rent for \$2,143.60 because the account had a credit balance as of 11/27/07 of (6,439.58) He also owns 30343-20436, and 30343-18139.

08/05/2008 ( SHARON GRANT): LMF Mohamed at 901-365-3557 with Omar. Requested a Default.

08/11/2008 ( KIM BITTNER): Default letter mailed 8/12/08 (delay in approval process) for \$19,385.41. 20 day cure. Collector: Sharon Grant

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09/14/2009 ( SHAWN K THOMAS - ): Requested a Default for all three accounts.

10/28/2009 ( SHANE MATHEWS - ): left message for mohammad at 901-365-3557.

10/28/2009 ( SHANE MATHEWS - ): Requested default for all three A/c.

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